

State of Iowa  
1998

# JOURNAL OF THE HOUSE

1998  
REGULAR SESSION  
SEVENTY-SEVENTH  
GENERAL ASSEMBLY

Convened January 12, 1998  
Adjourned April 22, 1998

Volume I  
January 12—March 31, 1998

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

Published by the  
STATE OF IOWA

Des Moines

SEVENTY-SEVENTH GENERAL ASSEMBLY  
1998 Regular Session  
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PAUL AARDSMA, <i>Doorkeeper</i> .....	Des Moines
JERRY ORMAN, <i>Doorkeeper</i> .....	Windsor Heights
RICHARD R. OVERHOLSER, <i>Doorkeeper</i> .....	Des Moines
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CARL PARKER, <i>Doorkeeper</i> .....	Windsor Heights
BILL SANDHOLM, <i>Doorkeeper</i> .....	West Des Moines

ELECTED OFFICERS, SUPREME COURT JUSTICES AND  
IOWA COURT OF APPEALS JUDGES  
ELECTIVE STATE OFFICERS

Official Address, Des Moines, Iowa

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

JUSTICES OF THE IOWA SUPREME COURT

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

IOWA COURT OF APPEALS JUDGES

MARK S. CADY, <i>Chief Judge</i> .....	Fort Dodge
TERRY L. HUITINK, <i>Judge</i> .....	Orange City
ROBERT E. MAHAN, <i>Judge</i> .....	Waterloo
ROSEMARY S. SACKETT, <i>Judge</i> .....	Spencer
MICHAEL J. STREIT, <i>Judge</i> .....	Des Moines
GAYLE NELSON VOGEL, <i>Judge</i> .....	Knoxville

## MEMBERS OF THE HOUSE—SEVENTY-SEVENTH GENERAL ASSEMBLY—1998 REGULAR SESSION

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Name	Residence	Age	Occupation	Representative District	Former Legislative Service
Arnold, Richard	Russell	52	Farmer	91st—Appanoose, Clarke, Lucas, Wayne	76, 77 (1st)
Barry, Donna M.	Dunlap	50	Farmer/Property Manager	82nd—Harrison	76, 77 (1st)
Bell, Paul A.	Newton	47	Police Lieutenant	57th—Jasper	76, 77 (1st)
Bernau, Wm. (Bill)	Ames	33	Legislator/Consultant	62nd—Story	74, 74X, 74XX, 75, 76, 77 (1st)
Blodgett, Gary	Clear Lake	60	Retired Orthodontist	19th—Cerro Gordo	75, 76, 77 (1st)
Boddicker, Dan	Tipton	35	Electronics Engineer	39th—Cedar, Clinton, Jones	75, 76, 77 (1st)
Boggess, Effie Lee	Villisca	69		87th—Adams, Page, Taylor	76, 77 (1st)
Bradley, Clyde	Camanche	63	Retired U.S. Navy, Dept. of Defense	37th—Clinton, Scott	76, 77 (1st)
Brand, William J.	Chelsea	38	Human Services Professional	60th—Benton, Black Hawk, Tama	73, 74, 74X, 74XX, 75, 76, 77 (1st)
Brauns, Barry D.	Muscatine	65	Fair Manager	47th—Johnson, Louisa, Muscatine	75, 76, 77 (1st)
Brunkhorst, Bob	Waverly	32	Programmer Analyst	22nd—Black Hawk, Bremer	75, 76, 77 (1st)
Bukta, Polly	Clinton	61	Teacher	38th—Clinton	77 (1st)
Burnett, Cecelia	Ames	46	Consultant	61st—Story	76, 77 (1st)
Carroll, Danny C.	Grinnell	44	Realtor/Farmer	58th—Jasper, Mahaska, Marshall, Poweshiek	76, 77 (1st)
Cataldo, Michael J.	Des Moines	32	Vice President-Iowa EPS Products	68th—Polk	75, 76, 77 (1st)
Chapman, Kay	Cedar Rapids	61	Lawyer	53rd—Linn	70, 71, 72, 72X, 72XX, 73, 74, 74X, 74XX, 77 (1st)
Chiodo, Frank J.	Des Moines	30	Small Business Manager	67th—Polk	77 (1st)
Churchill, Steven W.	Johnston	34	Marketing Manager, Mid-America Group, Ltd.	76th—Dallas, Polk	75, 76, 77 (1st)
Cphoon, Dennis M.	Burlington	44	Teacher	100th—Des Moines	72, 72X, 72XX, 73, 74, 74X, 74XX, 75, 76, 77 (1st)
Connors, John H.	Des Moines	75	Labor Arbitrator/Retired Fire Captain	69th—Polk	65, 66, 67, 67X, 68, 69, 69X, 69XX, 70, 71, 72, 72X, 72XX, 73, 74, 74X, 74XX, 75, 76, 77 (1st)

REPRESENTATIVES

## MEMBERS OF THE HOUSE—SEVENTY-SEVENTH GENERAL ASSEMBLY – 1998 REGULAR SESSION

Name	Residence	Age	Occupation	Representative District	Former Legislative Service
Corbett, Ron J.	Cedar Rapids	37	Special Project Manager	52nd— <i>Linn</i>	72, 72X, 72XX, 73, 74, 74X, 74XX, 75, 76, 77 (1st)
Cormack, Michael	Fort Dodge	27	Substitute Teacher	13th— <i>Webster</i>	76, 77 (1st)
Dinkla, Dwight	Guthrie Center	46	Attorney	78th— <i>Adair, Guthrie, Madison</i>	75, 76, 77 (1st)
Dix, Bill	Shell Rock	36	Farmer	21st— <i>Butler, Grundy</i>	77 (1st)
Doderer, Minnette	Iowa City	74	Legislator	45th— <i>Johnson</i>	60X, 61, 62, 63, 64, 65, 66, 67, 67X, 69, 69X, 69XX, 70, 71, 72, 72X, 72XX, 73, 74, 74X, 74XX, 75, 76, 77 (1st)
Dolecheck, Cecil	Kellerton	47	Farmer	88th— <i>Decator, Ringgold, Taylor, Union</i>	77 (1st)
Dotzler, William A., Jr.	Waterloo	50	Machine Operator/ Labor Rep.	26th— <i>Black Hawk</i>	77 (1st)
Drake, Jack	Lewis	63	Farmer	81st— <i>Audubon, Pottawattamie, Shelby</i>	75, 76, 77 (1st)
Drees, James	Manning	67	Retired	80th— <i>Carroll, Greene</i>	76, 77 (1st)
Eddie, Russell J.	Storm Lake	59	Retired Farmer	10th— <i>Buena Vista, Clay, Pocahontas</i>	72, 72X, 72XX, 73, 74, 74X, 74XX, 75, 76, 77 (1st)
Falck, Steven L.	Stanley	40	Real Estate Appraiser	28th— <i>Buchanan, Fayette</i>	77 (1st)
Fallon, Ed	Des Moines	39	Legislator	70th— <i>Polk</i>	75, 76, 77 (1st)
Foegen, Romaine H.	Mount Vernon	60	Social Worker	50th— <i>Johnson, Linn</i>	77 (1st)
Ford, Wayne W.	Des Moines	47	Exec. Director Human Services	71st— <i>Polk</i>	77 (1st)
Frevert, Marcella R.	Emmetsburg	61	Educator	8th— <i>Clay, Kossuth, Palo Alto</i>	77 (1st)
Garman, Teresa	Ames	60	Farmer	63rd— <i>Marshall, Story</i>	72, 72X, 72XX, 73, 74, 74X, 74XX, 75, 76, 77 (1st)

## MEMBERS OF THE HOUSE—SEVENTY-SEVENTH GENERAL ASSEMBLY – 1998 REGULAR SESSION

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Name	Residence	Age	Occupation	Representative District	Former Legislative Service
Gipp, Chuck	Decorah	49	Dairy Farmer	31st—Allamakee, Winneshiek	74, 74X, 74XX, 75, 76, 77 (1st)
Greig, John M.	Estherville	63	Farmer	7th—Dickinson, Emmet, Palo Alto	75, 76, 77 (1st)
Greiner, Sandra H.	Keota	52	Farmer	96th—Keokuk, Mahaska, Wapello, Washington	75, 76, 77 (1st)
Gries, Donald	Charter Oak	68	Retired School Administrator	12th—Crawford, Monona, Woodbury	75, 76, 77 (1st)
Grundberg, Betty	Des Moines	59	Renovation & Property Mgt.	73rd—Polk	75, 76, 77 (1st)
Hahn, James F.	Muscatine	62	Real Estate/ Property Mgt.	48th—Muscatine, Scott	74, 74X, 74XX, 75, 76, 77 (1st)
Hansen, Brad	Carter Lake	30	Health Administrator	83rd—Pottawattamie	77 (1st)
Heaton, David E.	Mt. Pleasant	56	Restaurant Owner	97th—Des Moines, Henry, Washington	76, 77 (1st)
Holmes, Danny J.	Walcott	51	Accountant	40th—Scott	77 (1st)
Holveck, Jack	Des Moines	54	Attorney	72nd—Polk	70, 71, 72, 72X, 72XX, 73, 74, 74X, 74XX, 75, 76, 77 (1st)
Houser, Hubert M.	Carson	55	Farmer	85th—Fremont, Mills, Pottawattamie	75, 76, 77 (1st)
Huseman, Daniel A.	Aurelia	45	Farmer	9th—Buena Vista, Cherokee, O'Brien, Plymouth	76, 77 (1st)
Huser, Geri	Altoona	35	Social Worker	66th—Polk	77 (1st)
Jacobs, Libby	West Des Moines	41	Asst. Director - Corporate Relations, Principal Financial Group	74th—Polk	76, 77 (1st)
Jenkins, G. Willard	Waterloo	61	Engineer	24th—Black Hawk	77 (1st)
Jochum, Pam	Dubuque	43	Loras College	35th—Dubuque	75, 76, 77 (1st)
Kinzer, Ron	Davenport	65	Retired Journeyman Iron Worker	44th—Scott	77 (1st)
Klemme, Ralph	LeMars	58	Farmer	4th—Plymouth, Woodbury	75, 76, 77 (1st)
Koenigs, Deo A.	St. Ansgar	62	Farmer	29th—Floyd, Mitchell	70, 71, 72, 72X, 72XX, 73, 74, 74X, 74XX, 75, 76, 77 (1st)

REPRESENTATIVES



## MEMBERS OF THE HOUSE—SEVENTY-SEVENTH GENERAL ASSEMBLY – 1998 REGULAR SESSION

Name	Residence	Age	Occupation	Representative District	Former Legislative Service
Kreiman, Keith A.	Bloomfield	43	Attorney	92nd—Appanoose, <i>Davis</i> , Monroe, Van Buren	75, 76, 77 (1st)
Kremer, Joseph M.	Jesup	76	Retired Farmer	27th—Black Hawk, <i>Buchanan</i> , Delaware	71, 72, 72X, 72XX, 73, 74, 74X, 74XX, 76, 77 (1st)
Lamberti, Jeffrey M.	Ankeny	35	Attorney	65th— <i>Polk</i>	76, 77 (1st)
*Larkin, Richard L.	Fort Madison	45	Correctional Counselor	99th—Des Moines, <i>Lee</i>	75, 76, 77 (1st)
Larson, Charles W., Jr.	Cedar Rapids	29	Asst. Jones Co. Attorney	55th— <i>Linn</i>	75, 76, 77 (1st)
Lord, David G.	Perry	63	Self Employed	77th— <i>Dallas</i> , Madison	76, 77 (1st)
Martin, Mona	Davenport	63	Partner-Robert Martin Co.	43rd— <i>Scott</i>	75, 76, 77 (1st)
Mascher, Mary	Iowa City	45	Teacher	46th— <i>Johnson</i>	76, 77 (1st)
May, Dennis	Kensett	50	Farmer	20th—Cerro Gordo, Mitchell <i>Worth</i>	72, 72X, 72XX, 73, 75, 76, 77 (1st)
Mertz, Dolores M.	Ottosen	69	Self Employed- Farmer/ Legislator	15th—Humboldt, <i>Kossuth</i>	73, 74, 74X, 74XX, 75, 76, 77 (1st)
Metcalfe, Janet	Des Moines	61	Legislator	75th— <i>Polk</i>	71, 72, 72X, 72XX, 73 74, 74X, 74XX, 75, 76, 77 (1st)
Meyer, Jim	Odebolt	62	Farmer/Agribusinessman	11th— <i>Ida</i> , Sac, Woodbury	75, 76, 77 (1st)
Millage, David A.	Bettendorf	44	Attorney	41st— <i>Scott</i>	74, 74X, 74XX, 75, 76, 77 (1st)
Moreland, Michael J.	Ottumwa	35	Attorney	93rd— <i>Wapello</i>	75, 76, 77 (1st)
Mundie, Norman	Fort Dodge	69	Retired Farmer	14th—Boone, Calhoun, Hamilton, <i>Webster</i>	75, 76, 77 (1st)
**Murphy, Pat	Dubuque	38	Self Employed	36th— <i>Dubuque</i>	73 (2nd), 74, 74X, 74XX, 75, 76, 77 (1st)
***Myers, Richard E.	Iowa City	63	Business Owner	49th— <i>Johnson</i>	75 (2nd), 76, 77 (1st)
Nelson, Beverly J.	Marshalltown	68	Executive Vice President Iowa Valley Comm. College District	64th— <i>Marshall</i>	76, 77 (1st)

REPRESENTATIVES

\*Elected in Special Election February 16, 1993

\*\*Elected in Special Election September 26, 1989

\*\*\*Elected in Special Election February 22, 1994

## MEMBERS OF THE HOUSE—SEVENTY-SEVENTH GENERAL ASSEMBLY—1998 REGULAR SESSION

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Name	Residence	Age	Occupation	Representative District	Former Legislative Service
O'Brien, Michael J.	Boone	58	Teacher	79th—Boone, Greene	75, 76, 77 (1st)
*Osterhaus, Robert J.	Maquoketa	66	Pharmacist	34th—Dubuque, Jackson	76 (2nd), 77 (1st)
Rants, Christopher	Sioux City	30	Pierce and Associates	3rd—Woodbury	75, 76, 77 (1st)
Rayhons, Henry	Garner	62	Farmer	16th—Hancock, Winnebago Wright	77 (1st)
Reynolds-Knight, Rebecca	Bonaparte	49	Nurse, Political Activist	94th—Jefferson, Van Buren, Wapello	77 (1st)
Richardson, Steve	Indianola	43	Teacher	89th—Warren	77 (1st)
Scherrman, Paul	Farley	50	Vice Pres. J.P. Scherrman, Inc.	33rd—Delaware, Dubuque	77 (1st)
Schrader, David F.	Monroe	45	Small Business Owner/ Operator, Legislator	90th—Marion, Warren	72, 72X, 72XX, 73, 74, 74X, 74XX, 75, 76, 77 (1st)
Shultz, Don	Waterloo	61	Job Training Consultant	25th—Black Hawk	70, 71, 72, 72X, 72XX, 73, 74, 74X, 74XX, 75, 76, 77 (1st)
Siegrist, Brent	Council Bluffs	45	Educator	84th—Pottawattamie	71, 72, 72X, 72XX, 73, 74, 74X, 74XX, 75, 76, 77 (1st)
Sukup, Steven E.	Dougherty	41	Engineer	18th—Franklin, Hardin	76, 77 (1st)
**Taylor, Todd	Cedar Rapids	31	Staff Representative AFSCME	54th—Linn	76 (2nd), 77 (1st)
Teig, Russell W.	Jewell	40	Farmer	17th—Franklin, Hamilton, Hardin, Wright	76, 77 (1st)
Thomas, Roger	Elkader	46	Farmer	32nd—Allamakee, Clayton, Fayette	77 (1st)

REPRESENTATIVES

\* Elected in Special Election January 16, 1996

\*\* Elected in Special Election June 27, 1995

## MEMBERS OF THE HOUSE—SEVENTY-SEVENTH GENERAL ASSEMBLY – 1998 REGULAR SESSION

Name	Residence	Age	Occupation	Representative District	Former Legislative Service
*Thomson, Rosemary R.	Marion	61		51st—Linn	76, 77 (1st)
Tyrrell, Phil	North English	65	Independent Insurance Agent	59th—Benton, Iowa	68, 69, 69X, 69XX, 72, 72X, 72XX, 73, 74, 74X, 74XX, 75, 76, 77 (1st)
Van Fossen, James	Davenport	37	Service Representative— Gas & Electric Utility	42nd—Scott	76, 77 (1st)
Van Maanen, Harold	Pella	68	Retired Farmer	95th—Mahaska, Marion	68, 69, 69X, 69XX, 70, 71, 72, 72X, 72XX, 73, 74, 74X, 74XX, 75, 76, 77 (1st)
Vande Hoef, Richard	Harris	72	Retired Farmer	6th—Lyon, O'Brien, Osceola, Sioux	69, 69X, 69XX, 70, 71, 72, 72X, 72XX, 73, 74, 74X, 74XX, 75, 76, 77 (1st)
Veenstra, Kenneth	Orange City	58	Insurance Agent	5th—Sioux	76, 77 (1st)
Warnstadt, Steve	Sioux City	30	Consultant	2nd—Woodbury	76, 77 (1st)
Weidman, Dick	Griswold	57	Funeral Home Employee	86th—Cass, Montgomery, Pottawattamie	74, 74X, 74XX, 75, 76, 77 (1st)
Weigel, Keith	New Hampton	42	Certified Financial Planner	30th—Chickasaw, Howard, Winneshiek	75, 76, 77 (1st)
Welter, Jerry J.	Monticello	62	Farmer	56th—Jones, Linn	75, 76, 77 (1st)
Whitead, Wesley E.	Sioux City	64	Heavy Equipment Repair	1st—Woodbury	77 (1st)
Wise, Philip	Keokuk	51	Teacher	98th—Henry, Lee	72, 72X, 72XX, 73, 74, 74X, 74XX, 75, 76, 77 (1st)
Witt, William G.	Cedar Falls	47	Photojournalist	23rd—Black Hawk	75, 76, 77 (1st)

REPRESENTATIVES

\* Elected in Special Election January 10, 1995

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# JOURNAL OF THE HOUSE

First Calendar Day - First Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Monday, January 12, 1998

Pursuant to chapter two (2), section two point one (2.1), Code of Iowa, the House of Representatives of the Seventy-seventh General Assembly of Iowa, 1998 Regular Session, convened at 10:00 a.m., Monday, January 12, 1998.

The House was called to order by the Honorable Ron Corbett, Speaker of the House.

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

The Journal of Tuesday, April 29, 1997 was approved.

## PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Reverend Ray Barrett, Cedar Rapids.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Barry of Harrison for January 12th and 13th, 1998, on request of Siegrist of Pottawattamie; Fallon of Polk on request of Schrader of Marion.

## COMMITTEE TO NOTIFY THE GOVERNOR

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

The motion prevailed and the following committee was appointed: Dolecheck of Ringgold, Metcalf of Polk and Osterhaus of Jackson.

## COMMITTEE TO NOTIFY THE SENATE

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

The motion prevailed and the following committee was appointed: Boggess of Taylor, Gries of Crawford and Scherrman of Dubuque.

## ADOPTION OF HOUSE CONCURRENT RESOLUTION 101

Siegrist of Pottawattamie asked and received unanimous consent for the immediate consideration of House Concurrent Resolution 101 as follows and moved its adoption:

1           HOUSE CONCURRENT RESOLUTION 101  
 2           By Siegrist and Schrader  
 3   *Be It Resolved By The House Of Representatives, The*  
 4 *Senate Concurring,* That a joint convention of the two  
 5 houses of the 1998 session of the Seventy-seventh  
 6 General Assembly be held on Tuesday, January 13, 1998,  
 7 at 10:00 a.m.; and  
 8   *Be It Further Resolved,* That Governor Terry E. Branstad  
 9 be invited to deliver his condition of the state and budget  
 10 message at this joint convention of the two houses of the  
 11 General Assembly, and that the Speaker of the House of  
 12 Representatives and the President of Senate be designated  
 13 to extend the invitation to him.

The motion prevailed and the resolution was adopted.

## ADOPTION OF HOUSE CONCURRENT RESOLUTION 102

Siegrist of Pottawattamie asked and received unanimous consent for the immediate consideration of House Concurrent Resolution 102 as follows and moved its adoption:

1           HOUSE CONCURRENT RESOLUTION 102  
 2           By Siegrist and Schrader  
 3   *Be It Resolved By The House Of Representatives, The*  
 4 *Senate Concurring,* That a joint convention of the two  
 5 houses of the 1998 session of the Seventy-seventh  
 6 General Assembly be held on Wednesday, January 14, 1998,  
 7 at 10:00 a.m.; and  
 8   *Be It Further Resolved,* That Chief Justice McGiverin  
 9 be invited to present his message of the condition of  
 10 the judicial department at this convention, and recommend  
 11 such matters as the Chief Justice deems expedient, pursuant  
 12 to section 602.1207 of the Code.

The motion prevailed and the resolution was adopted.

## IMMEDIATE MESSAGES

Siegrist of Pottawattamie asked and received unanimous consent that **House Concurrent Resolutions 101 and 102** be immediately messaged to the Senate.

## REMARKS BY THE MAJORITY LEADER

Siegrist of Pottawattamie addressed the House as follows:

Ladies and Gentlemen of the House, good morning and welcome to the 1998 legislative session. It is exciting and difficult to be back in this chamber. It is exciting because we are going to have an excellent session, and we will pass legislation which will continue to move our state ahead. But, it is also difficult because we all come here and leave family, friends, and jobs behind. It will be particularly difficult for me to leave my son, Evan, who turns three next month, because he is at such an enjoyable age.

However, I am certain that when this legislative session is completed in April, the sacrifices we are all making to be here will be worth it because of the good we will have accomplished.

You know, in the song "Two Lane Highway" by Pure Prairie League, there's a line that says "You turn around and I'm back again". I know for me it seems like we just adjourned a couple of weeks ago. However, over the years I've served in the Iowa House, I have noticed a change in the public's attitude about us being back in session. I distinctly remember the cynics back in the 80's and early 90's who would shout in chorus, "Look out for your wallet, they're back in session."

But that has changed. During the 80's and 90's, the legislature coming into session meant tax increases; now it means tax cuts. It meant across-the-board cuts for education - three times from 1984-1992. Now, it means fully funding what we say we are going to fund, such as \$30 million for school technology. It meant low-paying jobs for our citizens. Now it means economic development programs that have resulted in increasing wages for our workers. The 80's and early 90's meant many many people in this state thought we were on the wrong track. A recent Iowa Poll showed over 60% of the people in our great state thought we were on the right track.

Things are good in Iowa. The economy continues to roll steadily along, unemployment is at record low levels, and Iowa is clearly prepared for the future. Yet, as has been the case the previous three years since we have balanced our state's budget, there are nay-sayers out there who tell us we need to be cautious, to go slow and not take risks. From my position as Majority Leader of the Iowa House, I have heard those concerns the past several years and while we were prudent, we did move ahead by being aggressive, creating a better Iowa.

The results of our actions of the past several years have resulted in an Iowa on the move, enjoying great prosperity. So, to those nay-sayers who urge us to be cautious and go slow, I say it is time to continue to look to the future and to aggressively pursue where we would like our state to be in the 21st Century.

For too long, governments have governed from crisis to crisis. For too long we have taken care of this problem and then that problem and not really taken a long-term look at the future. It is the intent of the majority party this year to pass legislation which will enable us to begin planning for what we want Iowa to look like in the 21st Century.

Each new year, many of us make resolutions for the year - we want to make positive changes in our lives; and the beginning of a new year seems like an appropriate place to start. That is why I think that it is great that the new session of the legislature begins in January - a month where we are focusing on positive change. The focus of House Republicans this year will be to build on the successes we have achieved during the last five years.

There are four critical areas that the House will address this year which will

enable our state to continue to grow and prosper. Number one – We will cut taxes this year for the fourth consecutive year. As long as it is fiscally responsible, the Republican majority in the Iowa House will in some way reduce the tax burden on Iowans every year. The question this year is not if we are going to reduce taxes, it is a question of how much and what taxes. Those decisions will be made by this body during this session. However, it is clear that we will cut taxes again this year.

The second area of importance this year will be agriculture and especially value added agricultural issues. Even a city boy like me understands that agriculture is the engine that runs Iowa's economy. As we strive to compete in a world-wide agricultural economy, we must continue to add value to agricultural products. It is the intent of the majority party to establish a Value Added Agricultural Revolving Loan Fund this session to enable people involved in the agricultural sector to be innovative and forward looking in adding value to our agricultural products.

Thirdly, we intend to put a focus on quality-of-life issues, with special emphasis on recreational activities in Iowa. In November of this year, a Recreation Summit was held in these chambers and testimony was taken from people from across the state with suggestions on how to improve recreational opportunities in Iowa. Within the next week, the Steering Committee of that Summit will issue a five-year plan for improving recreation and quality of life in Iowa. We will act upon some of those recommendations this session and begin putting together a blueprint for the future.

While those recommendations haven't been issued yet, they will include a program that will ask that money from the infrastructure fund be made available through a granting process for local communities to apply for state grants to enhance their offerings of recreational opportunities in their areas. Recreational activities ranging from municipal swimming pools to ice skating rinks help build strong communities and strong families.

Fourthly, the Number One focus of this legislative session will be the educational system in Iowa. As a teacher by profession, education has always been my main focus and it is the main focus of the citizens of Iowa. When I assumed the position of Majority Leader in 1993, total state spending on education was 57.5% of the budget. Total state spending on education in the current fiscal year is 58.5%. Commitment to education in Iowa has been and continues to remain strong, and this year's legislative session will make it even stronger.

As we all know, there are many proposals that are on the table heading into this session as a result of the Pomerantz Commission. We will spend a great deal of time discussing those and enacting many worthwhile initiatives; but at this time, many details need to be worked out. I personally look forward to working with all 100 members to craft legislation which will have a meaningful impact on our educational system.

Almost 60 cents of each dollar that the state spends goes towards education. When you add in federal dollars and local property taxes, we spend \$2.85 billion dollars a year on K-12 education for our 500,000 students. Anyone who says that education is not our number one priority is simply wrong.

We have the best schools and the best teachers in the nation. But we have seen some slippage in our results. That is unacceptable. As we face the new millenium, it is imperative that we provide our children with the skills that they will need to compete in the ever-changing world. For some people, the only answer is

to spend more money. There are areas that do need additional resources. However, our educational system will also be improved by better allocating the money already in the system.

We can do better by having more accountability for our schools so parents and teachers can establish benchmarks and press for continuous improvements. We need to pass legislation which will give teachers and school districts more flexibility and resources so that they can design schools which will better meet the needs of their students. And, we need to establish a way to pay good teachers more money. The House Republicans are committed to finding additional resources for early childhood, at risk, and preschool children.

As we consider all of the proposals throughout the session, I am very confident in making a bold yet simple statement: When this legislative session adjourns in April, we will have had a positive impact on the educational system in Iowa.

There are many other issues that are of importance to different people throughout the state of Iowa. However, these four are important to all Iowans, and we will pass meaningful legislation in all four areas.

To Representative Schrader and the Democratic Caucus, I pledge to work with you as closely as possible to find common sense solutions to the challenges facing our state. Every year that I have served in this position, I have tried to be as open as possible about the work that we do on a daily basis. Despite our differences, I look forward to a year of cooperation.

House Republicans will pursue a legislative agenda this session that all members of this body will be proud to talk about and campaign on next fall. So, now it's time to get to work. We have many challenges before us. There's a line in the song, "The Strangest Party" by INXS, that says "You're part of the solution, or part of the problem. You're going to have to dance with one."

Let's all commit and resolve today to be part of the solution. Working together this session, we will be able to have a meaningful impact on Iowa well into the new century.

Thank you.

#### REPORT OF THE COMMITTEE TO NOTIFY THE GOVERNOR

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

The report was accepted and the committee discharged.

#### REPORT OF THE COMMITTEE TO NOTIFY THE SENATE

Bogges of Taylor, chair of the committee appointed to notify the Senate that the House was ready to receive any communication that the Senate might desire to transmit, reported that the committee had performed its duty.

The report was accepted and the committee discharged.



## REMARKS BY THE MINORITY LEADER

Schrader of Marion addressed the House as follows:

Thank you, Mr. Speaker.

Mr. Speaker, ladies and gentlemen of the House.

I want to welcome you back and extend to you my best wishes for a thoughtful, cooperative and productive session in 1998.

I am beginning my twelfth session in the Iowa House, and how things have changed since 1987. Back then we were still reeling from the effects of the farm crisis. It was a time when we never had the resources to meet our obligations, so we tried every way imaginable to scrape together funding for Iowa's priorities. Many needs went unmet; things we should have done got set aside until that day in the future when things were better.

Today, things are better. The nation's economy is booming and state revenues are growing. We have had the good fortune to be able to cut taxes. Democrats have worked hard for tax cuts that benefit working families, and we may well be able to cut taxes again this year.

But our first priority should be to use our resources to make sure that Iowa's schools continue to lead the nation. We've always had good reason to brag about our schools, traditionally the best in the nation, but that doesn't mean there aren't real problems in public schools. Test scores have slipped; our high school graduates are no longer number one on college entrance exams. Teachers don't have time and resources to give their students the individual attention they need.

Discipline is increasingly harder to enforce. Most Iowa students are good kids, but it only takes a few disruptive and unruly ones to make learning tough for everyone, and to make the good kids feel unsafe in the hallways and on the playgrounds.

Many Iowa school buildings need major repairs. In fact, the state fire marshal says that ten percent of Iowa schools are unsafe.

This year, with the financial resources that we have, we should fix these problems. We should find the right ratio of students to teachers that assures that every kid gets a share of a teacher's undivided attention. We should put court liaison officers in schools to handle troubled kids and make sure that schools are safe places to learn. And state government can help prevent a tragedy by helping local districts repair their schools.

This should also be the year the Legislature restores local control over where large hog confinement operations are located. Right now hardworking Iowans who have lived all their lives on the farm have no say if a factory farm moves in next door. That's wrong. Local people should decide where these mega-operations are located because they know their area best.

That doesn't mean all decisions regarding livestock production should be local. Democrats support statewide regulations for construction, separation distances

and the like. When a confinement unit is built, it ought to meet uniform statewide standards. But where its built must be local decision.

And finally, we should address the changes in the way health care is delivered. Today, many medical decisions traditionally made by families and their physicians are being made by people whose job it is to manage financial risk and ensure company profits. Our families can't always be certain that they are receiving the medical options and services they need. Medical decisionmaking needs to be put back in the hands of families and their medical providers.

If insurance companies want to continue to make medical decisions, then they must accept responsibility when those decisions hurt people. Allowing Iowans to sue managed care companies for malpractice will restore some balance to a health care system that often doesn't serve our needs well.

We have a lot to look forward to in 1998. Now that times are good, we should use our resources to fix what's wrong with Iowa. Our financial position is so strong that we believe we can address needs, fix problems and reduce taxes.

Democrats pledge to work hard and cooperate with the majority when we are included in making decisions about the state's future. We hope that will happen.

Thank you.

### COMMITTEE FROM THE SENATE

Senator Hedge from Mahaska appeared and notified the House that the Senate was duly organized and ready to receive any communication that the House might desire to transmit.

### REMARKS BY THE SPEAKER

Speaker Corbett addressed the House as follows:

There is a wave of optimism throughout the state of Iowa. People think the state is on the right track, and you can see why. We have a record number of people working, low unemployment, and 50,000 new jobs were created last year. We have a record surplus and revenues are ahead of projections. Enrollment is strong at the Regent and private schools, with record enrollment at the community colleges. We're seeing increases in ACT scores and a lower student to computer ratio in the K-12 systems. Violent crime was down 10 percent last year, and there are fewer Iowans on welfare than at any time since 1974.

It would be easy to put our feet up on our desks and enjoy the good times, but that would be a mistake. So what is on the plate for 1998?

**Taxes...** I don't mean to sound like a broken record on this subject. We had great success last year with inheritance an income tax reductions, but as we were cutting taxes, so were 26 other states. This year, 30 states are looking to cut taxes. Tax relief is essential to making our state more competitive. With such a low unemployment rate we need to attract people to Iowa. We have the capacity to cut taxes so we have to look at all of our options: Income taxes, raising the standard deduction, pension, capital gains, sales tax exemption, commercial property tax credits and education IRAs. Let's make this the fourth year in a row for tax cuts.

**Education...** Clearly this has been the topic of the pre-session. My son started kindergarten this year. His school is great and his teacher is first rate. I am very happy with the education he's receiving. I'm no different than other parents who are also happy with the education their children are receiving. Maybe that's why we continue to have record low turnouts in school board elections. Just because I'm happy doesn't mean I'm satisfied. We do need to improve. Maybe we should pay teachers more, especially the outstanding ones. Maybe we should put some accountability into the system. A little competition would be good. Maybe we should help low income families have the opportunity to send their kids to pre-school. The laundry list is long: adult to student ratios, infrastructure, reading scores, and advanced enrollment. Chairman Gries has his work cut out for him this year. As we go through this debate, keep this question in mind, "Do we like Washington telling us how to run our schools?" We need to be careful we don't fall into the same trap and tell Iowa parents, teachers, and school boards that Des Moines knows best.

**Agriculture and Business...** As I left Cedar Rapids yesterday, I passed Quaker Oats, Cargill, and ADM. Each of these businesses add value to the raw materials our farmers produce. We have done an outstanding job of diversifying our economy, but agriculture is our base. We need to stand up for agriculture. Research and technology are providing exciting opportunities to add value, to produce more products, and create more jobs. We need to look at the business structure so farmers can better network. Our economy is fueled by growth. Every time a new company starts or an existing one expands that's new wealth, new jobs, and yes, new tax revenue. We must also work to keep our youth here in Iowa. That is really the number 1 problem facing this state over the next 5-15 years.

**Quality of Life...** When the economy is good, people look to other issues, and some of those issues will be a major focus of the House this year. Our crime rate in Iowa is down. We've stepped up law enforcement and put more people in prison. In fact, we need to put more prison beds on line. We need to look at the laws dealing with sexual predators and drug enforcement. Maybe we need to add more officers to help combat the drug problem that exists. We must also focus on the environment. This summer I took my two sons fishing. We didn't catch many fish, but it was fun. It was a great father-son experience. We have to be sure we have clean lakes and streams, and protect our groundwater. Iowa was recently highlighted as a state where we can grow old. But we also need to be a place where we can have fun while growing old, so we need to look into some recreational opportunities that will make Iowa more attractive.

So, the plate is full for 1998, just as it is every year, with tax relief, improving education, protecting agriculture, growing new jobs, and improving our overall quality of life. If the past is any indicator of the future, The Iowa House of Representatives will be the engine again this year. So, let's get chugging!

## RULE 57 SUSPENDED

Siegrist of Pottawattamie asked and received unanimous consent to suspend Rule 57, relating to committee notice and agenda, for committee meetings today.

## INTRODUCTION OF BILLS

**House File 2001**, by Thomas, a bill for an act relating to the state ceiling on the issuance of private activity bonds to administer programs

by the Iowa agricultural development authority.

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

**House File 2002**, by Holmes, a bill for an act to provide that persons convicted of attempted murder serve at least eighty-five percent of the sentence imposed.

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

**House File 2003**, by Bradley, a bill for an act relating to limitations on recoverable noneconomic damages in legal actions arising out of motor vehicle accidents.

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

**House File 2004**, by Brauns, a bill for an act providing a procedure for entry of a memorandum of satisfaction of judgment by a clerk of court when a judgment creditor cannot be located.

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

**House File 2005**, by Larson, a bill for an act relating to the voter approval of annexation and severance of territory to or from a city.

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

**House File 2006**, by Carroll, a bill for an act allowing certain parents to provide driver's education instruction.

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

**House File 2007**, by Carroll, a bill for an act eliminating the requirement that a county board of supervisors provide group insurance coverage to full-time county extension office assistants employed in the county.

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

**House File 2008**, by Cormack, a bill for an act relating to limitations on state government activities with China.

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

**House File 2009**, by Brunkhorst and Thomson, a bill for an act relating to the expenditure of school improvement technology program funds by school districts.

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

**House File 2010**, by Kreiman, a bill for an act restricting the awarding of child visitation rights to a parent convicted of murder in the first degree of the other parent.

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

**House File 2011**, by Weigel, a bill for an act relating to the criteria used by state agencies in determining financial assistance for economic development.

Read first time and referred to committee on **economic development**.

**House File 2012**, by Weigel and Sukup, a bill for an act relating to criteria for establishing an economic development enterprise zone.

Read first time and referred to committee on **economic development**.

**House File 2013**, by Reynolds-Knight, a bill for an act relating to the maximum number of nonresident deer hunting licenses and nonresident wild turkey hunting licenses which may be issued annually.

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

**House File 2014**, by Huser, Wise, Warnstadt, Cohoon, Murphy, Richardson, Scherrman, Witt, Foege, Fallon, Osterhaus, Chapman, Brand, Kreiman, Bernau, Bukta, Frevert, Burnett, Mascher, Holveck, Taylor, Weigel, May, Connors, Dotzler, Reynolds-Knight, Kinzer, Whitead, Myers, Shoultz, Jochum, and Schrader, a bill for an act requiring the development of a state water plan by the department of natural resources.

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

**House File 2015**, by Garman, a bill for an act relating to the age of personal watercraft operators, subjecting violators to a penalty, and providing an effective date.

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

**House File 2016**, by Kremer, Vande Hoef, Thomson, Cormack, and Connors, a bill for an act relating to the increase in the amount reimbursed by the state for loss of property taxes due to the allowance of the military service tax exemption and providing effective and applicability date provisions.

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

**House File 2017**, by Nelson, a bill for an act exempting sales to certain rural hospitals from the state sales, services, and use taxes.

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

### 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 Secretary Administrative	Roberta J. Schrader	16-3 to 21-1	S-O P-PT	05-09-97
Secretary to Leader Administrative	Becky L. Lorenz	21-2 to 24-1	P-FT	05-02-97
Secretary to Leader Executive Secretary to Leader				
Executive Secretary to Speaker	Susan C. Bruckshaw	24-2 to 27-1	P-PT	05-30-97
Confidential Secretary to Speaker				
Assistant Finance Officer	Tricia S. Berg	21-2 to 21-3	P-FT	05-30-97
Assistant Journal Editor	Gayle A. Goble	19-1 to 19-2	P-FT	06-13-97
Caucus Secretary	Anna M. Hyatt	21-1 to 21-2	P-FT	06-13-97
Compositor/Desk Top Specialist	Trina L. Sterling	17-2 to 17-3	P-FT	06-13-97
Indexer I	Kristin L. Wentz	22-3 to 22-4	P-FT	06-13-97
Text Processor I	Judy K. Graesch	19-2 to 19-3	P-FT	06-27-97
Legislative Research Analyst II	Lewis E. Olson	32-2 to 32-3	P-FT	06-27-97
Legislative Research Analyst	Patricia A. Axmear	27-3 to 29-2	P-FT	07-11-97
Legislative Research Analyst I				
Legislative Research Analyst	Bradley A. Trow	27-1 to 27-2	P-FT	07-11-97
Legislative Research Analyst I	Craig R. Schoenfeld	29-2 to 29-3	P-FT	07-25-97
Administrative Secretary to Leader	Roberta J. Schrader	21-1 to 21-2	P-PT	09-05-97

<u>Position</u>	<u>Name</u>	<u>Grade and Step</u>	<u>Class of Appointment</u>	<u>Eff. Date</u>
Legislative Research Analyst	Justin D. Hupfer	27-1	P-FT	09-19-97
Caucus Secretary Legislative Research Analyst	Anna M. Hyatt	21-2 to 27-1	P-FT	10-03-97
Assistant Finance Officer	Kelly M. Wacht	21-1	P-FT	10-15-97
Senior Finance Officer	Debra K. Rex	31-5 to 31-6	P-FT	10-17-97
Caucus Secretary	David L. Epley	21-1	P-FT	11-03-97
Administrative Assistant II to Speaker	Daniel L. Fogelman	32-1	P-FT	11-10-97
Assistant Chief Clerk I Doorkeeper	Susan K. Jennings Wilbur N. Rhoads	32-1 11-2 to 17-1	E-FT S-O	12-10-97 12-05-97
Sergeant-at-Arms Legislative Research Analyst III	Mary C. Braun	35-3 to 38-2	P-FT	12-26-97
Senior Legislative Research Analyst				
Senior Legislative Research Analyst	Edward J. Conlow	38-5 to 38-6	P-FT	12-26-97
Senior Caucus Staff Director	Warren L. Fye	41-5 to 41-6	P-FT	12-26-97
Assistant Journal Editor Journal Editor I	Gayle A. Goble	19-2 to 22-1	P-FT	12-26-97
Legislative Research Analyst II	Jenifer L. Parsons	32-3 to 35-2	P-FT	12-26-97
Legislative Research Analyst III				
Senior Legislative Research Analyst	Joseph P. Romano	38-2 to 38-3	P-FT	12-26-97
Compositor/Desk Top Specialist	C. Elaine Schoonover	17-6 to 19-5	P-FT	12-26-97
Assistant Journal Editor Compositor/Desk Top Specialist	Trina L. Sterling	17-3 to 19-2	P-FT	12-26-97
Assistant Journal Editor Doorkeeper	Carl D. Parker	11-1	S-O	01-08-98
Legislative Research Analyst II	Stacie S. Maass	32-3 to 32-4	P-FT	01-09-98
Administrative Assistant II to Speaker	Jeffrey G. Mitchell	32-4 to 35-3	P-FT	01-09-98
Administrative Assistant III to Speaker				
Administrative Assistant II to Leader	Susan D. Severino	32-5 to 35-4	P-FT	01-09-98
Administrative Assistant III to Leader				

<u>Position</u>	<u>Name</u>	<u>Grade and Step</u>	<u>Class of Appointment</u>	<u>Eff. Date</u>
Confidential Secretary to Chief Clerk	Betty M. Soener	27-4 to 27-5	P-FT	01-09-98
Senior Legislative Research Analyst	Margaret Ann Thomson	38-4 to 38-5	P-FT	01-09-98
Administrative Secretary to Leader	Roberta J. Schrader	21-2 to	P-PT	01-12-98
Legislative Secretary Doorkeeper	William S. Sandholm	16-3 11-1 to 11-2	S-O S-O	 02-20-98
Legislative Secretary	Kathy S. Beauchamp	16-1	S-O	01-12-98
Legislative Secretary	Vicki L. Bortell	16-1	S-O	01-12-98
Legislative Secretary	Josh Bronsink	16-1	S-O	01-12-98
Legislative Secretary	Amanda L. Campbell	17-1	S-O	01-12-98
Legislative Secretary	Julie Champlain	15-1	S-O	01-12-98
Legislative Secretary	Carol S. Churchill	16-1	S-O	01-12-98
Legislative Secretary	Deb Collopy	16-1	S-O	01-12-98
Legislative Secretary	Sarah M. Dietch	15-1	S-O	01-12-98
Legislative Secretary	Angela E. Dralle	16-1	S-O	01-12-98
Legislative Secretary	Jennifer L. Dreibelbis	16-1	S-O	01-12-98
Legislative Committee Secretary	Jane B. Fogg	17-1	S-O	01-12-98
Legislative Secretary	Antonia Ford	15-1	S-O	01-12-98
Legislative Committee Secretary	Lynn K. Frank	17-1	S-O	01-12-98
Legislative Committee Secretary	Andrea K. Hall	17-1	S-O	01-12-98
Legislative Committee Secretary	Carol F. Hansen	17-2	S-O	01-12-98
Legislative Secretary	Kellie Harryman	16-1	S-O	01-12-98
Legislative Secretary	Amy M. Hingtgen	17-1	S-O	01-12-98
Legislative Committee Secretary	Jamie R. Houser	17-1	S-O	01-12-98
Legislative Secretary	Kelli Kilgore	16-1	S-O	01-12-98
Legislative Committee Secretary	Ellen T. Larson	17-1 to 17-2	S-O	02-06-98
Legislative Secretary	Shirley L. Marty	17-4+2	S-O	01-12-98
Legislative Secretary	Steve McCauley	15-1	S-O	01-12-98
Legislative Secretary	Todd J. Murphy	16-1	S-O	01-12-98
Legislative Committee Secretary	Diane E. Nandell	17-1	S-O	01-12-98
Legislative Secretary	Rosemary V. Pratt	15-1	S-O	01-12-98
Legislative Secretary	Chad D. Primmer	16-1	S-O	01-12-98
Legislative Secretary	Rebecca L. Reeder	16-1	S-O	01-12-98
Legislative Secretary	Jana C. Ruggles	16-1	S-O	01-12-98
Legislative Committee Secretary	Christina Schaefer	17-1	S-O	01-12-98



<u>Position</u>	<u>Name</u>	<u>Grade and Step</u>	<u>Class of Appoint- ment</u>	<u>Eff. Date</u>
Legislative Committee Secretary	Jill M. Sudbeck	17-1	S-O	01-12-98
Legislative Secretary	Jackie L. Syverson	16-1	S-O	01-12-98
Legislative Secretary	Joy Veenstra	16-1	S-O	01-12-98
Legislative Secretary	Kerry Wright	15-1	S-O	01-12-98

<u>Position</u>	<u>Name</u>	<u>Per Hr.</u>	<u>Class of Appoint- ment</u>
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## PAGES—GROUP I

Speaker's Page	Cassandra A. Buesig	Minimum Wage	S-O
Chief Clerk's Page	Joel R. Norton	Minimum Wage	S-O
Chief Clerk's Page	Calvin A. Schlak	Minimum Wage	S-O
Page	Katie E. Abrisz	Minimum Wage	S-O
Page	Katherine A. Anderson	Minimum Wage	S-O
Page	Michelle K. Bauer	Minimum Wage	S-O
Page	Aaron R. Cory	Minimum Wage	S-O
Page	Abby L. Ellingson	Minimum Wage	S-O
Page	Kristina M. Exline	Minimum Wage	S-O
Page	Heidi J. Goodell	Minimum Wage	S-O
Page	Jennifer D. Goodell	Minimum Wage	S-O
Page	Carrie G. Lamphier	Minimum Wage	S-O
Page	James M. Mertz	Minimum Wage	S-O
Page	Zachary M. Nunn	Minimum Wage	S-O
Page	Emily C. Paul	Minimum Wage	S-O
Page	Aaron B. Roberts	Minimum Wage	S-O
Page	James M. Schenkelberg	Minimum Wage	S-O
Page	Meredith L. Tanner	Minimum Wage	S-O
Page	Eric N. Unternahrer	Minimum Wage	S-O
Page	Jenny C. Vallandingham	Minimum Wage	S-O
Page	Thaddeus P. Wunder	Minimum Wage	S-O
Page	Kristine D. Yeager	Minimum Wage	S-O

## PAGES—GROUP II

Page	Jennifer R. Best	Minimum Wage	S-O
Page	Mary E. Bruns	Minimum Wage	S-O
Page	Dawn M. DeShaw	Minimum Wage	S-O
Page	Erica T. Doherty	Minimum Wage	S-O
Page	Lindsey R. Dohlman	Minimum Wage	S-O
Page	Abigail S. Greiner	Minimum Wage	S-O
Page	Jennifer S. Hill	Minimum Wage	S-O
Page	Kimberly R. Hubbard	Minimum Wage	S-O
Page	Nicholas J. Irving	Minimum Wage	S-O
Page	Jason T. Johnsen	Minimum Wage	S-O
Page	Erin J. Kiley	Minimum Wage	S-O
Page	Isaac R. Knight	Minimum Wage	S-O

<u>Position</u>	<u>Name</u>	<u>Per Hr.</u>	<u>Class of Appointment</u>
Page	C. Mark Mesle	Minimum Wage	S-O
Page	Kathryn F. Munger	Minimum Wage	S-O
Page	Miranda L. Von Ahsen	Minimum Wage	S-O
Page	Sarah K. Wollschlager	Minimum Wage	S-O

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

Legislative Research Analyst I	James M. Addy	08-07-97
Legislative Research Analyst	Kimberly D. Statler	08-21-97
Assistant Chief Clerk I	Jeffrey A. Bean	08-28-97
Assistant Finance Officer	Tricia S. Berg	08-29-97
Administrative Assistant II to Speaker	A. John Davis	09-03-97

RANTS of Woodbury, Chair

### COMMITTEE ASSIGNMENTS

The Speaker announced the following committee assignments during the interim:

#### HUMAN SERVICES APPROPRIATIONS SUBCOMMITTEE

Representative Cecelia Burnett .....  
 Replaces Representative Ed Fallon

#### OVERSIGHT AND COMMUNICATIONS APPROPRIATIONS SUBCOMMITTEE

Representative Steve Falck, Ranking Member .....  
 Representative Geri Huser .....  
 Replaces Representative Cecelia Burnett

#### TRANSPORTATION, INFRASTRUCTURE AND CAPITALS APPROPRIATIONS SUBCOMMITTEE

Representative Ed Fallon .....  
 Replaces Representative Geri Huser

### APPOINTMENTS

The following appointments were made during the interim:

#### AGRICULTURAL EDUCATION ADVISORY COUNCIL (At pleasure of Speaker)

Bill Dix ..... To a term ending June 30, 1999

AGRICULTURAL ENERGY MANAGEMENT ADVISORY COUNCIL  
(Chapter 161B.1, Code of Iowa)

Jim Drees ..... To a term ending June 30, 1998

Hubert Houser ..... To a term ending June 30, 1998

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

Chuck Gipp ..... To a term ending with the  
Seventy-seventh General Assembly

CAPITOL PLANNING COMMISSION  
(Chapter 18A, Code of Iowa)

Donna Barry ..... To a term ending April 30, 1999

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

Todd Taylor ..... To a term ending June 30, 2000

COMMISSION ON CHILDREN, YOUTH AND FAMILIES  
(Chapter 217.9A, Code of Iowa)

Wayne Ford ..... To a term ending January 1, 1999

Beverly Nelson ..... To a term ending January 1, 1999

EDUCATION COMMISSION OF THE STATES  
(Chapter 272B.2, Code of Iowa)

Christopher Rants ..... To a term ending June 30, 2000

INNOVATION ZONE BOARD  
(Chapter 8A.2 (4)(b), Code of Iowa)

Hubert Houser ..... To a term ending with the  
Seventy-seventh General Assembly

INTERSTATE AGRICULTURE GRAIN MARKETING COMMISSION  
(Chapter 183, Code of Iowa)

Cecil Dolecheck ..... To a term ending June 30, 1998

INTERSTATE COOPERATION COMMISSION  
(Chapter 28B.1, Code of Iowa)

John Connors ..... To a term ending January 31, 1999

Chuck Larson ..... To a term ending January 31, 1999

Dolores Mertz ..... To a term ending January 31, 1999

Janet Metcalf ..... To a term ending January 31, 1999

Dick Weidman ..... To a term ending January 31, 1999

IOWA ADVISORY COMMISSION ON INTERGOVERNMENTAL RELATIONS  
(Chapter 28J.2, Code of Iowa)

Richard Arnold ..... To a term ending April 30, 1999

Geri Huser ..... To a term ending April 30, 1999

IOWA COMPREHENSIVE HEALTH INSURANCE ASSOCIATION  
(Chapter 514E.2, Code of Iowa)

Janet Metcalf ..... Serves at the pleasure of the Speaker

IOWA COUNCIL ON HUMAN INVESTMENT  
(Chapter 8A.1, Code of Iowa)

Dan Boddicker ..... To a term ending April 30, 1998

LAW ENFORCEMENT ACADEMY COUNCIL  
(Chapter 80B.6, Code of Iowa)

Barry Brauns ..... To a term ending April 30, 1999

MEDICAL ASSISTANCE ADVISORY COUNCIL  
(Chapter 249A.4(8), Code of Iowa)

Brad Hansen ..... To a term ending with the  
Seventy-seventh General Assembly

Jack Holveck ..... To a term ending June 30, 1999

Geri Huser ..... To a term ending June 30, 1999

RENEWABLE FUELS AND COPRODUCTS ADVISORY COMMITTEE  
(Chapter 159A.4, Code of Iowa)

Effie Lee Boggess ..... To a term ending April 30, 1998

APPOINTMENTS

The following individuals are appointed to the Legislative Council  
and Committees of the Council:

LEGISLATIVE OVERSIGHT COMMITTEE  
(Legislative Council Action)

- Libby Jacobs
- Willard Jenkins
- Steve Sukup

**COMMUNICATIONS RECEIVED**

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

**AUDITOR OF STATE**

The Independent Auditor's Reports, Financial Statements and Supplemental Information Comment and Recommendation for year ending June 30, 1996, pursuant to Chapter 11.25, Code of Iowa.

**Lottery Division**

The Independent Auditor's Reports for the period ending June 30, 1997, pursuant to Chapter 11.25, Code of Iowa.

**CITIZENS' AIDE/OMBUDSMAN**

A report on the investigation of the Department of Inspections and Appeals' oversight of long-term care facilities (nursing homes), pursuant to Chapter 2C.18, Code of Iowa.

**COMMISSION OF VETERANS AFFAIRS**

The Annual Financial Report, pursuant to Chapter 1150.7(1), 1996 Acts of the Seventy-sixth General Assembly.

**DEPARTMENT OF AGRICULTURE AND LAND STEWARDSHIP  
Office of Renewable Fuels and Co-Products**

The Third Annual Report, pursuant to Chapter 1119.8, 1994 Acts of the Seventy-fifth General Assembly.

**DEPARTMENT OF COMMERCE  
Alcoholic Beverages Division**

The Sixty-third Annual Report, pursuant to Chapter 546.2, Code of Iowa.

**Iowa Utilities Board**

A report on the results of energy efficiency programs implemented by rate-regulated utilities, pursuant to Chapter 476.6(17), 1996 Acts of the Seventy-sixth General Assembly.

The 1996 Annual Report, pursuant to Chapters 7A.1, 7A.10 and 476.16, Code of Iowa.

An Assessment of Internet Availability in Iowa as of December 31, 1997, pursuant to Chapter 210.5, 1997 Acts of the Seventy-seventh General Assembly.

DEPARTMENT OF CORRECTIONS AND UNIVERSITY OF IOWA  
HOSPITALS AND CLINICS

A legislative study regarding indigent care, inmates and telemedicine, pursuant to Chapter 212.11(2)(c), 1997 Acts of the Seventy-seventh General Assembly.

DEPARTMENT OF ECONOMIC DEVELOPMENT

The New Jobs and Income Program Annual Report, pursuant to Chapter 1185.4, 1996 Acts of the Seventy-sixth General Assembly.

DEPARTMENT OF EDUCATION

The Final Report of the FINE Foundation Interim Study Committee, pursuant to Chapter 212.10, 1997 Acts of the Seventy-seventh General Assembly.

DEPARTMENT OF ELDER AFFAIRS

The 1997 Annual Report of the State Long-Term Care Ombudsman Program, pursuant to Chapter 231.42(7), Code of Iowa.

DEPARTMENT OF HUMAN SERVICES

A report on the recommendations of the Mr. Magic workgroup, pursuant to Chapter 208.33, 1997 Acts of the Seventy-seventh General Assembly.

A report on what constitutes minor physical injury in cases of child abuse, pursuant to Chapter 176.22, 1997 Acts of the Seventy-seventh General Assembly.

The Annual Report on Personal Assistance and Family Support Services, pursuant to Chapter 225C.48, Code of Iowa.

A report on MI Kids - Mental Health Services for Children and Adolescents in Iowa, pursuant to Chapter 169.18(c), 1997 Acts of the Seventy-seventh General Assembly.

A report on the study of Child Care Co-pay, pursuant to Chapter 208.9(11), 1997 Acts of the Seventy-seventh General Assembly.

A report on the development of a new model for determining rehabilitative needs in place of the clinical assessment and consultation teams, pursuant to Chapter 208.5(7), 1997 Acts of the Seventy-seventh General Assembly.

A report on the study of the rate differential per non-registered child care homes, pursuant to Chapter 208.28(9), 1997 Acts of the Seventy-seventh General Assembly.

Mental Health and Developmental Disabilities Division

A report on dual diagnosis treatment and funding mental illness/substance abuse, pursuant to Chapter 208.5(7), 1997 Acts of the Seventy-seventh General Assembly.

A report detailing the plan for implementing a dual diagnosis program at the

Mount Pleasant Mental Health Institute, pursuant to Chapter 208.16(1)(d), 1997 Acts of the Seventy-seventh General Assembly.

An initial report on the cost effectiveness and decreased utilization of intermediate care facilities for persons with mental retardation, pursuant to Chapter 169.20, 1997 Acts of the Seventy-seventh General Assembly.

#### DEPARTMENT OF MANAGEMENT

The Annual Contract Compliance Report for fiscal year 1997, pursuant to Chapter 19B.7, Code of Iowa.

#### DEPARTMENT OF NATURAL RESOURCES

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

A report on the classification and management of Iowa's state parks, state recreation areas and state forests, pursuant to Chapter 455A.4(1), Code of Iowa.

The groundwater program status report and evaluation for the period from July 1, 1994 to June 30, 1996, pursuant to Chapter 455E.8, Code of Iowa.

A report on the assessment results of water quality in Iowa during 1994 and 1995, pursuant to Chapter 305(b), Federal Clean Water Act.

A report regarding the results of the Toxic Cleanup Day events, pursuant to Chapter 455F.8, Code of Iowa.

#### DEPARTMENT OF PERSONNEL

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

A report on the average number of days taken by Executive Branch departments to fill vacant positions, pursuant to Chapter 178, 1993 Acts of the Seventy-fifth General Assembly.

#### DEPARTMENT OF PUBLIC HEALTH

The 1997 Annual Report, pursuant to Chapter 135.11, Code of Iowa.

A report on the single contract project, pursuant to Chapter 203, 1997 Acts of the Seventy-seventh General Assembly.

#### Home Health Services

A review on the current and proposed federal and state requirements applicable to home care providers, pursuant to Chapter 42.1(3), 1997 Acts of the Seventy-seventh General Assembly.

## Iowa Communications Network

The 1997 Annual Report, pursuant to Chapter 8D.10, Code of Iowa.

## DEPARTMENT OF PUBLIC SAFETY

The 1996 Iowa Uniform Crime Report, pursuant to Chapter 692.15, Code of Iowa.

## DEPARTMENT OF TRANSPORTATION

The annual sufficiency rating report showing relative conditions of the primary roads, pursuant to Chapter 307A.2(12), Code of Iowa.

A report regarding the soydiesel demonstration project, pursuant to Chapter 1218.43(2), 1996 Acts of the Seventy-sixth General Assembly.

A copy of the Intermodal Terminal User Manual as prepared by the Intermodal Feasibility Study, pursuant to Chapter 220.3(1)(c), 1995 Acts of the Seventy-sixth General Assembly.

The Annual Report of Highway Research and Development, pursuant to Chapters 310.36 and 312.3a, Code of Iowa.

## GOVERNOR'S ALLIANCE ON SUBSTANCE ABUSE

The Annual Report, pursuant to Chapter 80E, Code of Iowa.

## IOWA HIGHER EDUCATION LOAN AUTHORITY

The 1997 Annual Report, pursuant to Chapter 261A.21, Code of Iowa.

## IOWA SEED CAPITAL CORPORATION

The 1997 Annual Report, pursuant to Chapter 15E.92, Code of Iowa.

## IOWA TELECOMMUNICATIONS AND TECHNOLOGY COMMISSION

A report on the adequacy of rate subsidization, pursuant to Chapter 210.2E, 1997 Acts of the Seventy-seventh General Assembly.

The five-year financial plan for the Iowa Communication Network, pursuant to Chapter 8D.3(f), Code of Iowa.

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

A report indicating the need for subsidization for non-credit customized courses offered through use of the network, pursuant to Chapter 210.2(f), 1997 Acts of the Seventy-seventh General Assembly.

STATE OF IOWA  
Executive Department

A review of affirmative action in the executive branch of state government, pursuant to Chapters 19A and 19B, 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

- 1998\1 Dean and Ruth Iverson, Indianola – For celebrating their 50th wedding anniversary.
- 1998\2 Alfred and Margaret Pegariak, Lisbon – For celebrating their 50th wedding anniversary.
- 1998\3 Donna Heiserman, Independence – For celebrating her 90th birthday.
- 1998\4 Gertrude Hand, Independence – For celebrating her 100th birthday.
- 1998\5 Mr. and Mrs. Wolfe, Maynard – For celebrating their 50th wedding anniversary.
- 1998\6 Thomas A. Scanlan, Manchester – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 1998\7 Mark Johnson, Manchester – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 1998\8 Clair and Susie Souder, Bedford – For celebrating their 71st wedding anniversary.
- 1998\9 Herb and Mary Carson, Bedford – For celebrating their 65th wedding anniversary.
- 1998\10 Manatts Incorporated – For being named winner in the eighth annual National Awards Program for Excellence in Concrete Pavement.
- 1998\11 Martin Johnson, Essex – For celebrating his 103rd birthday.
- 1998\12 Florence and Paul Reneker, Birmingham – For celebrating their 71st wedding anniversary.
- 1998\13 Martha and Jack Fisher, Selma – For celebrating their 50th wedding anniversary.
- 1998\14 Eunice and Joe Fler, Maquoketa – For celebrating their 50th wedding anniversary.
- 1998\15 Marge and Al Glovik, Maquoketa – For celebrating their 50th wedding anniversary.
- 1998\16 Maxine and William Etter, Chariton – For celebrating their 50th wedding anniversary.

- 1998\17 Bess and Floyd Parks, Seymour – For celebrating their 60th wedding anniversary.
- 1998\18 Glenna and Marvin Reynolds, Chariton – For celebrating their 65th wedding anniversary.
- 1998\19 Luke Lodermeier, Ames – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 1998\20 Steve Eastvedt II, Dubuque – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.

#### SUBCOMMITTEE ASSIGNMENTS

##### House File 580

State Government: Hansen, Chair; Cataldo, Chiodo, Gipp and Tyrrell.

##### Senate File 357

State Government: Holmes, Chair; Jacobs and Taylor.

##### Senate File 359

State Government: Drake, Chair; Larkin and Van Fossen.

#### HOUSE STUDY BILL COMMITTEE ASSIGNMENTS

##### H.S.B. 500 Agriculture

Supporting drainage districts, by extending the period when certain contracts must be let, and providing an effective date.

##### H.S.B. 501 Agriculture

Relating to persons holding interests in agricultural land and providing penalties.

On motion by Siegrist of Pottawattamie, the House adjourned at 10:40 a.m., until 8:45 a.m., Tuesday, January 13, 1998.

# JOURNAL OF THE HOUSE

Second Calendar Day - Second Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Tuesday, January 13, 1998

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

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

The Journal of Monday, January 12, 1998 was approved.

## INTRODUCTION OF BILLS

**House File 2018**, by Gipp and Thomas, a bill for an act relating to criminal defendant community service and inmate work programs.

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

**House File 2019**, by Cormack, a bill for an act relating to reductions in the ownership of automobiles, vans, light trucks, and other similar motor vehicles in the department of transportation's motor vehicle fleet.

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

**House File 2020**, by Brunkhorst, a bill for an act relating to administrative licenses issued by the state board of educational examiners.

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

**House File 2021**, by Cormack, a bill for an act relating to financial assurance requirements for waste tire collection or processing sites.

Read first time and referred to committee on **environmental protection**.

**House File 2022**, by Thomas, a bill for an act relating to the issuance of emergency medical services motor vehicle registration plates and establishing fees.

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

**House File 2023**, by Chapman, a bill for an act providing special ballots for voters who are blind.

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

**House File 2024**, by Thomson, a bill for an act relating to school district use of school improvement technology program funds to employ a computer systems analyst.

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

**House File 2025**, by Chapman, a bill for an act relating to confidentiality in the mediation process.

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

**House File 2026**, by Thomson, a bill for an act relating to criteria for practitioner preparation programs.

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

**House File 2027**, by Greiner, a bill for an act relating to construction permits for animal feeding operation structures issued to persons later classified as habitual violators and providing applicability and effective dates.

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

**House File 2028**, by Thomson, a bill for an act to remove cottonwood trees and cotton-bearing poplar trees in cities from a list of items deemed to be nuisances.

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

**House File 2029**, by Osterhaus and Dolecheck, a bill for an act relating to forestry and rural development by establishing a revolving loan fund.

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

The House stood at ease at 8:50 a.m., until the fall of the gavel.

The House resumed session at 9:35 a.m., Speaker Corbett in the chair.

### MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on January 12, 1998, adopted the following resolution in which the concurrence of the Senate was asked:

House Concurrent Resolution 101, a concurrent resolution relating to joint convention, Tuesday, January 13, 1998, 10:00 a.m.; Governor Terry E. Branstad deliver his condition of the state and budget message.

Also: That the Senate has on January 13, 1998, adopted the following resolution in which the concurrence of the Senate was asked:

House Concurrent Resolution 102, a concurrent resolution relating to joint convention, Wednesday, January 14, 1998, 10:00 a.m.; Chief Justice McGiverin will present his message of the condition of the judicial department.

MARY PAT GUNDERSON, Secretary

### COMMITTEE TO NOTIFY THE SENATE

Cormack of Webster moved that a committee of three be appointed to notify the Senate that the House is ready to receive it in joint convention.

The motion prevailed and the Speaker appointed as such committee Cormack of Webster, Dix of Butler and Weigel of Chickasaw.

### REPORT OF THE COMMITTEE TO NOTIFY THE SENATE

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

The report was accepted and the committee discharged.

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

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

### JOINT CONVENTION

In accordance with law and House Concurrent Resolution 101, duly adopted, the joint convention was called to order at 9:50 a.m., President Kramer presiding.

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

The motion prevailed.

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

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

The motion prevailed and the President appointed as such committee Senators Behn of Boone, Schuerer of Iowa and Judge of Monroe, on the part of the Senate, and Representatives Nelson of Marshall, Weidman of Cass and Lord of Dallas, on the part of the House.

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

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

Lieutenant Governor Joy Corning was escorted into the House chamber.

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

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

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

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

One score and five years ago, I sat in this chamber as a freshman legislator, awed by the ornate surroundings, humbled by the responsibility given me by my constituents, and yet eager to do the people's work.

Today, on this, my 15th report to you and the people of Iowa on the condition of our state, I stand, as your Governor, just as awed, just as humbled, just as eager to get on with the people's work.

My passion for our state has grown with every day I have served it. My love of our people is deepened with every act of kindness and goodness I have encountered.

I am truly blessed to serve as your Governor. I thank God every day for this opportunity and pray for the wisdom to make the right decisions. And I'm not done yet.

I am more pumped up about the future of our state than ever before. Now, don't worry all you gubernatorial candidates – I'm not announcing for re-election here. But I don't plan to go gently into that good night either.

I will spend every waking moment of my final year as Governor pushing and pulling, speaking out and working behind the scenes, all to make this great state the best it can be.

We've come a long way. We've weathered a farm crisis as searing as the Great Depression. We've seen hardships as well as bounty; economic uncertainty as well as prosperity; natural disaster as well as nature's benevolence. The heart and soul of our state has been tried and tested, reinvigorated and renewed, seasoned and strengthened:

Iowa's story is best described by something once said by a prominent American businessman: "Good timber does not grow with ease. The stronger the wind the stronger the trees."

Today, we stand together stronger and taller than ever before. I am proud to report, the condition of our state is as good as we've ever had it. Consider just a few facts:

- In 1997, unemployment fell to the lowest level in history and the number of working Iowans rose to the highest level in history.
- In 1997, the number of jobs created by new businesses rose almost 19 percent.
- In 1997, we had one-third fewer Iowans on welfare than four years ago.
- In 1997, Iowa land values increased for the eleventh consecutive year.
- In 1997, we created one of the best student-to-computer ratios in the nation and within a year, every Iowa school district will be hooked up to the Information Superhighway.
- In 1997, we ended the year with a state budget surplus of over \$800 million – the state's best fiscal position ever.

This record of achievement didn't happen by magic. It took a lot of hard work by Iowans all over this fertile prairie all pitching in to build a better Iowa.

And the people in this chamber, yes, you the members of the 77th General Assembly did your part too.

A year ago, I stood in this very place and challenged you to take bold steps to make our state more competitive. You answered that call. And today, every Iowa taxpayer is paying 10 percent less in state income taxes. The elimination of the inheritance tax for family members will help Iowa families pass on their piece of the Iowa Dream to loved ones.

On behalf of all Iowans, I would like to thank you for taking those actions.

But our job's not complete.

As we stand on the cusp of a new century, we face unique challenges brought on by our own successes.

- We need more and better trained workers for a growing economy.

- We need even stronger schools to educate our children for the rigors of a world marketplace.
- We need new and more housing to provide shelter for a growing work force.
- We need to give all parts of Iowa a share of our growth by processing agricultural products here in Iowa instead of shipping out our valuable commodities.
- We need to protect Iowans from the few who break our laws and threaten our communities.
- We need to continue sanding off the edges of uncompetitiveness that burden our people and the state's long-term growth.

The sun has indeed been shining on our state – but there are storm clouds on the horizon.

Dealing with diversity, international competition, the information explosion, and new stresses on the family all stare squarely at us.

How do we deal with them?

Our old ways of doing things won't always work in this modern world. We can be Iowa stubborn, lock our heels and build walls around our state. Or we can recognize change, manage it and master our future.

That is our choice.

I am of the firm belief that those storm clouds on our horizon will bring replenishing rains that will cause our economy to grow and our state to flourish – if we prepare the ground.

We are on the verge of historic change in our state. Since the invention of the plow centuries ago, our population has been weighted down by the need for fewer hands on the farm. Those Malthusians, who predict the future only by looking at the past, say the same is in store for us in the future.

They're wrong.

Our economy is crying for more hands to man the tiller of our economic growth. We are in the same position as we were when our state was first settled. Back then we needed Dutch pioneers to till the rich, black soil of Sioux County; and the Jewish families to market goods in Burlington; and the German missionaries to open the doors of learning at Wartburg College in Waverly.

Today, we need the Latinos, Asians, Bosnians and Kurds – all immigrants of the 21st century, eager to find new opportunities for a new life here in the Heartland of America. Each new people – each new culture – has helped to enrich our Iowa character and values. And today is no exception.

Our sons and daughters will find good jobs here at home. And families from other states will migrate here for a good life and good jobs.

They will be the engine of our growth for the next century as Iowa enters this new era of growth and opportunity – if we prepare the ground.

We should start, as always, with our kids.

At no time has it been more evident just how much our state cares about



children than a couple of months ago, with the birth of the McCaughey septuplets. The outpouring of love and support that family is receiving from their church, community and the entire state is testimony to the caring nature of Iowa's people.

We must now make sure that the McCaughey's children – and all children in Iowa – get the best education in the world. Our schools are good, but not good enough.

Our schools are structured on a model suited for a time that is past – not one prepared to meet the challenges of the future. No other public institution has been more resistant to change; no public institution needs it more.

Our education system still looks much like one designed for pioneers of the Old West and not the pioneers of the Information Age. We cannot continue to operate that way.

If you do nothing else this year, do not leave here without reforming our schools. The time to act is now.

In my Condition of the State Message last year, I announced the formation of a citizen's commission to help develop a vision and road map for education in the 21st century.

Many members of that commission, including Chairman Marvin Pomerantz, are with us today and I would like to acknowledge them and thank them for their assistance in assembling a plan to remake Iowa's public education system.

The vision they presented us with is the right one for Iowa. That's because it is based on the best research and just good common sense. How do we improve education?

- With better teachers;
- By teaching children earlier and longer; and
- By locally setting standards with accountability for results.

These are the common sense building blocks of a new educational system that will prepare our state for the 21st century.

Better teachers.

I'll bet each of you can recall at least one teacher who made a big difference in your life. I can. I'll never forget Lura Sewick, my 8th grade history teacher, and I'll forever be indebted to her. We need more Lura Sewicks to influence more children's lives for the better.

To do that:

- We must reform the teacher education program to make it truly a profession. My program includes rigorous reforms of teacher preparation and financial incentives for those who attain the highest level of certification through the National Board for Professional Teaching Standards.
- We must raise beginning teacher salaries so high achievers will be attracted to the profession. It's been eleven years since we raised the beginning salaries, and
- We must pay good teachers and administrators more with a merit pay program and make it easier to get rid of bad teachers.

Teach kids earlier and longer.

By age three, three-fourths of a child's brain is developed. Properly nurtured, that development will lead to a productive adult. Without nurturing, that lack of development can result in a juvenile delinquent and an unemployable adult.

State government can't guarantee every child a good family. But we can help Iowa's families and schools give our children the building blocks for success in life. I asked Lieutenant Governor Corning to head a workgroup that developed a strategy for helping Iowa's children.

By assisting at-risk children at an early age, research has shown that we will help them do better in school and stay away from crime and drugs. Early intervention has even been shown to increase incomes for the parents as well as improve the opportunities for children.

What I am recommending is not a new government program – it is a new way of thinking and a better way to deliver the multitude of programs designed to make sure children get off to a good start in life.

It is called, "Building Blocks for Success," and it is an initiative designed to empower local communities with decision-making authority by block-granting funds and enabling them to set their own priorities for where money and services are needed most. It will create a new era of local empowerment, allowing us to tap the creativity and innovation of our people to help every Iowa child have a solid start in life.

This year, we must also take action to expand health care coverage for low income children. The budget I am presenting today will allow us to provide health care coverage for over 55,000 more Iowa children.

We must also:

Ensure access to quality preschools and give every child a chance to attend all-day, everyday kindergarten.

The State should also provide assistance to those schools that make the decision to lengthen their school year.

Schools should be open longer and serve as community learning centers, open to the entire community for recreational and educational activities. Today's kids get in trouble when they have nothing else to do. Let's keep them actively involved throughout the day and year.

Iowa has a long and proud tradition of being a local control state. Our schools are the best because parents and communities take an active role in making them that way. But our public schools must be accountable to the people they serve.

Every Iowa school must have strong local standards – developed by school boards, teachers, administrators and parents. The standards must be rigorous and set out clear expectations for learning.

Iowans deserve to know how their students and schools are doing in comparison to the competition. Each school in Iowa should be required to report uniformly on their students' progress in reading, writing, math, science, and other basic skills.

Better teachers. Teaching kids earlier and longer. Local accountability for results. These are the three common sense principles upon which we must build our new public education system.

Don't be fooled by those who say we need not change. If we fail to act now, our kids will forever suffer.

Many Iowa families make the financial sacrifice each year to send their child to the nonpublic school of their choice. I am recommending the tuition and textbook credit be increased from \$100 to \$250 per student and that it be expanded to include the fees paid by the parents of public school students as well.

The quality of Iowa's schools reaches well beyond the day a student achieves a high school diploma.

The University of Iowa, Iowa State University and the University of Northern Iowa provide a quality, affordable education while at the same time conducting world class scientific research. There is no finer example of the groundbreaking research and valuable services Iowans get than the University of Iowa Hospitals and Clinics, which is celebrating its centennial this year. My budget includes funding to improve undergraduate education and libraries, to strengthen our Colleges of Education, and enhance initiatives under way in biosciences, value-added agriculture, the arts and humanities and international education.

So much of Iowa's unique character is embodied in our independent colleges and universities. Through the Tuition Grant, we help thousands of Iowans have access to education they otherwise might not be able to afford. This year, we should increase the Iowa Tuition Grant to provide a higher level of assistance.

Our fifteen area community colleges are essential in preparing Iowa's work force for the jobs of the future. We must increase support of our community colleges and expand the Vocational Technical Grants to help part-time as well as full-time students.

The roots of this state are firmly grounded in the land that God has blessed us with – hundreds of thousands of acres of the richest soil anywhere.

The subsistence farming of the 19th century has evolved into a modern-day agriculture that uses satellites in space and seeds scientifically engineered to withstand the elements.

With the growth of international markets, those of us here in the breadbasket of America will be facing tremendous opportunities. No one – no one – will be better able to feed the world than we Iowans.

We are the nation's leading producer of corn, soybeans and pork. We also rank near the top in beef, turkey, egg, dairy, and even honey production. In the past, Iowans were the ones to grow the crops, but we'd export them to be processed. Others reaped the economic rewards of what we Iowans sowed.

No more.

In community after community, we've seen what adding value to the commodities we produce can do – it creates quality jobs, increases the prices farmers get for their crops and brings new economic vitality to our communities.

Last summer and fall, I was in over 60 counties to learn more about value-added agriculture. What I discovered from Iowans was really quite profound: our future is on the table.

Iowans told me that a significant barrier to investment in new agricultural enterprises was the availability of investment capital. We must encourage more

networking among producers. The state should become a reliable partner for those entrepreneurs who need help getting off to a good start in agriculture.

We need to expand the innovative Beginning Farmer Loan Program that works with bankers to help new, young farmers get started. The average age of borrowers from this program is 32, the average age of an Iowa farmer is well over 50. It is vital to get more young people into farming.

I am also recommending the creation of the Agrifutures Fund – a \$25 million revolving loan guarantee program – as well as expanded use of the Link Deposit Program to support the development of value-added agriculture activities.

One of the fastest growing areas in agriculture is organic farming. This year, 62,000 acres are in organic production – a significant number, but not nearly enough to meet the growing demands. We need to establish a state Organic Agriculture Certification Program to provide a valuable marketing tool that will add credibility and stability for the organic farmer to become competitive in the global marketplace.

A study by Iowa State University identified livestock production as the single most efficient way to add value to grain. Jobs related to the livestock industry employ more people than live in Council Bluffs, Dubuque and Iowa City combined.

Three years ago, we adopted one of the nation's strongest laws regulating the livestock industry. Our approach is based on strict, stable, scientifically-based, statewide standards.

This year, we must expand the State's ability to deal with chronic violators by enabling the Department of Natural Resources to deny new permits and revoke the existing ones of those who repeatedly break our environmental laws.

Good stewardship of the land has always been central to the Iowa character. We cannot allow the loud voices of a small minority to drown out the need for good, solid Iowa common sense policies. Balancing strong statewide standards with an enhanced ability to stop those who do not live by the rules will provide the valuable environmental protection Iowans expect.

Succeeding in the global economy of the 21st century demands that our work to improve Iowa's competitiveness never cease.

The actions we took last year on income and inheritance taxes were significant steps forward, but we can do more – and we should.

Retirees add so much to the vibrancy of our communities and we can no longer afford to lose so many of them. It is all too common to hear of long-time Iowa residents moving to Illinois or South Dakota upon retirement. This year, we should double the pension tax exemption. I am also recommending we direct all revenues above expectations toward eliminating the tax on pensions altogether.

Iowa taxpayers deserve constitutional protection from high taxes and excessive government spending. We should adopt the Taxpayers Rights Amendment and give them that protection.

The State of Iowa should encourage, not discourage, its people to have access to the information superhighway. That's why I am recommending we eliminate the sales tax on Internet services.

Our elimination of the inheritance tax for family members will allow hundreds

of Iowa families to pass on their farm or business to the next generation. But I think we should ask ourselves if it is really fair to make families wait until a death to transfer their assets without the burden of excessive taxation. The current capital gains tax exclusion should be increased to 100 percent and expanded to include the assets of family farms and businesses sold or transferred to lineal descendants.

We can also make our state safer. The opening of the Clarinda, Newton and Fort Dodge prisons gives us greatly needed prison space to keep dangerous criminals where they should be - behind bars.

The budget I am recommending will continue to increase our prison capacity by adding 500 beds at our existing prisons in Mitchellville, Mount Pleasant and Fort Madison.

The shocking rise in crimes by sexual predators is of grave concern to me and all Iowans. Let us have the courage this year to take steps to prevent these crimes by authorizing the use of temporary hormonal treatment of sex offenders, something that has been proven effective in those places bold enough to take this action. We must also improve the monitoring of sexual offenders as well as make it easier for Iowans to know if one is living in their midst.

A few years ago, most Iowans had no idea what methamphetamines were. All too quickly that has changed because too many lives have been lost to this horrible drug. In just four years, we have seen a twelve-fold increase in the number of Iowans seeking treatment for addiction to methamphetamine.

With tougher penalties, a strong anti-drug education campaign and a coordinated enforcement effort, we are determined to win the war against this deadly killer.

Drug use in the workplace is a great concern of Iowa workers, who are put at risk everyday because we have one of the weakest drug testing laws in the country. Iowans seeking treatment for drug abuse tell us that workplace drug testing would have helped them avoid drugs.

As I travel the state, I sense there is a growing consensus that drugs are definitely affecting the quality of Iowa's workforce. We cannot afford to wait any longer. This year, we must strengthen our workplace drug testing law.

I am also asking you to pass a strong Crime Victims' Bill of Rights. And, we need the possibility of the death penalty for multiple killings and the cold-blooded murder of rape and kidnap victims.

We should also take action to ban the heinous procedure of partial birth abortion.

Whether it be the victims of crime or our next-door neighbors, Iowans have always been willing to lend a helping hand. I remember President Reagan saying that "the success story of America is neighbor helping neighbor."

Community service and volunteerism are important chapters in Iowa's success story. Over the past couple of years, I have spent considerable time volunteering with Iowans. From painting a school in Waterloo to serving meals to seniors in Bedford, I've seen volunteers truly making a difference in the lives of others.

As we build Iowa's foundation for the future, we can never forget the importance of volunteerism. I am proclaiming 1998 as the Year of the Volunteer in Iowa.

In June of this year, we will be having a state summit on volunteerism – in the spirit of the Presidents' Summit for America's Future held in Philadelphia. The Iowa Summit will bring together teams from all 99 counties to set forth a bold agenda of helping others. Seated in the gallery today are many of the members of the steering committee – from throughout the state – who are helping to put the Iowa Summit together and I would like to recognize them at this time.

Today, I invite you to join me in recommitting ourselves and our state to caring for those in need.

Making schools better, adding value to agricultural commodities, making our state more competitive, protecting the safety of our citizens. This is our common sense agenda for 1998.

Our state is in good shape. It is tempting to sit back, pat our stomach, and rock away these good times. But that would only guarantee that they will never last.

My love for this state is founded not on what Iowa has been, but what it can be.

Iowa can be a state that is growing good, quality jobs everywhere. Iowa can be a state with the best schools and smartest kids in the world. Iowa can be a place to raise and nurture a family for people from every race, religion and country.

Yes, I am convinced that those challenges which face us – which some see as storm clouds on our horizon – are truly directed by God to bring us the refreshing rains of spring – if we prepare the ground.

The program I have outlined for you does just that.

When the gavel has fallen and our work here is done – when the last echoes of speeches have faded – let us be able to say that we truly seized the day. We ushered in a new century of growth and opportunity for Iowa.

That will be our lasting legacy.

Thank you and God bless the state of Iowa.

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

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

The House stood at ease at 10:37 a.m., until the fall of the gavel.

The House resumed session at 11:00 a.m., Speaker Corbett in the chair.

**SUPPLEMENTAL REPORT OF COMMITTEE ON MILEAGE**

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

Name	Round Trip Miles
Barry D. Brauns .....	300

Steven L. Falck .....	288
Brad L. Hansen .....	280

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

## HOUSE FILE 2003 REREFERRED

The Speaker announced that House File 2003, previously referred to committee on **judiciary** was rereferred to committee on **commerce and regulation**.

## COMMUNICATIONS RECEIVED

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

### DEPARTMENT OF COMMERCE

A report identifying each profession and specifically in accord with the statute reports the adoption or non-adoption of rules relating to the duties of the board as specified in that section of the Code, pursuant to Chapter 272C.4(2), Code of Iowa.

#### Iowa Utilities Board

The Annual Report, pursuant to Chapter 476.66(6), Code of Iowa.

### DEPARTMENT OF ELDER AFFAIRS

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

### DEPARTMENT OF HUMAN SERVICES

A report evaluating the feasibility of improving access and delivery of services to consumers and improving cost-effectiveness by incorporating the personal care services option into the medical assistance program, pursuant to Chapter 208.5(13), 1997 Acts of the Seventy-seventh General Assembly.

### DEPARTMENT OF INSPECTIONS AND APPEALS

A report on the development of a repository for criminal history, abuse and sex offender registries, and nurse aide and other health profession certification and licensing information, pursuant to Chapter 101, 1997 Acts of the Seventy-seventh General Assembly.

### DEPARTMENT OF REVENUE AND FINANCE

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

**IOWA TELECOMMUNICATIONS AND TECHNOLOGY COMMISSION**

A summary of identified savings associated with the Iowa Communications Network use of the Network during Fiscal Year 1997, pursuant to Chapter 8D.10, Code of Iowa.

**STATE BOARD OF REGENTS**

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

**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

- 1998\21 Annette Hagelberg, West Delaware High School – For receiving the 1997 Milken Family Foundation National Educator Award.
- 1998\22 Imogene Schepler, Clinton – For celebrating her 80th birthday.
- 1998\23 Ralph Christy, Keokuk – For celebrating his 100th birthday.
- 1998\24 Doris and Tom Cronin, Newton – For celebrating their 50th wedding anniversary.

**SUBCOMMITTEE ASSIGNMENTS****House File 140**

State Government: Houser, Chair; Gipp and Larkin.

**House File 2006**

Transportation: Carroll, Chair; Bukta and Weidman.

**House File 2013**

Natural Resources: Cormack, Chair; Arnold and Drees.

**House File 2014**

Natural Resources: Huseman, Chair; Cohoon and Eddie.

**House File 2015**

Natural Resources: Dolecheck, Chair; Bell and Rayhons.



**HOUSE STUDY BILL COMMITTEE ASSIGNMENTS****H.S.B. 502 Ways and Means**

Relating to the assessment for property tax purposes of agricultural land upon which agricultural dwellings are located.

On motion by Siegrist of Pottawattamie, the House adjourned at 11:03 a.m., until 8:45 a.m., Wednesday, January 14, 1998.

# JOURNAL OF THE HOUSE

Third Calendar Day - Third Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Wednesday, January 14, 1998

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

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

The Journal of Tuesday, January 13, 1998 was approved.

## INTRODUCTION OF BILLS

**House File 2030**, by Arnold and Lamberti, a bill for an act relating to the assumption of risk by and liability of forcible felons and persons aiding and abetting in the commission of forcible felonies for damages resulting from the offenders' criminal conduct.

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

**House File 2031**, by Huseman, a bill for an act relating to the disbursement and documentation of expenditure of child support payments, and providing penalties and effective dates.

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

**House File 2032**, by Murphy, a bill for an act exempting the sale of bottled drinking water from the state sales, services, and use taxes.

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

**House File 2033**, by Brauns and Klemme, a bill for an act relating to the operation of motorboats on artificial lakes and providing an effective date.

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

**House File 2034**, by Gipp, a bill for an act relating to distinguishing numbers assigned to driver's licenses and persons with disabilities parking permits, and providing for the Act's applicability.

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

**House File 2035**, by Huser, Carroll and Vande Hoef, a bill for an act relating to suspension of payment of property taxes for certain

persons receiving government assistance and providing an applicability date.

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

**House File 2036**, by Cormack, a bill for an act relating to the general assembly by providing for public access to meetings.

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

**House File 2037**, by Vande Hoef, a bill for an act regulating implementations of husbandry.

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

**House File 2038**, by Dinkla, a bill for an act relating to the Iowa state fair convention by providing for its membership and the election of members to the Iowa state fair board.

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

**House File 2039**, by Chapman, a bill for an act relating to cooperation between municipalities and nonprofit housing corporations under the state municipal housing law.

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

**House File 2040**, by Garman, a bill for an act relating to the annual registration fees for motor homes not in use the entire year and making a penalty applicable.

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

**House File 2041**, by Cormack, a bill for an act relating to certain political telephone communications and providing a civil penalty.

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

**House File 2042**, by Kinzer, a bill for an act relating to the consideration of a history of the performance of criminal offenses against a minor in the awarding of child visitation rights to a parent.

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

**House File 2043**, by Richardson, a bill for an act relating to early retirement incentives for school employees and providing an appropriation.

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

**House File 2044**, by Thomas, a bill for an act providing an individual income tax credit for volunteer fire fighters and emergency medical service personnel and providing effective and retroactive applicability dates.

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

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

The House resumed session at 9:40 a.m., Speaker Corbett in the chair.

#### COMMITTEE TO NOTIFY THE SENATE

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

The motion prevailed and the Speaker appointed as such committee Representatives Eddie of Buena Vista, Hahn of Muscatine, and Huser of Polk.

#### REPORT OF COMMITTEE TO NOTIFY THE SENATE

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

The report was accepted and the committee discharged.

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

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

#### JOINT CONVENTION

In accordance with House Concurrent Resolution 102, duly adopted, the joint convention was called to order at 9:48 a.m., President Kramer presiding.

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

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

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

The motion prevailed and the President appointed as such committee Senators King of Crawford, Maddox of Polk and Neuhauser of Johnson, on the part of the Senate; and Representatives Lamberti of Polk, Hahn of Muscatine and Huser of Polk, on the part of the House.

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

The House resumed session at 9:52 a.m., President Kramer in the chair.

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

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

Mrs. JoAnn McGiverin, wife of the Chief Justice and his cousin Ed McGivern and Mrs. Jo McGivern, were escorted into the House chamber.

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

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

Madam President, Mr. Speaker, Members of the General Assembly, State Officials, Judicial Colleagues and My Fellow Iowans:

On behalf of the court, thank you for the invitation to report to you on the state of the Iowa judiciary. It is a great honor for the Judicial Branch, as well as a personal privilege for me, to meet with you each year at this time. This address marks my tenth state of the judiciary message. However, I know that one should never assume that a repeat performance is automatic. Winston Churchill once used this fact to his advantage.

Churchill received an invitation from George Bernard Shaw to attend the opening of one of his plays. Shaw's note read: "Enclosed are two tickets to the first-night performance of one of my plays. Bring a friend—if you have one."

Not to be outdone, Churchill shot back this reply: "Dear G.B.S., I thank you for the invitation and tickets. Unfortunately, I am engaged on that night, but could I have tickets for the second performance—if there is one?"

After I finish my remarks, we hope you can join the other judges and me for coffee and conversation downstairs in our courtroom. We can get better acquainted there.

We regard this address as one of the most important things I do. It is our opportunity to share with you an assessment of the administration of justice in Iowa; in other words, it is an account of our stewardship. I trust you will conclude, as I have, that the past year has been exciting, marked by significant milestones for Iowa's court system.

You should be aware of a number of important trends. So far as we have been able to learn, none of them are related to El Nino.

During the past few years, you have been told of our struggles to keep up with the rising tide of criminal cases pouring into the courts. I am pleased to announce that after ten years of dramatic growth, the number of indictable criminal case filings decreased slightly last year. We do not know the reasons for the sudden change in this long-term trend, so we are only cautiously optimistic. But if the rate of criminal filings continues to slow, it will ease some of the pressure on our courts, jails and prisons.

However, I must report that the news about our overall caseload is mixed. I won't burden you with all the numbers. Information about the caseload is detailed in the appendix to these remarks.

We're concerned about the growing backlog of cases in the appellate courts. In the past ten years, filings in our appellate courts increased over twenty percent; twice as fast as dispositions. Parties appealing civil cases involving contracts, personal injury, and administrative law must wait seventeen months from the time of filing the notice of appeal to a decision. Typically, these cases are ready to be submitted to the court within ten months. But because cases involving children, crimes and certain other matters take precedence, the civil cases must wait in line to be heard.

While it appears that appeals will continue to increase in the foreseeable future, the number of dispositions per judge cannot continue to increase without negatively affecting the quality of justice. The Supreme Court and the Court of Appeals are working together to come up with solutions to cope with the volume, and we'll keep you posted.

We are especially concerned this year about the trend in juvenile cases. No work of the courts is more important. Since 1991, juvenile case filings have increased nearly forty percent. What do these numbers mean? For one thing it clearly means increasing demands on our juvenile court system—a system already in real need of repair.

This is not to say our hard-working juvenile court system is devoid of innovative tools to help rescue troubled children. One of our brightest examples is the CASA program.

A CASA is a trained volunteer who advocates in court for abused and neglected children. Each CASA volunteer works closely with a child and the child's family to gather information about their personal life. This information, which is furnished to the court in written reports and courtroom testimony, provides the court with extra insight about the child's circumstances.

CASA makes a difference for youngsters who might otherwise become lost in the juvenile court system—often a very dramatic difference. Thanks to your support, CASA is reaching more children than ever before.

Last year we added nine counties to our CASA program. With these additions, CASA is now operating in a total of twenty-two counties, covering all eight judicial districts. Next fiscal year, we hope to take CASA into more counties so that we can reach more children in need.

Anthropologist Margaret Meade, once said, "Never doubt that a small group of thoughtfully committed citizens can change the world. Indeed, it's the only thing that ever has."

Iowa is blessed with many generous people—volunteers and professionals—who dedicate their lives to helping abused and neglected children. Recently, the Supreme Court, together with the Friends of Iowa CASA foundation, established the Child Advocate of the Year Award to recognize the special people who work tirelessly on behalf of Iowa's children. It's my privilege to announce the first award winner—Patty McKee, a shelter caseworker at Jasper County Youth Services. I will present the award at the courtroom reception immediately following this address. I look forward to seeing all of you there.

"It's time to light a fire under Iowa's child welfare system." These are the words of Dr. Jim McCullaugh, one of the members of a special Supreme Court committee that is examining Iowa's child welfare system. After extensive study, the committee found serious inadequacies in the state's procedures for termination of parental rights and adoption.

What are some of the problems?

- Unacceptable delays,
- Children left in temporary placement too long,
- Judges do not have fast access to key information,
- Parents do not know the serious consequences of removal and placement, and
- Parties and their attorneys rarely confer before court hearings.

With the help of juvenile justice professionals from around the state, the committee developed solutions to these problems. Several proposals involve statutory changes that will speed up the adoption process and provide better information to parents. I ask your approval of these proposals, which we will be furnishing to you.

There are other proposals that require further study. The committee recommended more review hearings and less time between hearings. These changes could vastly improve judicial oversight of these cases if there are more judges to handle the extra hearings. We have asked the committee to determine the number of judges that would be needed to accomplish its worthy goal. We advise you to withhold acting on this specific recommendation pending the outcome of the committee's study.

At this point, I want to briefly discuss our need for judges in general. We appreciate your response to our requests for more judges in recent years. The added judge power has made a tremendous difference in our ability to administer

justice. Last fall, two of our districts asked that we include more judges in our budget request. We did not. After a careful evaluation of our overall needs, we decided that support staff for our judges is a more critical need in our district or trial courts this year. That support is needed in the offices of our clerks of district court and juvenile court services. We also need more law clerks to help our judges with research and rulings. This year we will evaluate, with the help of our planning office, our need for judges. We will report our findings to you next year.

We obviously must do what we can to attract and retain good judges. We appreciate your strong support of judicial compensation and retirement requests over the years and hope that we can continue to count on your support this year.

Now, I'd like to again switch gears and report on the progress that we've made with the help of technology. We're proud of our statewide computer network which was completed last September. More than thirty clerk of district court offices were computerized last year alone. This achievement represents the culmination of more than ten years of planning and hard work by many people. I want to thank and commend you for your support over the years.

It wasn't easy changing from a paper-based record keeping system to a computer-based system. There were many times in the early years of the program when I thought we might have a revolt on our hands. In fact, there were times when I thought I might lead the revolt! But we made it through the tough times, and today we are one of few court systems in the country with a statewide computer network.

The completion of our statewide computer network does not mean that our work is finished. The system must be updated, maintained, supported, and enhanced if we are to retain it and realize its full potential.

Two of the promising technological innovations now within our grasp deserve special mention.

**lowAccess.** Think of accessing court records from the convenience of one's home or office. Or what about specialized reports in a format generated to fit a customer's specific needs? Automation adds value to court information. Justice Marsha Ternus of our court has been working with the lowAccess Project to explore the idea of marketing these value added services. It could turn into a revenue producing venture for the state.

We're excited about an interface with the DOT which will completely automate the processing of criminal citations from start to finish. When issuing a citation, law enforcement officers armed with computers and scanners, will enter information about the citation into their computer systems. At the end of the officer's shift, the information will be sent electronically to the appropriate clerk of district court office. The time consuming job of shuffling mountains of paper citations will be a thing of the past.

It's easy to be overly enthralled by technology. We're captivated by all the bells and whistles that promise to improve our productivity and public service. While it's true that technology is dramatically changing the way the Judicial Branch does business, we must remember that it is just a tool to help us perform our basic function of resolving disputes in a dispassionate, well-reasoned manner. It frees judges to perform their function in our independent branch of government.

I was originally going to end my remarks here but I cannot cover the state of the judiciary today without talking about judicial independence. The word



"independence" refers to independence in decision-making. Judicial independence means upholding the law without fear of the consequence of political retribution. Judges are under constant pressure to surrender their judicial independence and decide cases based upon the popularity of a particular result or party. Examples of this pressure are everywhere.

Last fall, America watched as Louise Woodward, a young British au pair accused of shaking to death an infant left in her charge, was tried for murder in Massachusetts. Public opinion about the case seemed to change with the wind. One day public opinion blamed the parents of the infant—especially the working mother—for the child's death. Another day, public opinion was sympathetic toward Woodward. When the jury found Woodward guilty of second-degree murder, Woodward's supporters expressed outrage and condemned the justice system.

One week after the jury verdict, the presiding judge, Hiller Zoebel, saying that he had erred, by not allowing the jury to consider the possibility of a manslaughter conviction, changed the conviction to manslaughter and entered a jail sentence for only the time Woodward had already served. Immediately, Judge Zoebel's decision was criticized by the public as too lenient. Arm chair legal scholars speculated that Judge Zoebel was swayed by public opinion.

It would be inappropriate for me to join in the public debate about Judge Zoebel's decision, and I won't. But it is proper for me to observe that this is a dramatic illustration of the impossibility of pleasing the court of public opinion.

Judges must not test the winds of public opinion before entering a decision. They are bound by their oath of office to render decisions based on the constitution and statutory law. When there is disagreement about the meaning or application of a law, judges turn to well-established legal principles to guide their decisions. This is the rule of law. Without the rule of law, our legal system would be unstable and unpredictable—like a leaf blowing in the wind, supported by only the most recent gusts.

Judicial independence ensures that judges uphold the law. Judicial independence ensures that judges defy current popular opinion in favor of the long-standing principles established in our constitution. Judicial independence ensures social order and stability. It is of supreme importance to all citizens because it is the ligament which holds our justice system together.

Unfortunately, there are forces working to undermine this important principle that has served our nation well for over two hundred years. I'm talking about well-orchestrated campaigns to intimidate judges into entering decisions that favor specific outcomes over legal merits. For example:

- Following the last general election, all Iowa Supreme Court justices received copies of newspaper articles about the ouster of a Nebraska Supreme Court justice who was targeted for rulings that invalidated term limits for Nebraska elected officials. The copies of the newspaper articles were from a group called "Citizens for Common Sense Justice" out of Washington, D.C. Although the group didn't include a cover letter, its message was unmistakable—intimidation.
- Some of our district court judges have come under attack for their decisions in hog lot cases. These attacks are not based on the soundness of the judges' legal analyses but on the critics' unhappiness with the outcome. I've been told that anti-hog lot organizers, who came to the

statehouse in November to attend the Supreme Court hearing of a hog lot case, reminded their followers to vote against the justices in the next retention election if the court didn't rule in favor of the group's cause.

- Business associations in several Midwestern states have hired consultants to evaluate judges for "anti-business" bias.
- During the 1996 presidential race, both candidates attacked a federal district court judge in New York for his evidentiary ruling in a drug case. The judge changed his order, forever calling into question his impartiality and credibility.

These attacks and intimidation tactics do a grave disservice to the public. Criticism of the courts is not new and is to be expected. For judges, criticism comes with the territory and we are entirely accustomed to it. However, the kind of efforts I have just described threaten the integrity of our nation's justice system.

Just what, then, is the condition of Iowa's judicial branch of government? The short answer is that it closely matches the condition of Iowa itself—good enough to be the source of pride but in constant need of attention. Certain areas, such as juvenile court, need special attention just now. Technology is an enormous help to Iowa's courts as we embark upon a new millennium. Our greatest present threat is a frontal assault on judicial independence by some who would politicize and thereby destroy—or at least severely damage—the courts' usefulness to our citizens.

Finally, like our other two branches of government, courts do not belong to the temporary incumbents but rather to the people who sent us all here. Let us keep that foremost in our minds as we work together to make Iowa government a source of lasting pride for us all.

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

On motion by Gipp of Winneshiek, the joint convention was dissolved at 10:25 a.m.

The House stood at ease at 10:26 a.m., until the fall of the gavel.

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

### ASSIGNMENT OF SEATS IN PRESS GALLERIES

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

Ankeny Press Citizen .....	Dave DeValois
Des Moines Register .....	David Yepsen, Tom Fogarty, Jon Roos
Dubuque Telegraph Herald .....	Mary Rae Bragg
Iowa Legislative News Service .....	Will Chen, Jack Hunt, Leslie Campbell, Tom Hunt
Lee Enterprises Des Moines Bureau .....	Kathie Obradovich, Lynn Okamoto

The Associated Press .....	Mike Glover, Susan Stocum, Mary Neubauer Charlie Neibergall, John Gaps III
The Cedar Rapids Gazette .....	Ken Sullivan, Rod Boshart
The Sioux City Journal .....	Todd Dorman
The Tribune .....	Michael Gartner, James Flansburg
Waterloo Courier .....	Eric Stern
Des Moines Radio Group .....	Polly Carver-Kimm
KASI Radio .....	Trent Rice, B.J. Schaben
KDSN Radio .....	Bernie Merrill, Brian Schmid
KFXB - Fox 40 .....	Rena Sarigianopoulos
KIMT - TV .....	Brad Meier, Jeff Nelson, Pete Hjelmstad, Alix Hayes
KOEL Radio .....	Pamela Ohrt
KUNI Radio .....	Bill Menner
KWWL News .....	Tami Wiencek, Joe Surma, Yavonkia Jenkins, Chris Gitseh, Eric Hanson
Radio Iowa .....	O. Kay Henderson, Dar Danielson, Angie Hunt
WHO-TV .....	Scott Pope, Jim Strickland, Terese Thompson, Lisa Brones, Cal Woods, Phil Scott
WHO - Radio News .....	Jeneane Beck, Mike McGinnis, Richard Lee, Jodi Chapman, Chuck Shockley, Sue Danielson
WOI Radio .....	Mark Moran
WOI - TV .....	Lisa Molina, Jay Vilwock, Don Schmith, Matt Pime, Adrienne Millholland, Pilar Pedraza

### 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

- 1998\25 Dean Ekstrom, Duncombe – For being named the Webster County 1997 Master Pork Producer.
- 1998\26 Don Roby, Northeast Iowa Community College – For his work and dedication to higher education at Kirkwood Community College and Northeast Iowa Community College.

### SUBCOMMITTEE ASSIGNMENTS

**House File 382**

Judiciary: Larson, Chair; Kreiman and Lamberti.

**House File 639**

Labor and Industrial Relations: Lamberti, Chair; Sukup and Taylor.

**House File 663**

Judiciary: Lamberti, Chair; Dinkla and Holveck.

**House File 664**

Judiciary: Sukup, Chair; Kreiman and Lamberti.

**House File 677**

Judiciary: Lamberti, Chair; Kreiman and Larson.

**House File 2001**

Agriculture: Greiner, Chair; May and Welter.

**House File 2002**

Judiciary: Millage, Chair; Kreiman and Larson.

**House File 2009**

Education: Brunkhorst, Chair; Dolecheck and Mascher.

**House File 2019**

Transportation: Cormack, Chair; Chiodo and Vande Hoef.

**House File 2020**

Education: Thomson, Chair; Garman and Thomas.

**House File 2022**

Transportation: Welter, Chair; Heaton and Scherrman.

**House File 2024**

Education: Brunkhorst, Chair; Mascher and Thomson.

**House File 2026**

Education: Thomson, Chair; Garman and Thomas.

**House File 2027**

Agriculture: Greiner, Chair; Koenigs and Meyer.

**House File 2029**

Natural Resources: Dolecheck, Chair; Arnold and Jochum.

**Senate File 187**

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

**Senate File 429**

Natural Resources: Dolecheck, Chair; Bell and Hahn.

**Senate File 490**

Judiciary: Sukup, Chair; Chapman and Churchill.

**HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS****House Study Bill 500**

Agriculture: Eddie, Chair; Greig and Mertz.

**House Study Bill 501**

Agriculture: Greig, Chair; Mundie and Teig.

**HOUSE STUDY BILL COMMITTEE ASSIGNMENTS****H.S.B. 503 State Government**

Changing election and appointment provisions relating to the secretary of agriculture.

**H.S.B. 504 Judiciary**

Relating to the HIV-related testing of alleged sexual offenders and allowing disclosure of the results of such testing to sexual assault victims.

On motion by Gipp of Winneshiek, the House adjourned at 10:33 a.m., until 8:45 a.m., Thursday, January 15, 1998.

# JOURNAL OF THE HOUSE

Fourth Calendar Day - Fourth Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Thursday, January 15, 1998

The House met pursuant to adjournment at 8:47 a.m., Speaker Corbett in the chair.

Prayer was offered by Father John Ludwig, pastor of St. Catherine of Siena, Des Moines.

The Journal of Wednesday, January 14, 1998 was approved.

## PETITION FILED

The following petition was received and placed on file:

By Holmes of Scott from approximately 250 people favoring an open dove season in the state of Iowa.

## INTRODUCTION OF BILLS

**House File 2045**, by Millage and Thomson, a bill for an act relating to policies on extracurricular activities adopted by school districts and accredited nonpublic schools.

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

**House File 2046**, by Tyrrell, a bill for an act relating to the disbursement of child support payments made to the clerk of the district court or to the collection services center by providing for direct deposit of the payments in an account and documentation of transactions against the account, and providing penalties and effective dates.

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

**House File 2047**, by Tyrrell, a bill for an act establishing the offense of criminal voyeurism and providing a penalty.

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

**House File 2048**, by Richardson, a bill for an act providing for a modified full-year school calendar grant program, and making an appropriation.

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

## MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on January 14, 1998, passed the following bill in which the concurrence of the House is asked:

Senate File 2022, a bill for an act relating to the authority of the state transportation commission to temporarily transfer revitalize Iowa's sound economy (RISE) funds to the primary road fund and providing an effective date.

MARY PAT GUNDERSON, Secretary

### HOUSE FILE 390 WITHDRAWN

Gipp of Winneshiek asked and received unanimous consent to withdraw House File 390 from further consideration by the House.

### HOUSE FILE 2035 REREFERRED

The Speaker announced that House File 2035, previously referred to committee on **ways and means** was rereferred to committee on **local government**.

### 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

1998\27 Carmelita and Neil Morrison, Indianola - For celebrating their 60th wedding anniversary.

### COMMUNICATIONS RECEIVED

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

#### DEPARTMENT OF EDUCATION

The Career Pathway Report, pursuant to Chapter 256.37, Code of Iowa.

#### STATE BOARD OF REGENTS

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

### SUBCOMMITTEE ASSIGNMENTS

#### House File 2028

Local Government: Brauns, Chair; Mertz and Welter.

**House File 2034**

Transportation: Nelson, Chair; Eddie and Huser.

**House File 2040**

Transportation: Blodgett, Chair; Brauns and Cohoon.

On motion by Gipp of Winneshiek, the House adjourned at 8:53 a.m., until 9:00 a.m., Friday, January 16, 1998.



# JOURNAL OF THE HOUSE

Fifth Calendar Day - Fifth Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Friday, January 16, 1998

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

Prayer was offered by the Honorable Bob Brunkhorst, state representative from Bremer County.

The Journal of Thursday, January 15, 1998 was approved.

## INTRODUCTION OF BILLS

**House File 2049**, by Huser and Carroll, a bill for an act relating to redemption by a county of certain parcels sold at property tax sale.

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

**House File 2050**, by Kreiman, a bill for an act relating to the elements which comprise certain forms of the crime of assault.

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

**House File 2051**, by Myers and Brunkhorst, a bill for an act relating to the sale of beer by special class "A" beer permittees.

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

**House File 2052**, by Reynolds-Knight, a bill for an act relating to the voting membership of joint 911 service boards.

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

**House File 2053**, by Jochum, a bill for an act relating to child support for children through twenty-two years of age who are completing high school graduation or equivalency requirements.

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

**House File 2054**, by Lamberti, Cataldo, and Gipp, a bill for an act relating to permits for aquifer storage and recovery and making penalties applicable.

Read first time and referred to committee on **environmental protection**.

**House File 2055**, by Reynolds-Knight, a bill for an act relating to the deadline for registering to vote in an election.

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

**House File 2056**, by Wise, Myers, Connors, Whitead, Kinzer, May, Bukta, Frevert, Burnett, Mascher, Dotzler, Taylor, Falck, Foege, Scherrman, Richardson, Murphy, Cohoon, Warnstadt, Huser, Chapman, Ford, Osterhaus, Thomas, and Mundie, a bill for an act relating to school foundation weighting for pupils participating in school-to-work or career pathways programs, making an appropriation, and providing an effective date.

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

**House File 2057**, by Warnstadt, a bill for an act relating to the statutory duties of the office of secretary of state, the director of revenue and finance, the director of the department of general services, and the ethics and campaign disclosure board, and providing effective date and implementation provisions.

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

**House File 2058**, by Mertz and Cataldo, a bill for an act providing for election and membership procedures involving the Iowa state fair convention, including the election of members to the Iowa state fair board.

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

#### SENATE MESSAGE CONSIDERED

**Senate File 2022**, by committee on transportation, a bill for an act relating to the authority of the state transportation commission to temporarily transfer revitalize Iowa's sound economy (RISE) funds to the primary road fund and providing an effective date.

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

#### COMMUNICATIONS RECEIVED

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

DEPARTMENT OF COMMERCE  
Insurance Division

The Annual Report, pursuant to Chapter 505.21(4), Code of Iowa.

## DEPARTMENT OF HUMAN SERVICES

The Family Investment Program Diversion Initiatives Executive Summary and Comprehensive Legislative Reports, pursuant to Chapter 208.3(3)(f)(1), 1997 Acts of the Seventy-seventh General Assembly.

## SUBCOMMITTEE ASSIGNMENT

## House File 2021

Environmental Protection: Gipp, Chair; Meyer and Shoultz.

On motion by Greiner of Washington, the House adjourned at 9:05 a.m., until 10:00 a.m., Tuesday, January 20, 1998.

# JOURNAL OF THE HOUSE

Ninth Calendar Day - Sixth Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Tuesday, January 20, 1998

The House met pursuant to adjournment at 10:00 a.m., Speaker Corbett in the chair.

Prayer was offered by the Honorable Danny Holmes, state representative from Scott County.

The Journal of Friday, January 16, 1998 was approved.

## PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by the Speaker's Page, Cassandra Buesig.

## INTRODUCTION OF BILLS

**House File 2059**, by Tyrrell, a bill for an act relating to the criteria used in determining payment of costs and expenses of a person admitted or committed to a state hospital.

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

**House File 2060**, by Jenkins, Lamberti, and Kremer, a bill for an act relating to the criminal penalties applicable to certain offenses, by increasing and adding penalties for certain drug offenses and increasing the penalty applicable to the crime of voluntary absence from custody.

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

## ADOPTION OF SUPPLEMENTAL REPORT OF THE COMMITTEE ON MILEAGE

Bradley of Clinton called up for consideration the Supplemental Report of the Committee on Mileage, found on pages 35 and 36 of the House Journal and moved its adoption.

The motion prevailed and the report was adopted.

## COMMUNICATIONS RECEIVED

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

CIVIL RIGHTS COMMISSION

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

DEPARTMENT OF TRANSPORTATION

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

STATE BOARD OF REGENTS

A report on the Regent Minority and Women Educators Enhancement Program, pursuant to Chapters 262.82 and 262.92, 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

- 1998\28 Laura and Robert Stewart, Iowa City – For celebrating their 50th wedding anniversary.
- 1998\29 Dorothy and Dewey Humphries, Mt. Vernon – For celebrating their 50th wedding anniversary.
- 1998\30 Mark Radke, Aurelia – For being named a 1997 Master Pork Producer.
- 1998\31 Keo and Albert Baker, Fairfield – For celebrating their 60th wedding anniversary.
- 1998\32 Reverend Lester “Buck” and Louise Terlouw, Cantril – For celebrating their 50th wedding anniversary.
- 1998\33 Doris and Everett Gaer, Carlisle – For celebrating their 60th wedding anniversary.

SUBCOMMITTEE ASSIGNMENTS

**House File 13**

State Government: Houser, Chair; Burnett and Holmes.

**House File 223**

Natural Resources: Arnold, Chair; Drees and Huseman.

**House File 569**

Natural Resources: Hahn, Chair; Arnold and Drees.

**House File 679**

Natural Resources: Brauns, Chair; Bell and Tyrrell.

**House File 2005**

Local Government: Carroll, Chair; Arnold, Fallon, Richardson and Vande Hoef.

**House File 2033**

Natural Resources: Brauns, Chair; Bell and Klemme.

**House File 2035**

Local Government: Vande Hoef, Chair; Huser and Welter.

**House File 2037**

Agriculture: Welter, Chair; Heaton and Reynolds-Knight.

**House File 2039**

Local Government: Brauns, Chair; Martin and Myers.

**House File 2043**

Education: Rants, Chair; Falck and Metcalf.

**House File 2045**

Education: Dolecheck, Chair; Bukta and Garman.

**House File 2048**

Education: Thomson, Chair; Brunkhorst and Falck.

**House File 2049**

Local Government: Carroll, Chair; Huser and Weidman.

**House File 2052**

Local Government: Huseman, Chair; Reynolds-Knight and Weidman.

**House File 2056**

Education: Rants, Chair; Brunkhorst and Wise.

**Senate File 2022**

Transportation: Welter, Chair; Chiodo and Heaton.

## HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS.

**House Study Bill 503**

State Government: Drake, Chair; Houser and Jochum.

**House Study Bill 504**

Judiciary: Garman, Chair; Holveck and Veenstra.

## HOUSE STUDY BILL COMMITTEE ASSIGNMENTS

**H.S.B. 505 State Government**

Relating to the composition of the board of podiatry examiners.

**H.S.B. 506 State Government**

Providing that member contributions under certain public retirement systems are considered employer contributions for state income tax purposes, and providing effective and applicability date provisions.

**H.S.B. 507 Agriculture**

Regulating anhydrous ammonia by prohibiting tampering with related equipment and the unauthorized possession and transportation of containers and receptacles used to store anhydrous ammonia, and providing enhanced penalties.

On motion by Siegrist of Pottawattamie, the House adjourned at 10:10 a.m., until 8:45 a.m., Wednesday, January 21, 1998.

# JOURNAL OF THE HOUSE

Tenth Calendar Day - Seventh Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Wednesday, January 21, 1998

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

Prayer was offered by Pastor Paul Nyquist, pastor of the First Federated Church, Des Moines.

The Journal of Tuesday, January 20, 1998 was approved.

## PETITION FILED

The following petition was received and placed on file:

By Doderer of Johnson, from sixty-one constituents of the 45th district favoring an act relating to the prohibition of the hunting of doves in Iowa.

## SPECIAL PRESENTATION

Prior to convening, the Urbandale Chorus, directed by Steve Woodin, performed in the Chamber as a demonstration of the arts in Public Schools sponsored by the Iowa Citizens for the Arts.

The House rose and expressed its appreciation.

## INTRODUCTION OF BILLS

**House File 2061**, by Houser and Weidman, a bill for an act to establish the offense of public indecency and providing penalties.

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

**House File 2062**, by Shoultz, a bill for an act to change the maximum age limit for eligibility of certain sex offenders for consideration as youthful offenders by the district and juvenile courts.

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

## APPOINTMENT

The Speaker announced the following appointment:

IOWA COUNCIL ON HUMAN INVESTMENT  
(Chapter 8A.1, Code of Iowa)

Effie Boggess ..... To a term ending April 30, 2000



## COMMUNICATIONS RECEIVED

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

### DEPARTMENT OF ECONOMIC DEVELOPMENT

A report on the implementation of a pilot project relating to labor availability, pursuant to Chapter 201, 1997 Acts of the Seventy-seventh General Assembly.

The financial assistance distributed for calendar year 1997 for the Value Added Agriculture Products and Processes Financial Assistance Program, pursuant to Chapter 15E.111, Code of Iowa.

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

### DEPARTMENT OF NATURAL RESOURCES

The 1996 Annual Compliance Report, pursuant to Chapter 567, Code of Iowa.

### DEPARTMENT OF PUBLIC HEALTH

A report on the access to obstetrical care in Iowa, pursuant to Chapter 197.1, 1997 Acts of the Seventy-seventh General Assembly.

A report on the Healthy Families of Iowa Expansion Plan, pursuant to Chapter 203.4(f)(4), 1997 Acts of the Seventy-seventh General Assembly.

## CERTIFICATES OF RECOGNITION

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

**ELIZABETH A. ISAACSON**  
Chief Clerk of the House

- 1998\34 Harrison Earnest, Waterloo – For celebrating his 90th birthday.
- 1998\35 Ralph Henry, Indianola – For celebrating his 93rd birthday.
- 1998\36 Edna Brown, Indianola – For celebrating her 93rd birthday.
- 1998\37 Sara and Richard Ripperger, Indianola – For celebrating their 50th wedding anniversary.
- 1998\38 Florence and Paul Reneker, Birmingham – For celebrating their 71st wedding anniversary.
- 1998\39 Teresa and Francis Mottet, Richland – For celebrating their 50th wedding anniversary.

- 1998\40 Arlene and Mike Heying, Alta Vista – For celebrating their 50th wedding anniversary.
- 1998\41 Mary Jane and Ralph Rausch, New Hampton – For celebrating their 50th wedding anniversary.
- 1998\42 Opal and Hart Beebee, Missouri Valley – For celebrating their 70th wedding anniversary.
- 1998\43 Rosella and Glen Price, Woodbine – For celebrating their 50th wedding anniversary.
- 1998\44 George Smith, Woodbine – For celebrating his 100th birthday.
- 1998\45 Jessie Casperson, Woodbine – For celebrating her 93rd birthday.

#### SUBCOMMITTEE ASSIGNMENTS

##### House File 2030

Judiciary: Lamberti, Chair; Kremer and Moreland.

##### House File 2038

State Government: Van Fossen, Chair; Cataldo and Jacobs.

##### House File 2047

Judiciary: Veenstra, Chair; Bernau and Grundberg.

##### House File 2058

State Government: Van Fossen, Chair; Cataldo and Jacobs.

##### House File 2060

Judiciary: Lamberti, Chair; Kreiman and Kremer.

#### HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS

##### House Study Bill 505

State Government: Van Fossen, Chair; Bradley and Cataldo.

##### House Study Bill 506

State Government: Drake, Chair; Gipp and Larkin.

##### House Study Bill 507

Agriculture: Rayhons, Chair; Huseman and Scherrman.

## HOUSE STUDY BILL COMMITTEE ASSIGNMENTS

### **H.S.B. 508 State Government**

Relating to the continued operation of the innovation zone board.

### **H.S.B. 509 Judiciary**

Providing for mediation in disputes involving agricultural producers.

### **H.S.B. 510 Judiciary**

Relating to the statutory elements of certain forms of assault.

### **H.S.B. 511 Commerce and Regulation**

Limiting noneconomic damages recoverable by certain persons injured as a result of a motor vehicle accident and providing for the Act's applicability.

### **H.S.B. 512 Labor and Industrial Relations**

Relating to the enforceability of an agreement between employers and employees to arbitrate future controversies.

## COMMITTEE RECOMMENDATION

**MR. SPEAKER:** The Chief Clerk of the House respectfully reports that the following committee recommendation has been received and is on file in the office of the Chief Clerk.

**ELIZABETH A. ISAACSON**  
Chief Clerk of the House

### COMMITTEE ON JUDICIARY

**House File 2002**, a bill for an act to provide that persons convicted of attempted murder serve at least eighty-five percent of the sentence imposed.

Fiscal Note is required.

Recommended **Do Pass** January 20, 1998.

**RESOLUTION FILED**

**HR 101**, by Reynolds-Knight, a resolution requesting the establishment of a legislative interim committee to study the child support recovery program in this state.

Referred to committee on **human resources**,

On motion by Gipp of Winneshiek, the House adjourned at 8:55 a.m., until 8:45 a.m., Thursday, January 22, 1998.

# JOURNAL OF THE HOUSE

Eleventh Calendar Day - Eighth Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Thursday, January 22, 1998

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

Prayer was offered by Reverend Marilyn Heinrich, pastor of Grace United Methodist Church, Des Moines.

Speaker Corbett in the chair at 9:53 a.m.

The Journal of Wednesday, January 21, 1998 was approved.

## INTRODUCTION OF BILLS

**House File 2063**, by Chapman, a bill for an act relating to mediations affecting agricultural producers.

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

**House File 2064**, by Shoultz, a bill for an act relating to the reimbursement paid by beverage distributors.

Read first time and referred to committee on **environmental protection**.

**House File 2065**, by Vande Hoef and Lord, a bill for an act relating to the transportation of pupils participating in open enrollment.

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

**House File 2066**, by Warnstadt, a bill for an act requiring certain state departments to request moneys from the general fund of the state to pay for services by the departments relating to the state department of transportation and providing an effective date and applicability date.

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

**House File 2067**, by Thomson and Brunkhorst, a bill for an act relating to tobacco products and cigarettes, providing penalties, providing for an increased tax on cigarettes, and providing for appropriations.

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

**House File 2068**, by Brauns, a bill for an act relating to the timely

filing of a request for open enrollment to attend school in another school district.

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

**House File 2069**, by Brauns, a bill for an act relating to open enrollment deadlines.

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

**House File 2070**, by Scherrman and Murphy, a bill for an act to add sexual abuse in the third degree to the crimes for which offenders must serve at least eighty-five percent of the sentence imposed.

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

**House File 2071**, by Van Fossen, Rants, Holmes, Tyrrell, Larson, Millage, and Brunkhorst, a bill for an act exempting internet and other on-line services from the state sales, services, and use taxes.

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

**House File 2072**, by Frevert, Drees, Mertz, Eddie, Bukta, Garman, Reynolds-Knight, Boggess, Larkin, Huseman, Greig, Koenigs, Mundie, Klemme, Schrader, Huser, Witt, Fallon, Thomas, Sukup, Whitead, Dix, and Hahn, a bill for an act regarding best practices for managing swine suffering from porcine reproductive and respiratory syndrome, by appropriating moneys for demonstration projects.

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

**House File 2073**, by Frevert, Jacobs, Huser, Burnett, Bukta, Thomson, Scherrman, Martin, Grundberg, and Thomas, a bill for an act relating to public intoxication by inhaling chemical substances and providing a penalty.

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

**House File 2074**, by Osterhaus, a bill for an act relating to adjustments of reimbursement rates for medical assistance services for which all or part of the nonfederal share is paid by counties.

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

**House File 2075**, by Scherrman, a bill for an act relating to certification of the need for minor's school licenses.

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

## MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on January 21, 1998, amended and passed the following bill in which the concurrence of the House is asked:

House File 8, a bill for an act relating to the funding of state mandates.

Also: That the Senate has on January 21, 1998, passed the following bill in which the concurrence of the House is asked:

Senate File 2029, a bill for an act relating to the composition of the board of podiatry examiners.

Also: That the Senate has on January 21, 1998, amended the House amendment, concurred in the House amendment as amended, and adopted the following resolution in which the concurrence of the House is asked:

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

MARY PAT GUNDERSON, Secretary

### HOUSE CONCURRENT RESOLUTION 17 WITHDRAWN

Fallon of Polk asked and received unanimous consent to withdraw House Concurrent Resolution 17 from further consideration by the House.

### HOUSE FILE 157 WITHDRAWN

Van Fossen of Scott asked and received unanimous consent to withdraw House File 157 from further consideration by the House.

### HOUSE FILE 98 WITHDRAWN

Jacobs of Polk asked and received unanimous consent to withdraw House File 98 from further consideration by the House.

### SUBCOMMITTEE ASSIGNMENTS

#### House File 209

Ways and Means: Larson, Chair; Myers and Van Fossen.

#### House File 504

Ways and Means: Blodgett, Chair; Dix and Myers.

#### House File 576 Reassigned

Ways and Means: Blodgett, Chair; Holmes and Osterhaus.

**House File 620**

Ways and Means: Dinkla, Chair; Dix, Frevert, Jochum and Larson.

**House File 621 Reassigned**

Ways and Means: Blodgett, Chair; Holmes and Osterhaus.

**House File 716**

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

**House File 720**

Ways and Means: Dinkla, Chair; Dix, Frevert, Jochum and Larson.

**House File 2003**

Commerce and Regulation: Bradley, Chair; Holveck and Rants.

**House File 2007**

Commerce and Regulation: Dix, Chair; Chiodo and Hansen.

**House File 2017**

Ways and Means: Blodgett, Chair; Holmes and Osterhaus.

**House File 2023**

State Government: Jacobs, Chair; Houser, Jochum, Nelson and Whitead.

**House File 2054**

Environmental Protection: Gipp, Chair; Holveck and Jenkins.

**House File 2055**

State Government: Jacobs, Chair; Houser, Jochum, Nelson and Whitead.

**House File 2066**

Transportation: Blodgett, Chair; Brauns and Drees.

**House File 2075**

Transportation: Heaton, Chair; Carroll and Scherrman.

**HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS**

**House Study Bill 502**

Ways and Means: Lord, Chair; Dinkla and Weigel.



**House Study Bill 508**

State Government: Houser, Chair; Burnett and Nelson.

**House Study Bill 509**

Judiciary: Dinkla, Chair; Holveck and Sukup.

**House Study Bill 510**

Judiciary: Veenstra, Chair; Kreiman and Lamberti.

**House Study Bill 511**

Commerce and Regulation: Bradley, Chair; Holveck and Rants.

**HOUSE STUDY BILL COMMITTEE ASSIGNMENTS****H.S.B. 513 Education**

Establishing an early childhood education imperatives program and making an appropriation.

**H.S.B. 514 Education**

Relating to school infrastructure funding by exempting interest from general obligation bonds and notes issued by school districts the proceeds of which are used for infrastructure projects, and by providing a means for school districts to receive a portion of the local sales and services tax imposed in the area of the district's boundaries which must be used for infrastructure projects.

**COMMITTEE RECOMMENDATIONS**

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

ELIZABETH A. ISAACSON  
Chief Clerk of the House

**COMMITTEE ON AGRICULTURE**

**Committee Bill** (Formerly House Study Bill 500), supporting drainage districts, by extending the period when certain contracts must be let, and providing an effective date.

Fiscal Note is not required.

Recommended Do Pass January 21, 1998.

COMMITTEE ON TRANSPORTATION

**Senate File 2022**, a bill for an act relating to the authority of the state transportation commission to temporarily transfer revitalize Iowa's sound economy (RISE) funds to the primary road fund and providing an effective date.

Fiscal Note is not required.

Recommended Do Pass January 22, 1998.

AMENDMENTS FILED

H-8001	S.C.R.	1	Senate Amendment
H-8002	H.F.	8	Senate Amendment
H-8003	H.F.	2002	Kreiman of Davis Millage of Scott

On motion by Siegrist of Pottawattamie, the House adjourned at 9:00 a.m., until 9:05 a.m., Friday, January 23, 1998.

# JOURNAL OF THE HOUSE

Twelfth Calendar Day - Ninth Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Friday, January 23, 1998

The House met pursuant to adjournment at 9:05 a.m., Speaker Corbett in the chair.

Prayer was offered by Craig Schoenfeld, Legislative Research Analyst for the House of Representatives.

The Journal of Thursday, January 22, 1998 was approved.

## INTRODUCTION OF BILLS

**House File 2076**, by Rants, Warnstadt, Cormack, Siegrist, Whitead, Churchill, Eddie, Moreland, Huseman, Klemme, Kinzer, Gries, Gipp, Reynolds-Knight, Jenkins, Grundberg, Bukta, Hansen, Jacobs, Murphy, Nelson, Thomson, Cataldo, Bradley, Sukup, Brauns, Welter, Ford, Metcalf, and Mascher, a bill for an act authorizing the imposition of a local option sales and services tax for school infrastructure projects and the issuance of bonds, and providing an effective date.

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

**House File 2077**, by Bernau, Burnett, Mascher, Jochum, Foege, Frevert, Fallon, Richardson, Doderer, Osterhaus, Wise, Witt, and Scherrman, a bill for an act including social studies in the list of standards the department of education uses for accrediting area education programs.

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

**House File 2078**, by Warnstadt, a bill for an act relating to the awarding of child visitation rights when a parent is convicted of murder in the first degree of the other parent.

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

**House File 2079**, by Rants, a bill for an act to permit out-of-state peace officers to act within this state pursuant to agreements between state or local authorities.

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

**House File 2080**, by Richardson, a bill for an act limiting the exemption from property taxation for improvements to property located

in an urban revitalization area, and including an applicability date provision.

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

**House File 2081**, by Rants, a bill for an act allowing a single payment from a garnishee subject to multiple garnishments to the entity receiving the garnished earnings, and providing conditions.

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

**House File 2082**, by Heaton, a bill for an act relating to public bidding procedures for certain contracts for services for counties and cities.

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

**House File 2083**, by Chapman, a bill for an act providing for court-referred mediation, and related standards and procedures.

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

**House File 2084**, by Garman, a bill for an act relating to the income eligibility requirements for the homestead property tax credit, mobile home tax credit, or reimbursement for rent constituting property taxes paid and providing an applicability date.

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

**House File 2085**, by Richardson, Larkin, Myers, Vande Hoef, Bell, Welter, Cormack, and Heaton, a bill for an act to delay the reduction of sentences of certain sex offenders for good behavior until completion of required sex offender treatment.

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

**House File 2086**, by Tyrrell, a bill for an act relating to the time for accrual of an action for wrongful death based on personal injury.

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

**House File 2087**, by Weidman, a bill for an act relating to the hunting of mourning doves and subjecting violators to a penalty.

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

**House File 2088**, by Reynolds-Knight and Fallon, a bill for an act relating to approval of urban renewal plans by referendum and providing an applicability date.

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

**SENATE MESSAGE CONSIDERED**

**Senate File 2029**, by committee on state government, a bill for an act relating to the composition of the board of podiatry examiners.

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

**COMMUNICATIONS RECEIVED**

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

**DEPARTMENT OF MANAGEMENT**

The Statement of Standing Appropriations Report, pursuant to Chapter 8.6(2), Code of Iowa.

**DEPARTMENT OF NATURAL RESOURCES**

A copy of the joint report of the Technical Advisory Committee and the Department of Natural Resources, pursuant to Chapter 127.25(2), 1997 Acts of the Seventy-seventh General Assembly.

The 1998 Iowa Comprehensive Energy Plan Update, pursuant to Chapter 473.7, Code of Iowa.

On motion by Gipp of Winneshiek, the House adjourned at 9:10 a.m., until 1:00 p.m., January 26, 1998.

# JOURNAL OF THE HOUSE

Fifteenth Calendar Day - Tenth Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Monday, January 26, 1998

The House met pursuant to adjournment at 1:10 p.m., Speaker pro tempore Van Maanen of Marion in the chair.

Prayer was offered by Reverend Henry J. Koopman, pastor of Zion Lutheran and St. Peter Lutheran Churches, Auburn and Sac City.

The Journal of Friday, January 23, 1998 was approved.

## PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Miss Iowa USA, Jamie Solinger, assisted by students from Fourmile Elementary School, Altoona.

## SPECIAL PRESENTATION

Miss Jamie Solinger, graduate of Southeast Polk High School, Altoona and the former Miss Iowa Teen USA 1992, Miss Teen USA 1992, and Miss Iowa USA 1998, was introduced in the House chamber. She is currently preparing as a contestant for the Miss USA pageant. She was accompanied by her parents Jeff and Lisa Solinger.

The House rose and expressed its appreciation.

## INTRODUCTION OF BILLS

**House File 2089**, by Mundie, a bill for an act relating to preferences concerning the disposition of private property condemned or purchased as highway right-of-way property.

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

**House File 2090**, by Shultz, a bill for an act authorizing the juvenile court, when specified conditions are met, to enter an ex parte order to perform a medically relevant test to determine whether an illegal drug is present in a child's body.

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

**House File 2091**, by Heaton, a bill for an act relating to billings to counties for services provided by institutions administered by the department of human services.

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

**House File 2092**, by Heaton, a bill for an act authorizing a provider of medical assistance for mental health and mental retardation services for which the nonfederal share is a county liability to bill the liability amount directly to the county.

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

**House File 2093**, by Heaton, a bill for an act relating to the payment of costs and expenses of a juvenile admitted or committed to a state hospital.

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

**House File 2094**, by Brunkhorst, a bill for an act establishing a medical expense fund for Persian Gulf Conflict veterans and their families, and making an appropriation.

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

**House File 2095**, by Larson, Arnold, Cormack, Lamberti, Hahn, Brunkhorst, Lord, Brauns, Meyer, Klemme, Eddie, Rants, Drake, Boddicker, Sukup, Veenstra, Kremer, Blodgett, Vande Hoef, Van Fossen, Carroll, Churchill, and Welter, a bill for an act applying the death penalty or life imprisonment, by establishing the offense of capital murder, by providing a minimum age for imposition of a death sentence, by providing for review of death sentences, by providing for execution by lethal injection, by amending the rules of criminal procedure, and by providing for the Act's effectiveness and applicability.

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

**House File 2096**, by committee on agriculture, a bill for an act regulating anhydrous ammonia by prohibiting tampering with related equipment and the unauthorized possession and transportation of containers and receptacles used to store anhydrous ammonia, and providing enhanced penalties.

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

**House File 2097**, by committee on agriculture, a bill for an act supporting drainage districts, by extending the period when certain contracts must be let, and providing an effective date.

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

#### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Fallon of Polk on request of Witt of Black Hawk.

## HOUSE STUDY BILL 514 REREFERRED

The Speaker announced that House Study Bill 514, previously referred to committee on **education** was rereferred to committee on **ways and means**.

### ASSIGNMENT OF SEATS IN PRESS GALLERIES

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

KCCI..... Anne State, Steve Oswalt,  
Todd Magel, Brian Polcyn,  
Michelle Parker

### 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

- 1998\46 Jeanne and Bill Baerg, Stanley – For being named a Master Pork Producer.
- 1998\47 Blanche and Donald Thomas, Strawberry Point – For celebrating their 50th wedding anniversary.
- 1998\48 Wilma and Robert Clausen, West Union – For celebrating their 50th wedding anniversary.
- 1998\49 Hilda Brase, Guttenberg – For celebrating her 90th birthday.
- 1998\50 Helen and Kenneth Nollen, Independence – For celebrating their 50th wedding anniversary.
- 1998\51 Mildred and Millard Christianson, Farmersburg – For celebrating their 60th wedding anniversary.
- 1998\52 Margaret and Milton Gonzales, Oelwein – For celebrating their 50th wedding anniversary.
- 1998\53 Cora Randall, Oelwein – For celebrating her 100th birthday.
- 1998\54 Jason Greene, North English – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 1998\55 Bruce Kelley, Des Moines – For receiving the Distinguished Eagle Scout Award, presented by the National Eagle Scout Association.



- 1998\56 Jessica Rohrig, Orient – For being named the Iowa Pork Princess.
- 1998\57 Paul Creighton, Davenport – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 1998\58 Kurt Montgomery, Muscatine – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.

#### SUBCOMMITTEE ASSIGNMENTS

##### House File 2065

Education: Dolecheck, Chair; Van Maanen and Wise.

##### House File 2068

Education: Brunkhorst, Chair; Boddicker and Wise.

##### House File 2069

Education: Brunkhorst, Chair; Boddicker and Wise.

##### House File 2076

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

##### House File 2082

Local Government: Arnold, Chair; Klemme and Myers.

##### Senate File 2029

State Government: Van Fossen, Chair; Bradley and Cataldo.

#### HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENT

##### House Study Bill 514

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

#### HOUSE STUDY BILL COMMITTEE ASSIGNMENTS

##### H.S.B. 515 Local Government

Relating to the collection and payment of fees and expenses of county medical examiners.

##### H.S.B. 516 Local Government

Relating to the liability for and payment of medical costs and other expenses incurred by certain prisoners and escapees.

**H.S.B. 517 Local Government**

Providing for the determination of time for notice and service of process relating to residential property rentals and mobile home parks residential rentals.

**H.S.B. 518 Ways and Means**

Updating the Iowa Code references to the Internal Revenue Code, exempting certain preneed funeral trust income from taxation, revising the carryback and carryover periods for certain net operating losses, providing refunds, and providing an effective date and retroactive applicability dates.

**H.S.B. 519 Ways and Means**

Relating to the sales and use tax exemption on certain computers, equipment, machinery, and fuel and providing a retroactive applicability date.

**H.S.B. 520 State Government**

Providing for the regulation and licensure of electronic security systems companies and employees.

**RESOLUTION FILED**

**HR 102**, by Corbett, Larson, Thomson, Chapman, Foege, and Taylor, a resolution recognizing the accomplishments of the Cedar Rapids Junior League related to the Madge Phillips Community Center.

Laid over under **Rule 25**.

On motion by Siegrist of Pottawattamie, the House adjourned at 1:23 p.m., until 8:45 a.m., Tuesday, January 27, 1998.

# JOURNAL OF THE HOUSE

Sixteenth Calendar Day - Eleventh Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Tuesday, January 27, 1998

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

Prayer was offered by Reverend Paul Akin, pastor of First United Methodist Church, Indianola.

The Journal of Monday, January 26, 1998 was approved.

## PETITION FILED

The following petition was received and placed on file:

By Thomas of Clayton, from eighty-seven commercial property and business owners opposing the recent 18 percent raise in commercial property tax values without benefit of property tax roll-backs that other property entities enjoy.

## INTRODUCTION OF BILLS

**House File 2098**, by Boddicker, Tyrrell, Garman, Van Maanen, Barry, Huseman, Teig, Klemme, Boggess, Rayhons, Vande Hoef, Dolecheck, Churchill, Rants, Weidman, Brauns, Welter, Eddie, Lamberti, Brunkhorst, Drake, Houser, Carroll, Greig, Bradley, Hahn, Thomson, Sukup, Cormack, Van Fossen, Dix, Veenstra, Kremer, Blodgett, Gipp, Lord, Holmes, Gries, Greiner, O'Brien, Mertz, Mundie, Arnold, Thomas, Larson, Corbett, and Hansen, a bill for an act prohibiting the performance of partial-birth abortions, establishing a cause of action for violation of the prohibition, and providing penalties.

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

**House File 2099**, by Tyrrell, a bill for an act relating to the payment of interpreters in a civil proceeding.

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

**House File 2100**, by Mascher, Dodérer, and Myers, a bill for an act relating to sexually violent predators.

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

**House File 2101**, by Van Maanen, Carroll, Vande Hoef, Garman, Witt, Veenstra, Kremer, Houser, Grundberg, Gipp, Huseman, Dix,

Sukup, Tyrrell, Dolecheck, Bradley, Klemme, Greiner, Boddicker, Blodgett, Rants, Hahn, Brunkhorst, Greig, Gries, Eddie, Thomson, Lord, Richardson, Foege, Burnett, Mascher, Doderer, Frevert, and Fallon, a bill for an act relating to gambling by imposing a moratorium on the number and types of gambling games and slot machines authorized in this state and on new licenses to conduct gambling on excursion gambling boats, and by limiting the location of new excursion gambling boat operations.

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

**House File 2102**, by Whitead, a bill for an act relating to the income eligibility requirements for the homestead property tax credit, mobile home tax credit, and reimbursement for rent constituting property taxes paid and providing an applicability date.

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

**House File 2103**, by Burnett, Mascher, Bernau, Doderer, Fallon, and Myers, a bill for an act prohibiting discriminatory practices based upon a person's sexual orientation.

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

**House File 2104**, by Lord, Wise, Drees, Warnstadt, Foege, May, Whitead, Kinzer, Mascher, Frevert, Bukta, Murphy, Richardson, Falck, Osterhaus, Vande Hoef, Veenstra, Carroll, Boddicker, Van Maanen, Rants, Brauns, Dix, Churchill, Van Fossen, Lamberti, and Sukup, a bill for an act relating to the transportation between school districts of students participating in open enrollment.

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

**House File 2105**, by Veenstra, a bill for an act requiring county management plans for mental health, mental retardation, and developmental disabilities services to address the service needs of persons with traumatic brain injury.

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

**House File 2106**, by Chiodo, a bill for an act limiting the advertising expenses of a pari-mutuel horse racetrack licensee.

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

**House File 2107**, by Blodgett, a bill for an act relating to regulation of food establishments and providing for fees and penalties and providing an effective date.

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

MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on January 26, 1998, passed the following bill in which the concurrence of the House is asked:

Senate File 2061, a bill for an act relating to a delay in implementing the inclusion of certain information on property tax statements by providing a deferral application process and providing an effective date.

MARY PAT GUNDERSON, Secretary

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Fallon of Polk on request of Witt of Black Hawk; Kinzer of Scott on request of Schrader of Marion; Holveck of Polk, until his arrival, on request of Myers of Johnson.

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, amended by the Senate amendment H-8001 as follows:

H-8001

- 1 Amend the House amendment, S-3850, to Senate
- 2 Concurrent Resolution 1 as follows:
- 3 1. Page 1, by inserting after line 2 the
- 4 following:
- 5 " Page 8, by inserting after line 15 the
- 6 following:
- 7 "Confidential Secretary II to Leader, Speaker
- 8 or Chief Clerk ..... Grade 32."
- 9 " Page 10, by inserting after line 30 the
- 10 following:
- 11 "Confidential Secretary II to Leader, President,
- 12 or Secretary of the Senate ..... Grade 32."

On motion by Rants of Woodbury the House concurred in the Senate amendment H-8001, to the House amendment.

On motion by Rants of Woodbury the resolution, as amended, was adopted.

CONSIDERATION OF BILLS  
Regular Calendar

House File 2002, a bill for an act to provide that persons convicted

of attempted murder serve at least eighty-five percent of the sentence imposed, with report of committee recommending passage was taken up for consideration.

Kreiman of Davis offered the following amendment H-8003 filed by him and Millage of Scott and moved its adoption:

H-8003

- 1 Amend House File 2002 as follows:
- 2 1. Page 1, by inserting after line 4 the
- 3 following:
- 4 "Sec. 2. EFFECTIVE DATE. This Act, being deemed
- 5 of immediate importance, takes effect upon enactment."
- 6 2. Title page, line 2, by inserting after the
- 7 word "imposed" the following: "and providing an
- 8 effective date"

Amendment H-8003 was adopted.

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

On the question "Shall the bill pass?" (H.F. 2002)

The ayes were, 92:

Arnold	Barry	Bell	Bernau
Blodgett	Bogges	Bradley	Brauns
Brunkhorst	Bukta	Burnett	Carroll
Cataldo	Churchill	Cohon	Connors
Cormack	Dinkla	Dix	Doderer
Dolecheck	Drake	Drees	Eddie
Falck	Foege	Ford	Frevert
Garman	Gipp	Greig	Greiner
Gries	Grundberg	Hahn	Hansen
Heaton	Holmes	Holveck	Houser
Huseman	Huser	Jacobs	Jenkins
Jochum	Klemme	Koenigs	Kreiman
Kremer	Lamberti	Larkin	Larson
Lord	Martin	Mascher	May
Mertz	Metcalf	Meyer	Millage
Mundie	Murphy	Myers	Nelson
O'Brien	Osterhaus	Rants	Rayhons
Reynolds-Knight	Richardson	Scherrman	Schrader
Shoultz	Siegrist	Sukup	Taylor
Teig	Thomas	Thomson	Tyrrell
Van Fossen	Van Maanen	Vande Hoef	Veenstra
Warnstadt	Weidman	Weigel	Welter
Whitead	Wise	Witt	Mr. Speaker
			Corbett

The nays were, 1:

Chapman

Absent or not voting, 7:

Boddicker	Brand	Chiodo	Dotzler
Fallon	Kinzer	Moreland	

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

**Senate File 2022**, a bill for an act relating to the authority of the state transportation commission to temporarily transfer revitalize Iowa's sound economy (RISE) funds to the primary road fund and providing an effective date, with report of committee recommending passage was taken up for consideration.

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

On the question "Shall the bill pass?" (S.F. 2022)

The ayes were, 93:

Arnold	Barry	Bell	Bernau
Blodgett	Bogges	Bradley	Brauns
Bukta	Burnett	Carroll	Cataldo
Chapman	Churchill	Cohoon	Connors
Cormack	Dinkla	Dix	Doderer
Dolecheck	Dotzler	Drake	Drees
Eddie	Falck	Foege	Ford
Frevert	Garman	Gipp	Greig
Greiner	Gries	Grundberg	Hahn
Hansen	Heaton	Holmes	Holveck
Houser	Huseman	Huser	Jacobs
Jenkins	Jochum	Klemme	Koenigs
Kreiman	Kremer	Lamberti	Larkin
Larson	Lord	Martin	Mascher
May	Mertz	Metcalf	Meyer
Millage	Mundie	Murphy	Myers
Nelson	O'Brien	Osterhaus	Rants
Rayhons	Reynolds-Knight	Richardson	Scherrman
Schrader	Shoultz	Siegrist	Sukup
Taylor	Teig	Thomas	Thomson
Tyrrell	Van Fossen	Van Maanen	Vande Hoef
Veenstra	Warnstadt	Weidman	Weigel
Welter	Whitead	Wise	Witt
Mr. Speaker			
Corbett			

The nays were, 1:

Brunkhorst

Absent or not voting, 6:

Boddicker

Brand

Chiodo

Fallon

Kinzer

Moreland

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

### IMMEDIATE MESSAGES

Siegrist of Pottawattamie asked and received unanimous consent that the following bills be immediately messaged to the Senate: **Senate Concurrent Resolution 1, House File 2002, and Senate File 2022.**

### HOUSE FILE 2097 REFERRED

The Speaker announced that House File 2097, previously placed on the **regular calendar** was referred to committee on **appropriations**.

Van Fossen of Scott in the chair at 9:20 a.m.

On motion by Blodgett of Cerro Gordo, the House was recessed at 9:26 a.m., until 1:00 p.m.

### AFTERNOON SESSION

The House reconvened at 1:05 p.m., Van Fossen of Scott in the chair.

### INTRODUCTION OF BILL

**House File 2108**, by Martin and Lamberti, a bill for an act relating to the human immunodeficiency virus including the testing of an alleged offender for the human immunodeficiency virus, the intentional transmission of the human immunodeficiency virus, making penalties applicable, establishing penalties, and providing for an affirmative defense.

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

### RULES SUSPENDED

Carroll of Poweshiek asked and received unanimous consent to suspend the rules for the immediate consideration of House Resolution 102.



## ADOPTION OF HOUSE RESOLUTION 102

Speaker Corbett of Linn offered House Resolution 102, a resolution recognizing the accomplishments of the Cedar Rapids Junior League related to the Madge Phillips Community Center, and moved its adoption.

The motion prevailed and the resolution was adopted.

### EXPLANATION OF VOTE

On House File 2002, I inadvertantly voted "nay" when I meant to vote "aye."

BRUNKHORST of Bremer

### COMMUNICATIONS RECEIVED

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

#### DEPARTMENT OF NATURAL RESOURCES

A summary of activities for the 1997 certification programs, pursuant to Chapter 272C.4, Code of Iowa.

The Comprehensive Plan for the Management of Eurasian Watermilfoil in Iowa, pursuant to Chapter 1042, 1996 Acts of the Seventy-sixth General Assembly.

#### DEPARTMENT OF PUBLIC HEALTH

The Scope of Practice Review Committee Pilot Project Report, pursuant to Chapter 203, 1997 Acts of the Seventy-seventh General Assembly.

#### GOVERNOR'S ALLIANCE ON SUBSTANCE ABUSE

Iowa's Drug and Violent Crime Control Strategy Update 1998, pursuant to Chapter 80E.1, 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

- 1998\59 Irene Aulwes, Guttenberg - For celebrating her 80th birthday.
- 1998\60 Phyllis and Burnell Reinitz, Guttenberg - For celebrating their 50th wedding anniversary.
- 1998\61 Gretchen Dettman, Guttenberg - For celebrating her 108th birthday.

- 1998\62 Ivy and Val Brandt, Garnavillo – For celebrating their 60th wedding anniversary.
- 1998\63 Cecilia and William Manderfield, New Hampton – For celebrating their 70th wedding anniversary.
- 1998\64 Phyllis and Bud Kahler, Cambridge – For celebrating their 50th wedding anniversary.
- 1998\65 Alvera and Ralph Link, Maxwell – For celebrating their 50th wedding anniversary.
- 1998\66 Ariel Nauseef, Iowa City – For attaining the Girl Scout Gold Award, the highest award in Girl Scouting.
- 1998\67 Tyson Means, Villisca – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 1998\68 Kyle Johnson, Elliott – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 1998\69 Christopher Wistrom, Stanton – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.

#### SUBCOMMITTEE ASSIGNMENTS

##### House File 289

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

##### House File 2018

Judiciary: Sukup, Chair; Ford and Lamberti.

##### House File 2031

Human Resources: Lamberti, Chair; Lord and Moreland.

##### House File 2041

State Government: Gipp, Chair; Holmes and Jochum.

##### House File 2042

Human Resources: Carroll, Chair; Lamberti and Murphy.

##### House File 2046

Human Resources: Lamberti, Chair; Lord and Moreland.

##### House File 2059

Human Resources: Houser, Chair; Falck and Kremer.

##### House File 2061

Judiciary: Dinkla, Chair; Bernau and Kremer.

**House File 2073**

Judiciary: Grundberg, Chair; Kreiman and Millage.

**House File 2081**

Labor and Industrial Relations: Metcalf, Chair; Millage and O'Brien.

**House File 2087**

Natural Resources: Weidman, Chair; Cormack and Dotzler.

**House File 2094**

Appropriations: Millage, Chair; Murphy and Sukup.

**House File 2095**

Judiciary: Larson, Chair; Doderer, Millage, Moreland and Sukup.

**House File 2107**

Ways and Means: Blodgett, Chair; Dix and Myers.

**HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS****House Study Bill 512**

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

**House Study Bill 515**

Local Government: Welter, Chair; Weidman and Whitead.

**House Study Bill 516**

Local Government: Vande Hoef, Chair; Mundie and Van Maanen.

**House Study Bill 517**

Local Government: Dix, Chair; Connors and Huseman.

**House Study Bill 520**

State Government: Bradley, Chair; Connors, Holmes, Larkin and Tyrrell.

**HOUSE STUDY BILL COMMITTEE ASSIGNMENTS****H.S.B. 521 State Government**

Relating to the state fire marshal, including the installation of automatic fire extinguishing systems in new construction.

**H.S.B. 522 State Government**

Concerning the release of information by the department of transportation to investigators in the department of inspections and appeals.

**H.S.B. 523 State Government**

Relating to the state registrar of voters.

**H.S.B. 524 State Government**

Establishing an office of information technology services, providing for information technology standards, providing for the procurement of information technology, and providing an effective date.

**H.S.B. 525 Judiciary**

Relating to search warrant applications.

**H.S.B. 526 Judiciary**

Relating to the crime of arson committed as a hate crime and providing penalties.

**H.S.B. 527 Agriculture**

Regulating bulk dry animal nutrient products, providing for fees and an appropriation, providing penalties, and providing for an effective date.

**H.S.B. 528 Agriculture**

Relating to the corn promotion board, by increasing the ceiling on the state assessment of corn subject to a special referendum and authorizing the receipt of rents, royalties, and license fees by the board.

**H.S.B. 529 Agriculture**

Regulating veterinary practice and procedures, by providing for the treatment of horses.

**H.S.B. 530 Judiciary**

Providing for the option of a suspended sentence following completion of certain mandatory jail or prison time by a defendant for an operating while intoxicated offense and providing an effective date.

**H.S.B. 531 Judiciary**

Relating to the reopening of an administrative hearing pertaining to a license revocation for an operating while intoxicated offense, and providing an effective date.

**H.S.B. 532 Education**

Relating to education reform and making appropriations.

**H.S.B. 533 Ways and Means**

Exempting sales made to and services performed for organ procurement organizations from the state sales, services, and use taxes.

**H.S.B. 534 Ways and Means**

Relating to the taxation of certain business-related transactions by eliminating the taxation of certain capital gains and providing special treatment of gains from the sales of businesses to descendants, and including effective and prospective and retroactive applicability date provisions.

On motion by Siegrist of Pottawattamie, the House adjourned at 1:10 p.m., until 8:45 a.m., Wednesday, January 28, 1998.

# JOURNAL OF THE HOUSE

Seventeenth Calendar Day - Twelfth Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Wednesday, January 28, 1998

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

Prayer was offered by Reverend Norm Knight, pastor of United Methodist Church, Mount Vernon.

The Journal of Tuesday, January 27, 1998 was approved.

## PETITIONS FILED

The following petitions were received and placed on file:

By Carroll of Poweshiek, from one thousand three Iowans favoring the restructuring of Iowa tax laws by eliminating the unreasonable reliance upon property taxes as well as the inequities and discrimination between classes of property prevalent in the state's real property tax laws.

By Shoultz of Black Hawk, from redemption center operators favoring House File 2064, that reimbursement by distributors be raised from the present rate of one cent per container to two cents per container.

## HOUSE FILE 262 REREFERRED

The Speaker announced that House File 262, previously referred to committee on **education** was rereferred to committee on **judiciary**.

## HOUSE FILE 2067 REREFERRED

The Speaker announced that House File 2067, previously referred to committee on **human resources** was rereferred to committee on **ways and means**.

## EXPLANATIONS OF VOTE

I was necessarily absent from the House chamber on Tuesday, January 27, 1998. Had I been present, I would have voted "aye" on House File 2002 and Senate File 2022.

CHIODO of Polk

I was necessarily absent from the House chamber on Tuesday, January 27, 1998. Had I been present, I would have voted "aye" on House File 2002 and Senate File 2022.

MORELAND of Wapello

### 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

- 1998\70 Francis and Jack Young, Chariton – For celebrating their 50th wedding anniversary.
- 1998\71 Fred Karre, Keokuk – For his 25 years of service on the Keokuk Community School Board.
- 1998\72 Evelyn and Robert Payne, Fairfield – For celebrating their 60th wedding anniversary.
- 1998\73 Roger and Jean Sarchet, Newell – For being selected 1997 Iowa Master Pork Producers.

### SUBCOMMITTEE ASSIGNMENTS

#### House File 382 Reassigned

Judiciary: Lamberti, Chair; Boddicker and Kreiman.

#### House File 470

Human Resources: Barry, Chair; Ford and Martin.

#### House File 493

Human Resources: Kremer, Chair; Houser and Thomas.

#### House File 622

Education: Metcalf, Chair; Bukta and Van Maanen.

#### House File 2004

Judiciary: Lamberti, Chair; Grundberg and Moreland.

#### House File 2010

Human Resources: Lamberti, Chair; Falck and Kremer.

**House File 2063**

Agriculture: Huseman, Chair; Kreiman and Rayhons.

**House File 2064**

Environmental Protection: Drake, Chair; Shoultz and Van Fossen.

**House File 2072**

Agriculture: Frevert, Chair; Greiner and Klemme.

**House File 2077**

Education: Brunkhorst, Chair; Foege and Lord.

**House File 2078**

Human Resources: Lamberti, Chair; Falck and Kremer.

**House File 2079**

Judiciary: Veenstra, Chair; Bell and Dinkla.

**House File 2091**

Human Resources: Carroll, Chair; Foege and Houser.

**House File 2092**

Human Resources: Carroll, Chair; Foege and Houser.

**House File 2093**

Human Resources: Houser, Chair; Carroll and Foege.

**House File 2097**

Appropriations: Brauns, Chair; Greiner and Koenigs.

**House File 2098**

Human Resources: Barry, Chair; Burnett and Thomson.

**House File 2101**

State Government: Martin, Chair; Chiodo, Hansen, Larkin and Tyrrell.

**House File 2104**

Education: Brunkhorst, Chair; Lord and Wise.



**House File 2105**

Human Resources: Carroll, Chair; Brand and Veenstra.

**House Resolution 101**

Human Resources: Boddicker, Chair; Lamberti and Moreland.

**HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS****House Study Bill 501 Reassigned**

Agriculture: Greig, Chair; Drees, Meyer, Mundie and Teig.

**House Study Bill 518**

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

**House Study Bill 519**

Ways and Means: Van Fossen, Chair; Lamberti and Weigel.

**House Study Bill 521**

State Government: Bradley, Chair; Connors and Tyrrell.

**House Study Bill 522**

State Government: Holmes, Chair; Burnett and Nelson.

**House Study Bill 523**

State Government: Jacobs, Chair; Houser, Jochum, Nelson and Whitead.

**House Study Bill 524**

State Government: Jacobs, Chair; Burnett, Hansen, Holmes and Whitead.

**House Study Bill 525**

Judiciary: Larson, Chair; Chapman and Lamberti.

**House Study Bill 526**

Judiciary: Veenstra, Chair; Holveck and Sukup.

**House Study Bill 527**

Agriculture: Meyer, Chair; Boggess and Scherrman.

**House Study Bill 528**

Agriculture: Boggess, Chair; Hahn and Reynolds-Knight.

**House Study Bill 529**

Agriculture: Mertz, Chair; Greig and Huseman.

**House Study Bill 530**

Judiciary: Lamberti, Chair; Greiner and Kreiman.

**House Study Bill 531**

Judiciary: Lamberti, Chair; Churchill and Moreland.

**House Study Bill 532**

Education: Gries, Chair; Rants and Wise.

**House Study Bill 533**

Ways and Means: Drake, Chair; Blodgett and Osterhaus.

**House Study Bill 534**

Ways and Means: Greig, Chair; Holmes, Lord, Richardson and Weigel.

**HOUSE STUDY BILL COMMITTEE ASSIGNMENTS****H.S.B. 535 Economic Development**

Relating to the sale of stock or ownership interest of any corporation formed under the Iowa business development finance Act.

**H.S.B. 536 Economic Development**

Relating to a successor corporation to the Wallace technology transfer foundation of Iowa.

**H.S.B. 537 Judiciary**

To provide for the imposition of the death penalty or life imprisonment, by establishing the offense of capital murder, by providing a minimum age for imposition of a death sentence, by providing for review of death sentences, by providing for execution by lethal injection, by amending the rules of criminal procedure, and by providing for the Act's effectiveness and applicability.

**H.S.B. 538 Economic Development**

Relating to local community and economic development planning assistance and the community builder program.

**H.S.B. 539 Transportation**

Relating to exemptions from distinguishing registration plates for motor vehicles.

**H.S.B. 540 State Government**

Relating to a transfer of the records management duties of the department of general services to the department of cultural affairs and making conforming changes.

**H.S.B. 541 Local Government**

Relating to the funding of district court administrator offices.

**H.S.B. 542 Judiciary**

Providing that a mechanic's lien filed by a subcontractor against an owner-occupant is enforceable only to the extent of the amount due to the primary contractor under the principal contract, less any payments made under the contract prior to service and receipt of the notice of mechanic's lien.

**H.S.B. 543 Judiciary**

Relating to statutory corrections which may adjust language to reflect current practices, insert earlier omissions, delete redundancies and inaccuracies, delete temporary language, resolve inconsistencies and conflicts, update ongoing provisions, or remove ambiguities, and providing effective and retroactive applicability dates.

**H.S.B. 544 Judiciary**

Relating to nonsubstantive Code corrections and including a retroactive applicability provision.

**H.S.B. 545 Commerce and Regulation**

Relating to the time for review of the reorganization of a public utility by the utilities board and providing an effective date.

**H.S.B. 546 Commerce and Regulation**

Establishing an electronic benefits transfer program in the department of human services.

**H.S.B. 547 Appropriations**

Relating to energy conservation including making appropriations of petroleum overcharge funds and providing for the dissolution of the energy fund disbursement council and intermodal revolving loan fund.

**H.S.B. 548 Appropriations**

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

**H.S.B. 549 Education**

Relating to the review, investigation, and confidential recordkeeping authority of the board of educational examiners related to licensee discipline.

**COMMITTEE RECOMMENDATION**

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendation has been received and is on file in the office of the Chief Clerk.

ELIZABETH A. ISAACSON  
Chief Clerk of the House

**COMMITTEE ON NATURAL RESOURCES**

House File 569, a bill for an act relating to hunting of deer in parties of hunters.

Fiscal Note is not required.

Recommended Do Pass January 27, 1998.

**RESOLUTION FILED**

HCR 103, by Taylor and Chapman, a concurrent resolution recognizing the notable achievements of the Jefferson High School Marching Band from Cedar Rapids, Iowa.

Referred to committee on state government.

## AMENDMENT FILED

H—8004                    H.F.     2023   Chapman of Linn

On motion by Siegrist of Pottawattamie, the House adjourned at 8:55 a.m., until 8:45 a.m., Thursday, January 29, 1998.

# JOURNAL OF THE HOUSE

Eighteenth Calendar Day - Thirteenth Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Thursday, January 29, 1998

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

Prayer was offered by Marvin Boldt, Chaplain of the Iowa Fireman's Association, Traer.

The Journal of Wednesday, January 28, 1998 was approved.

## INTRODUCTION OF BILLS

**House File 2109**, by Nelson, a bill for an act relating to the validity and enforceability in Iowa of an advance directive document executed by a veteran of the armed forces.

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

**House File 2110**, by Heaton, a bill for an act relating to the creation of a certified school to career program, providing refunds for certain wages paid to and amounts held in trust for individuals in the program, making an appropriation and including an effective and applicability date provision.

Read first time and referred to committee on **economic development**.

**House File 2111**, by Shoultz, a bill for an act relating to location requirements for barber school licensure.

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

**House File 2112**, by Heaton, a bill for an act relating to regulation of food establishments and providing for fees and penalties and providing an effective date.

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

**House File 2113**, by Warnstadt, a bill for an act relating to an income tax deduction for long-term health insurance and providing an applicability date provision.

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

**House File 2114**, by Cormack, a bill for an act relating to injury to animals maintained at animal facilities committed by unauthorized

persons, by providing for a penalty and a minimum sentence.

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

**House File 2115**, by Drees, a bill for an act regulating the construction of certain animal feeding operation structures by providing for siting and prohibiting the construction and expansion of earthen manure structures, and providing an effective date.

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

**House File 2116**, by Murphy, a bill for an act relating to the development and implementation of a citizenship grade point average by the board of directors of a school district.

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

**House File 2117**, by Wise and Moreland, a bill for an act to provide for the enhancement of penalties applicable to repeat sexual abusers of children thirteen years of age or younger.

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

#### SENATE MESSAGE CONSIDERED

**Senate File 2061**, by committee on ways and means, a bill for an act relating to a delay in implementing the inclusion of certain information on property tax statements by providing a deferral application process and providing an effective date.

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

#### PRESENTATION OF VISITORS

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

A group of students from NIACC Community College, Mason City, accompanied by Rachael McGuire. By Rayhons of Hancock.

#### COMMUNICATIONS RECEIVED

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

DEPARTMENT OF HUMAN RIGHTS  
Commission on the Status of Women

The 26th Annual Report, pursuant to Chapter 216A.92(3), Code of Iowa.

## DEPARTMENT OF NATURAL RESOURCES

The Annual Report, pursuant to Chapters 455B.425 and 455B.427, Code of Iowa.

## LEGISLATIVE SERVICE BUREAU

The Final Report of the County Issuance of Motor Vehicle Licenses Study Committee, pursuant to Chapter 49.2(4), 1997 Acts of the Seventy-seventh General Assembly.

## CERTIFICATES OF RECOGNITION

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

ELIZABETH A. ISAACSON  
Chief Clerk of the House

- 1998\74 Benjamin Langstraat, Sioux Center – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 1998\75 Gina DuBois, New Vienna – For winning the Student Essay Contest sponsored by the Iowa Official Register.

## SUBCOMMITTEE ASSIGNMENTS

**House File 2011**

Economic Development: Jenkins, Chair; Larson and Weigel.

**House File 2012**

Economic Development: Jenkins, Chair; Larson and Weigel.

**House File 2108**

Judiciary: Garman, Chair; Holveck and Veenstra.

**House Concurrent Resolution 103**

State Government: Taylor, Chair; Martin and Nelson.

## HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS

**House Study Bill 535**

Economic Development: Boggess, Chair; Barry and Scherrman.

**House Study Bill 536**

Economic Development: Teig, Chair; Larson and Mascher.



**House Study Bill 537**

Judiciary: Larson, Chair; Doderer, Millage, Moreland and Sukup.

**House Study Bill 538**

Economic Development: Teig, Chair; Dotzler and Larson.

**House Study Bill 539**

Transportation: Eddie, Chair; Cohoon and Weidman.

**House Study Bill 540**

State Government: Holmes, Chair; Hansen and Taylor.

**House Study Bill 541**

Local Government: Klemme, Chair; Houser and Mertz.

**House Study Bill 542**

Judiciary: Churchill, Chair; Chapman and Millage.

**House Study Bill 543**

Judiciary: Kremer, Chair; Churchill and Holveck.

**House Study Bill 544**

Judiciary: Sukup, Chair; Ford and Lamberti.

**House Study Bill 547**

Appropriations: Gipp, Chair; Cormack and Houser.

**House Study Bill 548**

Appropriations: Nelson, Chair; Brand, Kreiman, Meyer and Sukup.

**HOUSE STUDY BILL COMMITTEE ASSIGNMENTS****H.S.B. 550 Economic Development**

Relating to an insurance premium tax credit for eligible businesses under the new jobs and income program.

**H.S.B. 551 Economic Development**

Relating to economic development enterprise zones.

**H.S.B. 552 State Government**

Relating to the composition of the board of pharmacy examiners.

**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 LOCAL GOVERNMENT**

**House File 2049**, a bill for an act relating to redemption by a county of certain parcels sold at property tax sale.

Fiscal Note is not required.

Recommended **Do Pass** January 29, 1998.

**COMMITTEE ON WAYS AND MEANS**

**Committee Bill** (Formerly House File 720), providing for the creation of an Iowa educational savings plan trust, addressing tax aspects, and containing applicability provisions.

Fiscal Note is required.

Recommended **Amend and Do Pass** January 28, 1998.

**AMENDMENTS FILED**

H—8005	H.F.	8	Kreiman of Davis
H—8006	H.F.	8	Kreiman of Davis
H—8007	H.F.	2096	Kreiman of Davis

On motion by Gipp of Winneshiek, the House adjourned at 9:00 a.m., until 9:00 a.m., Friday, January 30, 1998.

# JOURNAL OF THE HOUSE

Nineteenth Calendar Day - Fourteenth Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Friday, January 30, 1998

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

Prayer was offered by the Honorable Bob Brunkhorst, state representative from Bremer County.

The Journal of Thursday, January 29, 1998 was approved.

## INTRODUCTION OF BILLS

**House File 2118**, by Reynolds-Knight, a bill for an act relating to public notice of township trustee meetings and agendas.

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

**House File 2119**, by committee on ways and means, a bill for an act providing for the creation of an Iowa educational savings plan trust, addressing tax aspects, and containing applicability provisions.

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

**House File 2120**, by Thomson, a bill for an act prohibiting the use of self-service displays in the offering for sale or sale of cigarettes or tobacco products, providing a penalty, and providing an effective date.

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

**House File 2121**, by Kreiman, a bill for an act providing for completion of certain mandatory jail or prison time prior to imposition of a suspended sentence for a defendant convicted of an operating while intoxicated offense and providing an effective date.

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

**House File 2122**, by Hahn, a bill for an act relating to deer hunting seasons for bow hunting and hunting with muzzleloading firearms.

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

**House File 2123**, by Osterhaus, Thomas, Witt, and Koenigs, a bill for an act providing for a commercial property tax credit for owners

operating certain retail businesses, making an annual appropriation, and providing an effective and applicability date provision.

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

**House File 2124**, by Doderer, Brauns, Jochum, Mascher, Kreiman, Holveck, Moreland, Chapman, Bernau, Ford, and Reynolds-Knight, a bill for an act relating to the state long-term care ombudsperson, establishing local area long-term care ombudspersons, making an appropriation, and providing an effective date.

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

### MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on January 29, 1998, passed the following bill in which the concurrence of the House is asked:

Senate File 2023, a bill for an act relating to the issuance of ex-prisoner of war motor vehicle registration plates to surviving spouses.

Also: That the Senate has on January 29, 1998, passed the following bill in which the concurrence of the House is asked:

Senate File 2052, a bill for an act relating to programs involving government finance, by providing for the issuance of private activity bonds to administer programs by governmental entities, including the Iowa agricultural development authority and political subdivisions, and providing program assistance to beginning farmers.

Also: That the Senate has on January 29, 1998, passed the following bill in which the concurrence of the House is asked:

Senate File 2072, a bill for an act providing for the appointment of an additional member to the family development and self-sufficiency council.

MARY PAT GUNDERSON, Secretary

### COMMUNICATION FROM THE STATE APPEAL BOARD

The following communication was received from the State Appeal Board on January 20, 1998, and is on file in the office of the Chief Clerk:

January 16, 1998

Chief Clerk  
House of Representatives  
Statehouse  
LOCAL

Dear Chief Clerk:

There are transmitted herewith claims against the State of Iowa to be filed with the Claims Committee of the House of Representatives.

These include 210 claims of general nature that were denied by the State Appeal Board during April 1997 through December 1997.

The attached index shows claim number, name and address of claimant and the amount requested in the claim.

Sincerely,

Michael Fitzgerald  
Chairperson  
STATE APPEAL BOARD

Receipt of the above is hereby acknowledged.

ELIZABETH A. ISAACSON  
Chief Clerk of the House

DENIED GENERAL CLAIMS BY THE STATE APPEAL BOARD  
SUBMITTED TO THE 77TH GENERAL ASSEMBLY  
April Through December 1997

Claim	Full Name	City	Type	Amount
G960641	Families of NE Iowa	Maquoketa, IA	Provider Services	\$248.21
G960642	Families of NE Iowa	Maquoketa, IA	Provider Services	\$38.30
G960644	Families of NE Iowa	Maquoketa, IA	Provider Services	\$18.72
G960691	Sibbald Chapman Burns Counseling Services	Decorah, IA	Assessment	\$160.00
G960901	Cedarloo Psychiatric Clinic	Waterloo, IA	Outdated Invoice	\$685.00
G961970	Sibbald Chapman Burns Counseling Services, Ltd.	Decorah, IA	Counseling	\$160.00
G961971	Allen Memorial Hospital	Waterloo, IA	Evaluation	\$75.00
G962284	Shawn Loomis	State Center, IA	Outdated Expense	\$500.00
G962507	Page County Auditor	Clarinda, IA	Outdated Invoice	\$180.00
G962761	Paul James Perry	Iowa City, IA	License Refund	\$425.00
G962769	Michelle Holliday	Jansen, NE	Registration Refund	Unspecified
G962775	Robert Gene Roush	York, NE	Moving Expense	\$104.18
G962789	John E. Bednarz	Pekin, IL	License Refund	\$142.00
G962812	Heather Erin Greene	Washington, MD	Registration Refund	\$98.00

<u>Claim</u>	<u>Full Name</u>	<u>City</u>	<u>Type</u>	<u>Amount</u>
G962904	Edward Swailes	Thomson, IL	Income Tax Refund	\$157.00
G962937	Marella & Howard Larson	New Ulm, MN	License Fee Refund	\$107.00
G962970	Gordon Renfeld	Red Oak, IA	Income Tax Refund	\$2,343.00
G963065	Victor Novak	McAllen, TX	Registration	\$68.75
G970053	Donna Jeanne Niedermyer	Omaha, NE	License Refund	\$151.00
G970224	K K D Enterprises, Inc. 604 Lombard	Clarence, IA	IFTA Credit	\$7,305.30
G970245	Whitehorse Transportation	Mount Pleasant, IA	IFTA Refund	\$300.00
G970252	Orville A. Meyers c/o Judy Carls	Long Beach, CA	Income Tax Refund	\$2,398.75
G970262	GTE	Dallas, TX	Outdated Invoices	\$50.89
G970373	McGill & Scott McGill	Rock Valley, IA	Attorney Fees	\$465.00
G970574	Arthur F. Cross	Des Moines, IA	License Refund	\$178.00
G970578	Iowa Methodist Medical Center	Des Moines, IA	Medical Fees	\$30.00
G970579	Iowa Methodist Medical Center	Des Moines, IA	Medical Fees	\$30.40
G970633	Veterans Memorial Hospital	Waukon, IA	Lab Fees	\$110.50
G970644	Crabtree Harmon Corporation	Raymore, MO	Bus License Refund	Unspecified
G970645	William H. Barker	Creston, IA	License Refund	Unspecified
G970728	Richard Mazzuca	Creston, IA	License Refund	\$15.00
G970749	James J. Dowling	Missouri, IA Valley	License Refund	\$51.00
G970779	Donald L. Erling	Bella Vista, AR	License Refund	\$28.00
G970822	Crabtree Harmon Corporation	Raymore, MO	Bus License Refund	Unspecified
G970823	Crabtree Harmon Corporation	Raymore, MO	Bus License Refund	Unspecified
G970824	Crabtree Harmon Corporation	Raymore, MO	Bus License refund	Unspecified
G970825	Crabtree Harmon Corporation	Raymore, MO	Bus License Refund	Unspecified

<u>Claim</u>	<u>Full Name</u>	<u>City</u>	<u>Type</u>	<u>Amount</u>
G970826	Crabtree Harmon Corporation	Raymore, MO	Bus License Refund	Unspecified
G970827	Crabtree Harmon Corporation	Raymore, MO	Bus License Refund	Unspecified
G970828	Crabtree Harmon Corporation	Raymore, MO	Bus License Refund	Unspecified
G970829	Crabtree Harmon Corporation	Raymore, MO	Bus License Refund	Unspecified
G970830	Crabtree Harmon Corporation	Raymore, MO	Bus License Refund	Unspecified
G970831	Crabtree Harmon Corporation	Raymore, MO	Bus License Refund	Unspecified
G970832	Crabtree Harmon Corporation	Raymore, MO	Bus License Refund	Unspecified
G970833	Crabtree Harmon Corporation	Raymore, MO	Bus License Refund	Unspecified
G970834	Crabtree Harmon Corporation	Raymore, MO	Bus License Refund	Unspecified
G970835	Crabtree Harmon Corporation	Raymore, MO	Bus License Refund	Unspecified
G970836	Crabtree Harmon Corporation	Raymore, MO	Bus License Refund	Unspecified
G970837	Crabtree Harmon Corporation	Raymore, MO	Bus License Refund	Unspecified
G970838	Crabtree Harmon Corporation	Raymore, MO	Bus License Refund	Unspecified
G970839	Crabtree Harmon Corporation	Raymore, MO	Bus License Refund	Unspecified
G970840	Crabtree Harmon Corporation	Raymore, MO	Bus License Refund	Unspecified
G970841	Crabtree Harmon Corporation	Raymore, MO	Bus License Refund	Unspecified
G970842	Crabtree Harmon Corporation	Raymore, MO	Bus License Refund	Unspecified
G970843	Crabtree Harmon Corporation	Raymore, MO	Bus License Refund	Unspecified
G970844	Crabtree Harmon Corporation	Raymore, MO	Bus License Refund	Unspecified
G970845	Crabtree Harmon Corporation	Raymore, MO	Bus License Refund	Unspecified
G970846	Crabtree Harmon Corporation	Raymore, MO	Bus License Refund	Unspecified
G970847	Crabtree Harmon Corporation	Raymore, MO	Bus License Refund	Unspecified
G970848	Crabtree Harmon Corporation	Raymore, MO	Bus License Refund	Unspecified

<u>Claim</u>	<u>Full Name</u>	<u>City</u>	<u>Type</u>	<u>Amount</u>
G970849	Crabtree Harmon Corporation	Raymore, MO	Bus License Refund	Unspecified
G970850	Crabtree Harmon Corporation	Raymore, MO	Bus License Refund	Unspecified
G970851	Crabtree Harmon Corporation	Raymore, MO	Bus License Refund	Unspecified
G970852	Crabtree Harmon Corporation	Raymore, MO	Bus License Refund	Unspecified
G970853	Crabtree Harmon Corporation	Raymore, MO	Bus License Refund	Unspecified
G970854	Crabtree Harmon Corporation	Raymore, MO	Bus License Refund	Unspecified
G970855	Crabtree Harmon Corporation	Raymore, MO	Bus License Refund	Unspecified
G970856	Crabtree Harmon Corporation	Raymore, MO	Bus License Refund	Unspecified
G970857	Crabtree Harmon Corporation	Raymore, MO	Bus License Refund	Unspecified
G970858	Crabtree Harmon Corporation	Raymore, MO	Bus License Refund	Unspecified
G970859	John Chidester	Albia, IA	Chronic Renal Disease Program	\$251.13
G970876	Tracey Marie McDonald	Omaha, NE	License Refund	\$131.00
G970881	Winona Smith	Des Moines, IA	Chronic Renal Disease Program	\$518.1
G970882	Agnes M. Hartman	Council Bluffs, IA	Chronic Renal Disease Program	\$191.69
G970883	Eldon Mullen	Corning, IA	Chronic Renal Disease Program	\$8.58
G970884	Harold Picken	Waterloo, IA	Chronic Renal Disease Program	\$7.35
G970885	Rosa Lee Ross	Waterloo, IA	Chronic Renal Disease Program	\$18.75
G970886	Donald Schmieder	Jolley, IA	Chronic Renal Disease Program	\$338.28
G970887	Estate of Kenneth Smith	Des Moines, IA	Chronic Renal Disease Program	\$95.83
G970888	Covenant Home Pharmacy Service	Waterloo, IA	Chronic Renal Disease Program	\$242.60
G970889	Evelyn G. South	Council Bluffs, IA	Chronic Renal Disease Program	\$14.78
G970890	Genesis Medical Center	Davenport, IA	Chronic Renal Disease Program	\$390.00
G970891	Covenant Home Pharmacy Service	Waterloo, IA	Chronic Renal Disease Program	\$107.46



<u>Claim</u>	<u>Full Name</u>	<u>City</u>	<u>Type</u>	<u>Amount</u>
G970892	North Iowa Mercy Health Center Pharmacy	Mason City, IA	Chronic Renal Disease Program	\$122.50
G970893	Chronimed, Inc.	Minneapolis, MN	Chronic Renal Disease Program	\$242.65
G970894	Stangel Pharmacy	Onawa, IA	Chronic Renal Disease Program	\$47.27
G970895	Capitol Cab Co.	Des Moines, IA	Chronic Renal Disease Program	\$318.20
G970896	Wagner Clinic Pharmacy	Clinton, IA	Chronic Renal Disease Program	\$237.24
G970897	Shenandoah Memorial Hospital	Shenandoah, IA	Chronic Renal Disease Program	\$45.45
G970898	Sherman Robbins	Dallas, IA	Chronic Renal Disease Program	\$97.72
G970899	LaRita Mohrfeld	West Point, IA	Chronic Renal Disease Program	\$126.71
G970900	Sharon Boldt	Davenport, IA	Chronic Renal Disease Program	\$65.70
G970901	Stanley Vanderbur	Des Moines, IA	Chronic Renal Disease Program	\$168.75
G971057	Sale R Villa Construction, Inc.	Perry, IA	IRP Refund	\$245.00
G971074	Richard A. Keen	Dyer, IN	License Refund	\$147.00
G971075	St. Joseph Hospital	Omaha, NE	Chronic Renal Disease Program	\$327.50
G971076	Stanley Adams	Garnavillo, IA	Chronic Renal Disease Program	\$606.85
G971077	Allean Bradley	Des Moines, IA	Chronic Renal Disease Program	\$10.70
G971078	University of Iowa Pharmacy Department	Iowa City, IA	Chronic Renal Disease Program	\$2,229.06
G971079	Carolyn Hegland	Osage, IA	Chronic Renal Disease Program	\$31.88
G971080	Chad Baker	Iowa City, IA	Chronic Renal Disease Program	\$46.65
G971081	Naomi Bryant	Des Moines, IA	Chronic Renal Disease Program	\$54.62
G971082	Larry Allgood	Des Moines, IA	Medical Fees	\$12.55
G971145	Families of Northeast Iowa	Maquoketa, IA	Provider Services	\$5.89
G971146	Families of Northeast Iowa	Maquoketa, IA	Provider Services	\$258.60
G971147	Families of Northeast Iowa	Maquoketa, IA	Provider Services	\$125.37

<u>Claim</u>	<u>Full Name</u>	<u>City</u>	<u>Type</u>	<u>Amount</u>
G971252	King Transfer, Ltd.	Onawa, IA	IFTA Credit	\$1,141.20
G971273	Carol A. Garrard	Colorado, CO Springs	License Refund	\$92.00
G971291	Black Hawk County	Waterloo, IA	Outdated Invoice	\$4,652.16
G971306	Kyle L. Stock	Davenport, IA	IFTA Credit	\$40.50
G971316	Plymouth County, Iowa	Le Mars, IA	Civil Commitment on Substance Abuse	\$209.75
G971319	Dr. Marc C. Slivken	Davenport, IA	Dentistry	\$903.00
G971326	Eileen M. Giger	Brentwood, TN	License Refund	\$212.00
G971361	William Smith	Iowa Falls, IA	Chronic Renal Disease Program	\$279.85
G971362	University of Iowa Hospitals & Clinics	Iowa City, IA	Chronic Renal Disease Program	\$9.00
G971365	Michael Ray Rathje	Omaha, NE	License Refund	\$154.00
G971367	University of Iowa Hospitals & Clinics	Iowa City, IA	Chronic Renal Disease Program	\$106.52
G971368	Chronimed, Inc.	Minneapolis, MN	Chronic Renal Disease Program	\$452.99
G971370	University of Iowa Hospitals & Clinics	Iowa City, IA	Chronic Renal Disease Program	\$78.37
G971388	Keith or Eileen Giger	Brentwood, TN	License Refund	\$210.00
G971397	University of Iowa Hospitals & Clinics	Iowa City, IA	Chronic Renal Disease Program	\$30.00
G971404	Sorensen Farm Drainage, Inc.	Cherokee, IA	License Plate Refund	\$44.00
G971412	Sorensen Farm Drainage, Inc.	Cherokee, IA	License Refund	\$48.00
G971414	Sorensen Farm Drainage, Inc.	Cherokee, IA	License Refund	\$38.00
G971415	Sorensen Farm Drainage, Inc.	Cherokee, IA	License Refund	\$27.00
G971416	Sorensen Farm Drainage, Inc.	Cherokee, IA	License Refund	\$34.00
G971417	Sorensen Farm Drainage, Inc.	Cherokee, IA	License Refund	\$69.00
G971418	Sorensen Farm Drainage, Inc.	Cherokee, IA	License Refund	\$34.00
G971419	Sorensen Farm Drainage, Inc.	Cherokee, IA	License Refund	\$34.00

Claim	Full Name	City	Type	Amount
G971420	Sorensen Farm Drainage, Inc.	Cherokee, IA	License Refund	\$15.00
G971421	Sorensen Farm Drainage, Inc.	Cherokee, IA	License Refund	\$44.00
G971422	Sorensen Farm Drainage, Inc.	Cherokee, IA	License Refund	\$15.00
G971423	Sorensen Fram Drainage, Inc.	Cherokee, IA	License Refund	\$69.00
G971424	Sorensen Farm Drainage, Inc.	Cherokee, IA	License Refund	\$34.00
G971425	Sorensen Farm Drainage, Inc.	Cherokee, IA	License Refund	\$237.00
G971426	Sorensen Farm Drainage, Inc.	Cherokee, IA	License Refund	\$44.00
G971430	Yoder, Inc.	Kalona, IA	IRP Refund	\$445.00
G971431	Sorensen Farm Drainage, Inc.	Cherokee, IA	License Refund	\$27.00
G971432	Sorensen Farm Drainage, Inc.	Cherokee, IA	License Refund	\$237.00
G971433	Sorensen Farm Drainage, Inc.	Cherokee, IA	License Refund	\$15.00
G971439	University of Iowa Hospitals & Clinics	Iowa City, IA	Chronic Renal Disease Program	\$85.35
G971440	Lavora Humble	Cedar Rapids, IA	Chronic Renal Disease Program	\$74.77
G971441	Denise Henderson	Davenport, IA	Chronic Renal Disease Program	\$21.02
G971442	Duane Eggers	Clinton, IA	Chronic Renal Disease Program	\$231.99
G971443	University of Iowa Hospitals & Clinics	Iowa City, IA	Chronic Renal Disease Program	\$703.05
G971444	Kay Renee Hoffman	Spragueville, IA	Chronic Renal Disease Program	\$2,251.63
G971445	Gerald Nixon	Afton, IA	Chronic Renal Disease Program	\$0.69
G971446	Darius Countryman	Sioux City, IA	Chronic Renal Disease Program	\$109.43
G971447	Robert Casper	Davenport, IA	Chronic Renal Disease Program	\$25.31
G971448	Dale J. Copp	Hawkeye, IA	Chronic Renal Disease Program	\$144.76
G971449	Johnnie R. Barker	Waterloo, IA	Chronic Renal Disease Program	\$422.92
G971450	Maxine Bryant	Davenport, IA	Chronic Renal Disease Program	\$49.19

<u>Claim</u>	<u>Full Name</u>	<u>City</u>	<u>Type</u>	<u>Amount</u>
G971451	University of Iowa Hospitals & Clinics	Iowa City, IA	Chronic Renal Disease Program	\$2,562.69
G971452	Mattie Palmer	Waterloo, IA	Chronic Renal Disease Program	\$1.92
G971453	Louis Morman	Waterloo, IA	Chronic Renal Disease Program	\$2.40
G971454	Janet Lansink	Ida Grove, IA	Chronic Renal Disease Program	\$34.49
G971455	Addie B. Dillard	Fort Madison, IA	Chronic Renal Disease Program	\$36.38
G971456	Kendra Etta Deike	Plainfield, IA	Chronic Renal Disease Program	\$4.46
G971457	Tamara L. Davidson	Wellman, IA	Chronic Renal Disease Program	\$144.90
G971458	Gary Crooks	Charles City, IA	Chronic Renal Disease Program	\$23.39
G971459	Stadlander Pharmacy	Pittsburg, PA	Chronic Renal Disease Program	\$1,519.41
G971460	Shenandoah Memorial Hospital	Shenandoah, IA	Chronic Renal Disease Program	\$182.00
G971461	Elizabeth Caldwell	Denison, IA	Chronic Renal Disease Program	\$22.65
G971462	Dale Lansink	Ida Grove, IA	Chronic Renal Disease Program	\$697.12
G971463	Lori Klein	Dubuque, IA	Chronic Renal Disease Program	\$35.64
G971464	Easter Foods Pharmacy	Charles City, IA	Chronic Renal Disease Program	\$4.50
G971465	Wagner Clinic Pharmacy	Clinton, IA	Chronic Renal Disease Program	\$4.48
G971466	Douglas L. Karnes	Melvin, IA	Chronic Renal Disease Program	\$100.88
G971467	St. Joseph Hospital	Omaha, NE	Chronic Renal Disease Program	\$3.15
G971468	Covenant Home Pharmacy Service	Waterloo, IA	Chronic Renal Disease Program	\$57.90
G971469	Estate of Freida J. Martin	Des Moines, IA	Chronic Renal Disease Program	\$62.52
G971470	Estate of Jerry Davis	Berwick, IA	Chronic Renal Disease Program	\$102.81
G971471	University of Iowa Hospitals & Clinics	Iowa City, IA	Chronic Renal Disease Program	\$2,722.00
G971473	Jack's Feed & Grain, Inc.	Stanwood, IA	IRP Refund	Unspecified
G971474	Edward E. McGee	Merritt Island, FL	License Refund	Unspecified

<u>Claim</u>	<u>Full Name</u>	<u>City</u>	<u>Type</u>	<u>Amount</u>
G971487	Crowne Closing Company	Omaha, NE	Revenue Tax Refund	\$661.34
G971492	Luke McGargill Trucking	Farragut, IA	IRP License Refund	\$519.51
G971501	Transwood, Inc.	Omaha, NE	License Refund	\$44.00
G971504	Stewart Hughes	Lewis, IA	IRP Refund	\$173.00
G971513	University of Iowa Pharmacy Department	Iowa City, IA	Chronic Renal Disease Program	\$964.54
G971514	University of Iowa Pharmacy Department	Iowa City, IA	Chronic Renal Disease Program	\$2,381.24
G980005	Rashid Health Mart	Fort Madison, IA	Chronic Renal Disease Program	\$210.62
G980006	St. Joseph Hospital	Omaha, NE	Chronic Renal Disease Program	\$55.98
G980007	University of Iowa Hospitals & Clinics	Iowa City, IA	Chronic Renal Disease Program	\$139.07
G980008	University of Iowa Hospitals & Clinics	Iowa City, IA	Chronic Renal Disease Program	\$2,617.06
G980028	Mark C. Meyer	Cedar Rapids, IA	Attorney Fees	\$460.28
G980035	Chronimed, Inc.	Minneapolis, MN	Chronic Renal Disease Program	\$477.91
G980036	HMI Illinois	Chicago, IL	Chronic Renal Disease Program	\$9.49
G980038	Melvin Graham	Des Moines, IA	Chronic Renal Disease Program	\$453.00
G980060	Scott Carl Finkbiner	Fort Peck, MT	License Refund	\$272.00
G980091	Pottawattamie County Board of Supervisors	Council Bluffs, IA	Commitment Costs	\$246.00
G980092	Pottawattamie County Board of Supervisors	Council Bluffs, IA	Commitment Costs	\$322.00
G980093	Pottawattamie County Board of Supervisors	Council Bluffs, IA	Commitment Costs	\$122.00
G980131	Lawrence or Penny Winning	Lampe, MO	License Refund	\$100.00
G980135	James E. Willms	Grundy Center, IA	Homestead Credit	\$178.07
G980139	HMI Illinois	Florissant, MO	Chronic Renal Disease Program	\$852.74
G980146	Eva Byerly	Maynard, IA	Chronic Renal Disease Program	\$15.66
G980147	St. Joseph Hospital	Dallas, TX	Chronic Renal Disease Program	\$621.40
G980148	UHC Pharmacy Dept	Iowa City, IA	Chronic Renal Disease Program	\$221.24

<u>Claim</u>	<u>Full Name</u>	<u>City</u>	<u>Type</u>	<u>Amount</u>
G980149	Fifield Pharmacy	Des Moines, IA	Chronic Renal Disease Program	\$21.60
G980150	UIHC Pharmacy	Iowa City, IA	Chronic Renal Disease Program	\$11.25
G980151	Mayo Pharmacy - Rochester	Rochester, MN	Chronic Renal Disease Program	\$433.30
G980160	Amy Jo Zapf	Eagan, MN	License Refund	\$64.00
G980165	Karin R. Strand	Des Moines, IA	License Refund	\$10.00
G980177	Darin Linn Wogen	Plymouth, MN	License Refund	\$178.00
G980217	West Group	Carol Stream, IL	Outdated Invoice	\$70.29
G980251	Thomas and Sharon Moorman	Omaha, NE	License Refund	\$12.00
G980269	Estate of Gladys Kankel	Davenport, IA	Chronic Renal Disease Program	\$390.00
G980270	Stangel Pharmacy	Onawa, IA	Chronic Renal Disease Program	\$220.11
G980324	Dave's Sports Outlet, Inc.	Guttenberg, IA	Photocopies	\$20.00

### COMMUNICATION FROM THE DEPARTMENT OF MANAGEMENT

The following communication was received from the Department of Management on January 21, 1998, and is on file in the office of the Chief Clerk:

January 16, 1998

Chief Clerk  
House of Representatives  
Statehouse  
LOCAL

Dear Chief Clerk:

In accordance with Section 669.12, Code of Iowa, we are hereby submitting to the General Assembly all General Tort Claims, Highway Tort Claims and Settlements & Judgments (general torts and highway) paid during 1997 under Chapter 669.

The attached report shows the claim number, claimant's name, a brief description of the claim, the amount requested and the amount approved.

Sincerely,  
Michael Fitzgerald  
Chairperson  
Department of Management

Receipt of the above is hereby acknowledged.

ELIZABETH A. ISAACSON  
Chief Clerk of the House

CHAPTER 669 TORT CLAIMS APPROVED  
BY THE STATE APPEAL BOARD — 1997

<u>CLAIM</u>	<u>FULL NAME</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>	<u>PAID</u>
T940316	Farmers Casualty Co. as Subrogee of James Carney	Failed to yield right of way	\$2,462.96	\$1,970.37
T950659	Linda J. DeClute	Claimant slipped and fell on icy sidewalk at ISU	Undetermined	\$30,405.00
T950730	Ivie Nakadate	DOT vehicle allegedly rearended claimant's vehicle and claimant sustained injuries	Unspecified	\$7,000.00
T960091	Robert Nathan Smith	Claimant is seeking loss of consortium for wife's injuries at the Iowa State Fairgrounds	\$50,000.00	\$10,000.00
T960092	Janet Ann Smith	Claimant tripped and fell on an alleged crack in sidewalk at the Agriculture Bldg. at the Iowa State Fairgrounds	\$288,057.42	See T960091
T960148	Donald & Ella Barcus	Claimant filing for damages to clear property title-subsequent judgments against previous owners	Unspecified	\$347.50
T960180	Joe Akpan	Vehicle damaged by paint overspray	\$1,098.00	\$100.00
T960332	William and Beth Ward, Individually and as Parents and Next Friends of Johnathan Ward, a Minor	Claimant sustained burns at UIHC which required surgical removal	Unspecified	\$30,000.00
T960341	Blue Cross and Blue Shield of Iowa as Subrogee of Mary E. Rowe	Claimant fell and slipped at Iowa State Fairgrounds	\$757.45	See T960968
T960594	Marlene Janssen	Vehicle damaged by foreign object in parking garage	\$426.58	\$426.58
T960604	Farm Bureau Mutual Insurance Company as Subrogee of Jean A. Harrington-Britt	Dept. of Public Safety - vehicle struck claimants vehicle	\$5,887.35	\$7,593.35
T960624	TCI	DOT plow stuck/trying to get out struck and damaged claimant's vehicle	\$1,908.60	\$1,100.00
T960672	Carrie Branning	DOT snowplow threw object damaging claimant's vehicle rear window	\$123.38	\$123.38

<u>CLAIM</u>	<u>FULL NAME</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>	<u>PAID</u>
T960724	Joseph Buehrer	Sideswiped claimant's vehicle	\$938.64	\$938.64
T960751	Gypsy Lynn Hall	Claimant alleges that state ignored her medical condition - mental illness	\$250,000.00	\$19,000.00
T960752	Gypsy Lynn Hall	Claimant alleges that the state ignored her medical condition - mental illness	\$250,000.00	See T960751
T960753	Nicole Dickerson	Claimant slipped and fell on ice in front of Job Services	\$194.24	\$194.24
T960798	Mark Grant	Claimant sustained injuries to cervical spine after surgery	\$150,000.00	\$0.00
T960822	Foodliner, Inc.	DOT snowplow crossed center line and damaged tire	\$405.52	\$202.76
T960880	Geico Insurance Company A/S/O Vernon Lamb	Dept. of Public Safety's vehicle struck claimant's vehicle	\$11,517.97	See T970125
T960968	Mary Rowe	Claimant slipped and fell at Iowa State Fairgrounds	\$1,121.96	\$3,500.00
T961006	Nicole Dickerson	Claimant slipped and fell on ice in front of Job Services	\$775.00	\$775.00
T961035	American Family Insurance as Subrogee for Robert L. Andersen	PD-Vehicle damaged by lawn mower	\$796.07	\$213.62
T961040	State Farm Insurance as Subrogee of Gary Smith	DOT snowplow backed into claimant's vehicle	\$853.16	\$767.84
T961070	Giang Hoang	Claimant alleges while sleeping in parked vehicle at rest area a DOT snow plow struck the rear of his vehicle into a light pole	\$4,339.91	\$9,500.00
T961077	Roxane Heileman	DOT sand truck threw rock damaging claimant's windshield	Undetermined	\$390.15
T961086	CNA Insurance Company as Subrogee of Richard Sudtelgte	Claimant's vehicle damaged when light pole fell and struck his vehicle as he traveled northbound on I29	\$11,096.24	\$11,096.24
T961097	ITT Hartford Insurance as Subrogee of Olga Schroder	DOT vehicle backed into claimant's vehicle	\$1,406.07	\$1,406.07
T970036	Richard C. Doyle	Pallet fell from state vehicle	\$321.07	\$321.07
T970048	Constance Cave	Claimant seeking recovery of 10% bond fee when claimant was mistakenly charged with a probation violation	\$1,350.00	\$1,350.00



<u>CLAIM</u>	<u>FULL NAME</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>	<u>PAID</u>
T970054	Zahid Izbai Baig on behalf of Muneezah Baig, Minor Child	Injured when rock fell from retaining wall	\$2,022.58	\$4,000.00
T970098	Joe McCleary	Claimant's watermelon patch was damaged when a State Trooper drove his patrol car across the watermelon patch	\$840.00	\$840.00
T970108	Stan C. Chaney	Claimant's vehicle sustained a broken passenger side window while parked at the Veteran's Affairs Building at Camp Dodge	\$196.53	\$196.53
T970113	Allstate Insurance Company as Subrogee of Gary Scott Davis	DOT painting bridge overspray drifted on vehicles	\$832.10	\$683.70
T970125	Leone S. Lamb	Claimant injured when their vehicle was struck by ISP vehicle	\$116,708.00	\$80,000.00
T970126	Vernon A. Lamb	Claimant injured when struck by ISP vehicle	\$22,295.95	See T970125
T970129	Craig Lawrence Textor	State driver backing up hit claimant vehicle	Unspecified	\$724.25
T970158	LaDonne R. Stough	DOT truck threw rock and damaged windshield.	\$494.55	\$266.19
T970165	CK Insurance Agency, Inc. as Subrogee of Pete N. Edy Trucking	Improper U turn	\$2,055.60	\$1,027.80
T970171	Steve C. Willmer on behalf of Minor Child, Stephanie Willmer	Claimant's vehicle struck by stolen vehicle in high-speed chase	Unspecified	\$18,000.00
T970172	Steven C. Willmer	Claimant's vehicle struck by stolen vehicle during high-speed chase-personal injuries sustained	\$8,000.00	See T970171
T970173	Deborah Willmer	Claimant's vehicle struck by stolen vehicle during high-speed chase-injuries sustained	\$8,000.00	See T970171
T970174	Robert Dale Cowger	State driver rearended claimant vehicle	\$3,758.41	\$3,758.41
T970182	Charles Colegrove	Claimant's mailbox post was damaged by a Dept. of Natural Resources employee	\$59.51	\$29.51
T970194	Susan Koger	DOT painting bridge, overspray drifted on vehicles	\$1,769.72	See T970867
T970197	State Farm Insurance as Subrogee of Carol Eicher	State driver sideswiped parked claimant's vehicle	\$1,364.60	\$1,364.60
T970202	Marla M. Seals	DOT painting bridge, overspray drifted on claimant's vehicle	\$609.50	\$609.50

<u>CLAIM</u>	<u>FULL NAME</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>	<u>PAID</u>
T970204	Jose Damian Ramos	DOT grader backed into claimant's vehicle	Unspecified	\$1,500.00
T970212	Fred Bechtel	Rearended claimant's vehicle	\$516.81	\$1,028.87
T970213	Murfery Lee Schilb	Claimant-inmate at North Central Correctional Facility-lost property	\$119.12	\$79.04
T970214	Streb Construction Co., Inc.	DOT mower allegedly threw rock, damaged window	\$351.49	\$351.49
T970227	Angela Raines	State driver failed to yield the right of way	Unspecified	\$1,111.71
T970234	Grinnell Mutual Group as Subrogee of Janet Foss	DOT roller pulled out and struck and damaged claimant's vehicle	\$3,199.01	\$3,099.01
T970240	American Family Insurance as Subrogee of Merwin G. Pothast	DOT vehicle rearended vehicle stopped while turning	\$509.68	\$509.68
T970244	IES Utilities, Inc.	DOT maintenance struck and damaged street light base	\$492.91	\$492.91
T970246	Trenton D. Burgus	DOT painting bridge, overspray damaged claimant's vehicle	Unspecified	\$500.93
T970253	Richard J. Putz	DOT mower threw metal which struck and damaged vehicle	\$5,607.28	\$787.48
T970260	Continental Western Insurance Company as Subrogee of Jennifer Holtkamp	DOT painting bridge, overspray drifted on claimant's vehicle	\$805.60	\$805.60
T970261	Alice Espe	DOT boom unlatched as vehicle turned, struck claimant's vehicle	\$577.00	\$577.00
T970269	Dr. Victor K. Akatsa	Claimant sustained injuries at U of I, Iowa House, where he was a hotel guest	\$258.25	\$258.25
T970270	West Bend Mutual Insurance Company as Subrogee of Thomas Williams	State driver failed to yield the right-of-way	\$2,482.70	\$2,482.70
T970277	Secura Insurance Company as Subrogee of Anthony (Tony) Brack	Vehicle damages by oil from boom truck	\$964.10	\$256.09
T970288	Susan Kay Runnells	DOT painting bridge, overspray drifted on vehicles	\$529.72	\$529.72
T970290	Sharon Taeger	DOT painting bridge, overspray drifted on claimant's vehicle	Unspecified	\$371.00
T970292	Janet L. Foss	DOT roller pulled out and struck and damaged vehicle	\$1,172.20	\$500.00

<u>CLAIM</u>	<u>FULL NAME</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>	<u>PAID</u>
T970306	Keith Smutz	UIHC - tooth fractured during surgical procedure	\$160.00	\$160.00
T970307	J. Randy Gipple	DOT painting bridge, overspray drifted on vehicle	\$461.10	\$461.10
T970312	Ella Robertson	Damaged claimant's vehicle with door	\$1,000.00	\$604.00
T970316	Farm Bureau Mutual Insurance as Subrogee for Stephanie Trabert	DOT painting bridge, overspray drifted on vehicle	\$647.14	\$647.14
T970317	Elaine Gross	Rock from DOT operation thrown and damaged claimant's vehicle	Unspecified	\$448.97
T970318	Farm Bureau Mutual Insurance Company as Subrogee for Paul W. Mertens	DOT painting bridge, overspray drifted on vehicle	\$689.00	\$689.00
T970330	John D. Hopkins	DOT painting bridge, overspray drifted on vehicle	Unspecified	\$656.20
T970332	Richard Johs	DOT painting bridge, overspray drifted on claimant's vehicle	\$2,206.02	\$2,306.82
T970337	West Bend Mutual Insurance as Subrogee of Thomas Williams	State driver failed to yield the right of way	\$1,007.95	\$1,067.00
T970338	Tanya Lynn Solma-Jackson	DOT vehicle pulled out and struck claimant's vehicle	Unspecified	\$1,800.00
T970340	Anita Mickael	DOT painting bridge, overspray drifted on vehicle	\$625.40	\$625.40
T970342	Cleo Ann Spence	Claimant's parked vehicle was damaged while parked at the Cherokee Mental Health Institute	\$1,049.11	\$1,049.11
T970344	Lee Mickael	DOT painting bridge, overspray drifted on vehicle	\$328.60	\$328.60
T970346	Larry Matthahs	DOT truck threw rock and damaged claimant's windshield	Unspecified	\$175.29
T970347	Mari Anne Clark	DOT painting bridge, overspray drifted on vehicle	\$585.00	\$520.20
T970350	Gordon Bruce Haynes, Jr.	Lost personal property at Clarinda's Correctional Facility	\$149.00	\$74.50
T970352	Allstate Insurance as Subrogee for Tammy Davis	DOT painting bridge, overspray drifted on vehicle	\$654.55	\$654.55

<u>CLAIM</u>	<u>FULL NAME</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>	<u>PAID</u>
T970353	Hocker Farms, LTD.	Claimant's farm sustained damage by laying of fiber optics cable	\$2,717.48	\$2,717.48
T970355	Dawn L. Liles	Vehicle received paint from DOT operation	Unspecified	\$170.00
T970357	Leo F. & Gladys E. Zach	DOT mower threw debris chipping paint on vehicle	\$813.53	\$813.53
T970358	Randall W. Fowler	Vehicle received paint from DOT operation	\$2,532.50	\$2,415.65
T970359	Marilyn C. Paetz	SUI - rough edge of door tore blouse	\$42.00	\$42.00
T970360	State Farm Insurance as Subrogee of Julia Bash	DOT vehicle rearended claimant's stopped vehicle	\$2,191.74	\$2,191.74
T970363	Don Loots d/b/a Crocker Claims Service	Backing hit claimant's vehicle	\$1,056.92	\$1,056.92
T970365	Susan Elaine Gruwell	Vehicle received paint from DOT operation	\$197.50	\$197.50
T970367	Jacqueline Boyer	DOT vehicle backed into stopped vehicle	\$528.56	\$528.56
T970368	Sarah Jane Pilger	DOT painting bridge, overspray drifted on vehicle	\$810.90	\$477.00
T970370	Steve McMahon	DOT mower threw debris and damaged vehicle	\$541.50	\$541.50
T970371	Dale Schafer	DOT sand truck threw rock and damage windshield	\$197.14	\$197.14
T970372	Keith Thacker	Claimant injured while operating a DNR case crawler	\$350,000.00	\$140,000.00
T970375	Ralph L. Arnold	DOT truck lost rock and cracked pickup bugshield	\$52.99	\$52.99
T970376	Tamara Christine Truitt	State driver caused multi car collision	\$3,000.00	\$1,774.18
T970377	Vermeer Mfg. Company	DOT mower threw rock and damaged vehicle	\$264.20	\$264.20
T970378	GRE Insurance as Subrogee for Michelle Mennen (Smith)	Vehicle received paint from DOT operation	\$691.88	\$791.82
T970379	Michael Steven Aamoth d/b/a Midwest Musical Imports	SUI - Oboe sent to university for inspection and was stolen	\$4,800.00	\$4,000.00
T970382	Joyce Ann Barker	SUI - Jeans torn on metal rod	\$20.94	\$20.94
T970383	Joyce Ann Barker	PD-Vehicle damaged by overspray of paint	\$6.30	\$6.30
T970389	Debra Lynn Spenner	DOT painting bridge, overspray drifted on vehicle	\$442.55	\$442.55

<u>CLAIM</u>	<u>FULL NAME</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>	<u>PAID</u>
T970391	Keith Allan Begin	ISU - Tooth chipped on foreign material in food	\$114.00	\$114.00
T970393	Winfield Frazier	Claimant-inmate at Iowa Veterans Home - lost sweater	\$30.00	\$30.00
T970400	State Farm Mutual Automobile Insurance Company as Subrogee for Leo Bircher	DOT mower threw metal into passing vehicle	\$3,686.10	\$3,686.10
T970402	Raymond P. Mineart	Rocks from DOT operation thrown by semi to vehicle	Unspecified	\$239.73
T970403	Gary Hofmann	DOT painting bridge, overspray drifted on claimant's vehicle	\$402.80	\$402.80
T970404	Samuel N. Buckley	DOT painting bridge, overspray drifted on claimant's vehicle	\$482.30	\$482.30
T970406	Eric W. De Temmerman	Failed to yield to claimant's vehicle	\$2,425.71	\$2,730.71
T970408	State Farm Insurance Company as Subrogee of Kelly and Mike Hoenig	DOT painting bridge, overspray drifted on claimant's vehicle	\$755.25	\$477.00
T970418	Terry L. Montang	Vehicle damaged by gate arm	Unspecified	\$325.97
T970419	James Allison Vermeer	DOT mower threw rock breaking claimant's vehicle's window	\$417.39	\$417.39
T970420	State Farm as Subrogee of Stephen Langridge	DOT painting bridge, overspray drifted on vehicles	\$1,293.90	\$1,702.80
T970422	State Farm as Subrogee of Heather Voyles	DOT painting bridge, overspray drifted on claimant's vehicle	\$781.65	\$781.65
T970424	Margaret Elizabeth Kirkpatrick Hahn	Backing hit claimant's vehicle	\$783.92	\$783.92
T970425	Farm Bureau as Subrogee of Shane & Angi McKenzie	Vehicle turning in parking lot, struck & damaged DOT vehicle	\$3,865.12	\$1,818.83
T970426	Robin Louise Hoyt	DOT vehicle backed into vehicle behind	Unspecified	\$500.00
T970427	M. Francine George	UIHC - Patient's hearing aid was misplaced	\$150.00	\$150.00
T970428	Diane E. Newton	Backing hit claimant's vehicle	\$584.31	\$650.31
T970435	Farm Bureau Mutual Insurance as Subrogee of Wayne Kershner	DOT painting bridge-overspray drifted on vehicles	\$917.80	\$917.80
T970436	Erin Patrick Studer	Backing hit claimant's vehicle	Unspecified	\$1,643.12

<u>CLAIM</u>	<u>FULL NAME</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>	<u>PAID</u>
T970437	James Massey	Missing property at Iowa Medical and Classification Center	\$454.89	\$225.00
T970438	Curtis Purdum	PD-Vehicle damaged by lawn mower	\$152.23	\$152.23
T970442	Mary Rieser	UIHC - Patient injured tooth on foreign material in food	\$376.00	\$376.00
T970444	Kevin A. Roeder	DOT mower threw rock and chipped claimant's windshield	\$345.68	\$245.12
T970445	Jennifer & Scott Gillis	DOT painting bridge, overspray drifted on claimant's vehicle	Unspecified	\$2,624.41
T970447	Tamara Marie Heise	Vehicle damaged by baseball	\$247.18	\$247.18
T970448	Steven J. McCoy	DOT mower threw rock and damaged claimant's windshield	\$334.00	\$330.95
T970450	Cheryl Kay Wyatt-Brown	DOT painting bridge, overspray drifted on claimant's vehicle	\$482.30	\$482.30
T970451	Kathleen Ann Deluhery	DOT truck threw rock and chipped hood of claimant's vehicle	\$1,184.77	\$1,184.77
T970457	Selzer-Werderitsch Construction Co., Inc.	SUI - Vehicle damaged by lawn mower	\$357.08	\$357.08
T970459	Jennifer L. Parsons	Claimant's antenna was damaged by gate arm in a state complex parking lot	\$83.85	\$83.85
T970460	Jason Garner Helkenn	Backing hit claimant's vehicle	\$1,100.00	\$1,028.39
T970462	Marjorie Jane Davenport	Claimant is resident at IVH and files for missing quilt	\$25.00	\$25.00
T970463	Marilyn K. Shamp	DOT painting bridge, overspray drifted on vehicle	\$643.60	\$643.60
T970464	Robert Dale Subbert	Damaged claimant's door	\$483.75	\$483.75
T970466	AAA Michigan Subrogee of Katherine McGee	Backing hit claimant's vehicle	\$766.26	\$766.26
T970467	Ronald John Lovlyn	Department of Public Safety employee was attempting to make a u-turn, failed to observe the claimant's vehicle and struck it	\$4,139.08	\$6,139.08
T970468	David Weigert	DOT painting bridge, overspray drifted on vehicles	\$535.30	\$535.30

<u>CLAIM</u>	<u>FULL NAME</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>	<u>PAID</u>
T970469	Stanley R. Jones	Rock from DOT truck damaged claimant's windshield	\$161.77	\$161.77
T970471	Andrew Porter	State driver failed to yield right-of-way	Unspecified	\$1,068.35
T970472	Opal Marie Tjernagel	Backing up hit claimant's vehicle	\$250.71	\$250.71
T970474	Donna Jean Martin	Claimant suffered a fracture of the right humerus - fall at Ledges State Park	\$12,617.31	\$12,617.31
T970475	Geraldine Kay Prew	Backing hit claimant's vehicle	\$395.63	\$379.59
T970481	Rosemary Giunta	Backing hit claimant's vehicle	Unspecified	\$2,156.24
T970483	James E. Dunn	Boating incident with DNR's causing damage to claimant's boat	\$257.69	\$241.43
T970484	Michael Lee Votteler	DOT truck struck and damaged mailbox	\$102.00	\$105.13
T970488	Jeffrey Lynn Ropp	DOT mower threw debris breaking claimant's headlight	\$231.95	\$231.95
T970490	Frances W. Woodard	Eyeglasses broken in fall outside CY Stephens Center	\$75.00	\$75.00
T970493	Rodney Westfall	Backing hit claimant's vehicle	\$5,789.13	\$3,805.38
T970494	Deborah Anne Bilbao	Backing hit claimant's vehicle	\$1,366.44	\$917.21
T970501	Penny Sue Huffman	DOT painting bridge, overspray drifted on claimant's vehicle	\$1,128.90	\$1,128.90
T970506	Jay Edelnant	PD-Property damaged during university move	\$27.60	\$27.60
T970507	Elmer L. Snider	Claimant is a resident of IVH and files for Norelco Razor	\$60.00	\$60.00
T970508	State Farm as Subrogee of Keith & Sharon Moore	DOT mower allegedly threw object and broke pickup window	\$873.96	\$873.96
T970509	Paula Jean Royark	Sideswiped claimant vehicle	\$2,669.13	\$1,494.48
T970510	Matthew Reed Bancroft	Claimant's vehicle struck light pole lying in roadway	\$339.41	\$339.41
T970511	Everett (Butch) Anderson	DOT snowplow threw debris and damaged window/windshield	\$364.42	\$364.42
T970512	Terry Lee Moyle	DOT sand truck threw rock and damaged windshield	\$337.82	\$337.82

<u>CLAIM</u>	<u>FULL NAME</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>	<u>PAID</u>
T970515	Patricia A. Schaefer	Claimant's vehicle was damaged by a parking gate arm	\$79.65	\$78.58
T970516	Farm Bureau Mutual Ins. Company as Subrogee for Clayton & Ella Robertson	Damaged claimant's vehicle with door	\$4,554.98	\$950.98
T970520	John J. Hein	Vehicle struck skid (plow shoe) from DOT plow	\$364.93	\$364.93
T970521	Shawn Eugene Reese	Vehicle damaged by lawn mower	\$525.82	\$568.62
T970524	United States Fidelity & Guaranty Co. as Subrogee for Daniels Management Corp/Tanya Lynn Ginsberg (Employee)	DOT van failed to slow and struck vehicle I which then caused a chain reaction	\$5,059.02	\$5,059.02
T970525	Krause Gentle Corporation, Kum & Go Food Store	State driver backed into building	\$4,250.00	\$4,050.00
T970526	Terry A. Smothers	Backing hit claimant's vehicle	\$650.00	\$634.25
T970531	Muhammad I. Abdullah	DOT vehicle's brakes failed, struck and damaged claimant's vehicle	\$3,000.00	\$3,200.00
T970532	Willie Patton	Claimant posted bond for release of son	\$150.00	\$150.00
T970533	Gary Dean Bridges	Rearended claimant's vehicle	\$1,677.25	\$1,677.25
T970534	Monica Rose Duve	TV damaged by power surge	\$75.34	\$75.34
T970537	Big Muddy's	DOT painting bridge, overspray drifted on vehicle	Unspecified	\$439.90
T970539	Grinnell Select Insurance as Subrogee of Greg and Tina Manker	DOT mower threw rock and broke glass in van door	\$356.36	\$356.36
T970540	Ward W. Johnson	DOT mower allegedly threw debris, damaged vehicle	\$89.24	\$89.24
T970543	Dennis Duane Henderson	Claimant is an inmate and had books and magazines lost	\$93.75	\$58.80
T970545	Citizens Insurance Company as Subrogee of Ben & Billie Klatt	DOT vehicle allegedly threw rock, damaged hood and windshield	\$551.36	\$551.36
T970547	Michael William Thompson	Personal property damaged during break	\$38.00	\$38.00
T970552	Todd Kelly Harmdierks	DOT sand truck slid into and damaged vehicle	\$1,914.41	\$1,914.41
T970553	Robert C. Burkhart	DOT truck threw material and cracked claimant's windshield	\$191.34	\$191.34



<u>CLAIM</u>	<u>FULL NAME</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>	<u>PAID</u>
T970557	Lisa Ann Grapp	Hit parked claimant's vehicle	Unspecified	\$170.24
T970558	Farm Bureau as Subrogee of Todd Hill	DOT snowplow struck and damaged parked vehicle	\$1,947.20	\$1,947.20
T970559	Theresa Ann Crapse	Claimant's vehicle damaged - state fairgrounds when state-owned vehicle struck tailgate	\$691.03	\$691.03
T970562	Government Employees Insurance Company as Subrogee of Stewart Polston	Claimant is seeking subrogation rights for damages they paid on insured's vehicle which was damaged by Clarinda correctional driver	\$447.68	\$447.68
T970566	Karen S. Armentrout	Claimant was rearended by State of Iowa vehicle	\$6,946.79	\$7,850.68
T970567	Patricia Lynn Braack	DOT sand truck threw rock and cracked windshield	Estimated	\$324.61
T970573	Lorraine A. Harms	DOT vehicle backed into vehicle	\$570.50	\$570.50
T970574	State Farm Insurance as Subrogee for Paul Pogodin	State driver rearended claimant's vehicle	\$177.14	\$177.14
T970575	Frank J. Tomei	Claimant - inmate at Iowa Veterans Home - Lost razor	\$60.00	\$60.00
T970576	Charles E. Wagner	DOT sand truck threw rock and cracked claimant's vehicle	Unspecified	\$270.60
T970577	Dennis G. Starling	DOT sand truck allegedly threw rock-damaged windshield	\$258.07	\$258.07
T970580	Joseph A. Osborn	Claimant is a resident at Iowa Veterans Home alleges razor was damaged by staff	Unspecified	\$45.00
T970586	Automotive Rental, Inc. (ARI)	Sideswiped claimant's vehicle	\$545.26	\$545.26
T970587	Merastar Insurance Company as Subrogee of Victor Spivak	Vehicle rearended DOT vehicle/DOT rearended vehicle/5 vehicles	\$920.41	\$920.41
T970588	Christopher John Thiel	DOT sand truck threw rock and broke claimant's windshield	\$496.00	\$496.51
T970590	Melani Trainor	DOT sand truck allegedly lost rock, damaged windshield	\$250.00	\$224.80
T970592	Geralene G. Shuck	DOT plow threw rock - damaged windshield	Unspecified	\$419.39
T970594	State Farm Insurance as Subrogee for Leonid Vilensky	State driver sideswiped claimant's vehicle	\$294.93	\$294.93
T970595	American Family Insurance Group as Subrogee for Deanna L. Frei	Backing hit claimant's vehicle	\$1,845.08	\$1,845.08

<u>CLAIM</u>	<u>FULL NAME</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>	<u>PAID</u>
T970602	Betty Jean Kline	DOT sand truck allegedly threw rock and chipped windshield	Unspecified	\$534.21
T970603	Elmer Runner	Claimant is an inmate at Iowa Veterans Home - cost of new blades for razor	\$26.95	\$26.95
T970611	John Edward Ward	DOT plow backed into parked car at rest area	\$1,014.70	\$1,014.70
T970612	State Farm Insurance as Subrogee of Ram & Asha Sharna	Backing hit claimant's vehicle	\$2,396.27	\$2,396.27
T970614	Susan Catherine Gardner	DOT sand truck allegedly threw rock, damaged windshield	\$287.70	\$242.50
T970617	Ryan James Buttermore	DOT pickup door struck door of parked vehicle	\$496.81	\$400.00
T970618	Mark Allen Ogden	DOT sand truck threw sand - damaged vehicle	\$358.89	\$329.58
T970619	James L. Haines	DOT plow blade allegedly struck right side of vehicle	\$1,026.60	\$1,026.60
T970620	Daniel J. Ritacca	State driver backing up hit claimant's vehicle	\$797.99	\$771.86
T970622	James Turner	Sideswiped claimant's vehicle	Unspecified	\$1,061.08
T970631	Gary L. and Lynn Hoyer	DOT painting bridge, overspray drifted on vehicles	\$1,694.47	\$1,201.30
T970633	Thomas C. Harrington	Vehicle damaged by gate arm	\$128.29	\$128.29
T970634	Gerkin Windows & Doors, Inc.	State driver sideswiped claimant's vehicle	\$374.39	\$374.39
T970635	Mary E. Pfoff	DOT plow threw rock and damaged claimant's vehicle	\$588.28	\$364.78
T970636	William Lee Copple	Piece of concrete from bridge hit parked vehicle below	\$2,374.07	\$2,374.07
T970637	James Allen Stenger	Inmate at ISP missing photographs from his property	\$1,450.00	\$225.00
T970639	Hermine E. McLeran	Backing up - hit claimant's vehicle	\$732.66	\$732.66
T970640	Michelle Mae Minor	DOT plow threw debris off overpass, damaged windshield	\$300.00	\$378.02
T970642	Kevin Mathew Moeller	Refund of funds taken from his account while at ISP	\$154.50	\$139.19
T970643	Artis Womack		\$750.00	\$5,000.00

<u>CLAIM</u>	<u>FULL NAME</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>	<u>PAID</u>
T970645	Culligan Water Conditioning	DOT vehicle allegedly rear-ended stopped vehicle/chain reaction	\$890.51	\$890.51
T970649	American Family Insurance as Subrogee for Kelly Lynn Rice	PD - Vehicle damaged by mail service vehicle	\$2,022.23	\$2,004.68
T970652	James Franklin Stroud	DOT truck threw gravel - damaged windshield	\$500.00	\$298.64
T970653	Joseph Allen Fowler	Claimant received injuries when claimant's vehicle was struck by employee of Public Defense	\$260.00	\$260.00
T970654	Barney Ray Money, Jr.	DOT plow allegedly threw ice over blade damaging windshield	\$314.90	\$314.90
T970655	Carol Lorene Hesseltine	DOT plow threw debris off overpass - damaged vehicle	Unspecified	\$1,993.08
T970656	E. Marie Parrott	State driver sideswiped parked claimant's vehicle	\$1,157.21	\$1,157.21
T970657	Thomas Richard Utter	Backing up - hit claimant's vehicle	\$466.70	\$466.70
T970658	Ryan Nicole Schiffer	PI - Foot injured by fallen object	\$111.25	\$222.25
T970659	Mary T. Watkins	State driver sideswiped claimant's vehicle	\$2,617.00	\$2,617.00
T970666	State Farm Insurance as Subrogee of Michael Morse	DOT vehicle backed into vehicle when light changed	\$2,051.67	\$2,051.67
T970667	Dewey Ford	Claimant's vehicle damaged when snowplow backed into vehicle at Woodward State Hospital-School	\$1,878.71	\$1,878.71
T970668	Paul Erwin Kakert	PD - Vehicle damaged by deteriorated roadway	\$750.29	\$750.29
T970669	Todd R. Hinkel	Vehicle damaged by weed wacker	\$199.44	\$199.44
T970670	Deanne M. Black	DOT sand truck threw sand - damaged windshield	Unspecified	\$316.97
T970671	Bryan Lawrence Svoboda	State driver backing up hit claimant's vehicle	\$494.75	\$471.19
T970672	State Farm Insurance as Subrogee Timothy Pella	DOT painting bridge, overspray drifted on vehicles	\$384.80	\$384.80
T970673	State Farm Insurance as Subrogee of Kathy Jones	DOT painting bridge, overspray drifted on vehicle	\$379.82	\$379.82
T970674	State Farm Insurance as Subrogee of John Reusch	DOT painting bridge, overspray drifted on vehicles	\$374.80	\$374.80
T970676	Lee Finchem	Alleges struck DOT snow shoe and damaged vehicle	\$1,500.00	\$1,469.32

<u>CLAIM</u>	<u>FULL NAME</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>	<u>PAID</u>
T970678	Dennis Shebetka	DOT sand truck allegedly threw rock, damaged windshield	\$273.70	\$273.70
T970682	MidAmerican Energy Company	A 6-inch plastic feeder line was damaged when DOT was boring a post hole to set up a sign	\$5,916.70	\$5,916.70
T970683	Wendi S. Bibby	State vehicle slid into claimant's vehicle	\$500.00	\$494.59
T970684	Lisa Marie Wutzke	DOT sand truck allegedly threw rocks damaged windshield	\$355.00	\$214.36
T970685	Timothy R. Palmer	Alleges DOT vehicle clipped parked vehicle	\$670.19	\$670.19
T970687	Brian Dale Knoll	PD-Vehicle damaged by rock thrown from mower	\$313.63	\$313.63
T970688	Deborah Jo Haskin	Damages incurred to her van by a dumpster located on the property of the Eldora State Training School	\$977.46	\$767.94
T970692	Al Fangman	Claimant is resident at Iowa Veteran's Home and alleges damage to razor that was dropped by staff and broken	\$50.00	\$50.00
T970693	Randall K. Ashdown	Claimant is resident at Iowa Veterans and alleges that claimant's razor was dropped and broken by staff	\$75.00	\$50.00
T970694	Bruce Dean Hasche	DOT allegedly sprayed ditch, damaged three acres of crops	\$303.25	\$303.75
T970695	Robert Clair Hinckley	Alleges struck guard off DOT plow	\$494.22	\$466.08
T970696	American Family Insurance as Subrogee of Karen and Grant Tracey	PD - Vehicle damaged by debris	\$588.08	\$588.08
T970697	Taylor's Chrysler-Plymouth, Inc. dba Mellis Auto Co.	Alleges DOT wing struck parked pickup	\$2,957.70	\$2,957.70
T970700	John Anthony McFadden	Vehicle damaged by tractor with brush attachment	\$2,000.00	\$1,917.94
T970701	Dr. Joseph X. Latella	DOT truck allegedly threw rock, damaged windshield	\$395.01	\$395.01
T970703	Rox Anne Mull	DOT truck allegedly backed into stopped vehicle	\$1,167.97	\$817.58
T970704	Garren Hodge	Claimant is an inmate at IMR and sustained personal injury when sprayed with mace by another inmate	\$10,000.00	\$1,000.00

<u>CLAIM</u>	<u>FULL NAME</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>	<u>PAID</u>
T970706	William L. Cummings	Claimant is resident at Iowa Veterans Home and alleges his razor was broken by staff	\$50.00	\$50.00
T970707	Sally Ann Fust	Claimant's vehicle was damaged when instructed by Trooper to push his vehicle from the bridge because the vehicle posed a road hazard	\$4,735.95	\$1,425.00
T970710	Marlys Claire Etter	DOT plow allegedly backed into vehicle	\$1,509.89	\$1,509.89
T970711	Sharon Kay Blanch	Slip and fall on rugs @ DL station, personal injury	\$527.11	\$527.11
T970712	US West Communications	DOT cut cable with jackhammer during sidewalk removal	\$2,158.90	\$2,158.90
T970714	Edwin R. Baermann, Jr.	Claimants alleges his AM/FM radio/cassette was lost at the Iowa Veterans Home	\$90.00	\$90.00
T970715	Jack E. Ramser	DOT plow allegedly slid on curve, struck parked vehicle	\$2,254.41	\$2,604.62
T970716	Thomas J. Bramley	Changing lanes hit claimant's vehicle	\$152.88	\$152.88
T970719	Westfield Insurance Co. as Subrogee of John and Joshua Bright and James Jenkins	UNI employee making left hand turn, struck oncoming claimant's vehicle - passenger treated for minor injuries	\$4,117.41	\$4,117.41
T970720	Rita N. James	State driver slid into claimant vehicle	Unspecified	\$321.50
T970722	Donna Kay Ramsey	DOT plow allegedly backed into parked vehicle in rest area	\$1,380.95	\$1,380.95
T970725	Victoria Leto DeFrancisco	Personal property missing	\$430.99	\$205.99
T970729	Guy Gabriel	DOT plow allegedly backed into vehicle	\$680.07	\$680.07
T970730	Mildred Hildreth	DOT plow making left turn, vehicle struck rear of plow	\$2,756.14	\$2,000.00
T970731	Steven Anthony Langgin	DOT sand truck allegedly threw debris - damaged vehicle	\$653.35	\$492.07
T970732	Julie Marie Sewick	DOT snowblower allegedly blew snow onto satellite dish	\$540.75	\$540.75
T970733	Danny Lee Gifford	Backing up - hit claimant's vehicle	\$399.58	\$399.58
T970734	Bill Fisher	DOT plow blade allegedly threw rock damaging windshield	\$220.92	\$240.14

<u>CLAIM</u>	<u>FULL NAME</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>	<u>PAID</u>
T970735	Heather Laurel Rold	Accident at intersection	\$934.03	\$811.66
T970736	River Trails Transit Lines, Inc.	State driver sideswiped claimant vehicle	\$370.00	\$350.00
T970737	Jeffery D. Van Meter	Alleges DOT sander threw rock & damaged windshield	Unspecified	\$271.20
T970738	Randy R. Wehling	DOT sand truck allegedly threw rock - damaged windshield	\$382.94	\$256.36
T970741	James L. King	DOT sand truck allegedly threw rock - damaged windshield	\$219.58	\$219.58
T970742	Melissa D. Deem	Property damaged by water seepage	\$100.00	\$50.41
T970743	Frederick J. Antczak	Water damage to personal belongings as result of water pipe break	\$121.00	\$171.90
T970744	Matt D. Carney	DOT snowblower allegedly threw snow into satellite dish	\$975.00	\$975.00
T970746	Allied Property & Casualty Insurance Company as Subrogee of Carl Brian Christianson	Made improper turn - hit claimant's vehicle	\$1,460.23	\$1,460.23
T970751	Thomas W. Sommers	DOT EE allegedly threw shovel/millings into side of vehicle	Unspecified	\$1,272.76
T970752	Mark Shuler	DOT flatbed allegedly lost debris, damaged windshield	\$350.70	\$201.10
T970755	Vicki Sue Donovan	Backing up - hit claimant's vehicle	Unspecified	\$700.30
T970760	Randal Don Chevalier	DOT snowplow allegedly struck parked vehicle	\$274.85	\$274.85
T970761	Trudy Arlene Decker	Backing up - hit claimant's vehicle	\$1,793.38	\$1,793.38
T970763	Richard E. Poduska	DOT plow allegedly threw debris damaging windshield	\$218.62	\$218.62
T970765	Jonathon A. Muller	Claimant's shoes damaged by light fixture outside of his office	\$104.95	\$104.95
T970767	Nicole Lyn Berschman	Vehicle allegedly struck skid (Plow Shoe) from DOT plow	\$170.51	\$170.51
T970768	Steven C. Freese	DOT vehicle allegedly pulled out in front of vehicle	\$292.26	\$292.26
T970769	City of Sibley	Alleges DOT vehicle damaged city light pole	\$830.42	\$830.42
T970771	Hartford Insurance Co. as Subrogee of Arties J. Womack	Claimant received injuries when struck by employee of Public Defense	\$90.00	See T970643
T970773	Financial Management - Services Squadron	PD - Vehicle damaged by UNI employee	\$544.01	\$544.01

<u>CLAIM</u>	<u>FULL NAME</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>	<u>PAID</u>
T970774	Robert Edward Schmidt	Backing up - hit claimant's vehicle	\$1,000.00	\$996.49
T970776	James & Andrea Turnbull	DOT vehicle allegedly pulled into path of vehicle	\$2,047.63	\$2,046.41
T970777	Timothy Allen Thompson	Claimant is an inmate at ISP and alleges damage was sustained to claimant's TV	\$89.31	\$89.31
T970778	Tina LuAnne Kohlbusch	DOT plow allegedly threw snow, damaging windshield	Unspecified	\$300.28
T970780	Matthew Joseph Youngblut	Personal property missing from dorm room	\$224.77	\$224.77
T970785	John Morrison	Damage to vehicle as a result of an escapee from Glenwood	\$948.33	\$948.33
T970787	Don Weiss	DOT plow wing allegedly struck parked car in rest area	\$1,941.59	\$1,941.59
T970789	John Fedler	Claimant alleges damage to his camcorder during training while employed by ISP	\$820.00	\$670.00
T970790	Wade Anthony Harman	State driver rearended claimant vehicle	Unspecified	\$499.07
T970792	Joseph Miller	DOT plow allegedly threw snow off overpass damaging vehicle	Unspecified	\$175.42
T970793	Loren (NMI) Asher	Claimant is resident at Iowa Veterans Home and alleges clothing was lost	\$104.30	\$24.50
T970794	State Farm Insurance as Subrogee of Paul Gossweiler	DOT blower allegedly threw debris - damaged windshield/roof	\$1,330.27	\$1,330.27
T970796	Soo Keliin Song	Rearended claimant's vehicle	\$190.21	\$178.95
T970799	Chi-Wai Lau	State driver rearended claimant vehicle	\$1,153.70	\$557.97
T970801	William & Lori Lindau	Backing up - hit claimant's vehicle	\$483.87	\$483.87
T970802	Rhonda Lea Pahl	Alleges DOT sander threw sand damaging windshield	\$655.73	\$331.75
T970804	Wenlyn Dale Lindeman	Alleges DOT vehicle struck other vehicle	\$400.00	\$397.84
T970805	Thomas L. Andresen	Sideswiped claimant's vehicle	\$1,311.22	\$1,311.22
T970808	Rita Ann Minchik	Lost control on ice - hit claimant's vehicle	\$441.89	\$441.89
T970809	Robert W. Ray	Vehicle allegedly struck snowplow shoe causing damage	\$382.25	\$382.25

<u>CLAIM</u>	<u>FULL NAME</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>	<u>PAID</u>
T970810	Eric M. Kirbach	Claimant is a Cert Officer with ISP who had personal property damaged while on a training outing at Powdertown	\$173.00	\$173.00
T970811	Jill Suzanne Schlueter	Vehicle damaged by trailer which became unhitched	\$1,496.98	\$1,496.98
T970812	JoAnn K. Berry	DOT truck plowing & sanding, alleges damaged windshield	Unspecified	\$253.51
T970815	Maurice D. Huff	Personal items burned and destroyed while on a training outing at Powdertown	\$451.44	\$301.44
T970816	Bert Steen	DOT blower alleges threw snow damaged cedar trees	\$2,500.00	\$1,000.00
T970817	Patrick Edward Roan	Backing up - hit claimant's vehicle	Unspecified	\$639.71
T970819	Goose Creek Auto/Truck Plaza, Inc.	DOT vehicle allegedly pulled & damaged diesel pump hose	Unspecified	\$560.25
T970822	Deborah Kaye Loss	Water damage to personal belongings as result of water pipe break	\$49.00	\$49.00
T970824	Michael A. Loecke	Slid into claimant's vehicle	\$552.01	\$552.01
T970828	Anna Marie Foy	DOT sand truck allegedly threw rock damaged windshield	\$49.90	\$77.25
T970829	Kenneth Roy Burns	DOT plow allegedly struck parked car with wing	\$600.00	\$450.00
T970830	P. Takis Poulakos	Water damage to briefcase as a result of water pipe break	\$180.00	\$50.00
T970832	Guillermo Amador	Rearended claimant's vehicle	\$700.00	\$699.52
T970834	Thomas J. Benda	DOT plow allegedly threw rock - damaged windshield	Unspecified	\$312.06
T970836	Scott Lee Cupples #04603-030	Claimant is an inmate at ISP and alleges damage to claimant's TV	\$196.99	\$150.00
T970839	Kim Darcy Schramm	Plow allegedly threw snow off overpass damaging windshield	\$684.40	\$291.52
T970840	Gary W. Palmer	DOT plow allegedly threw snow/ice denting vehicle	\$530.23	\$530.23
T970841	Lori J. Lewis	DOT vehicle allegedly slid into DOT EE parked vehicle	\$420.65	\$420.65
T970843	Linda Laurenzo	Claimant's antenna damaged by gate arm	\$67.56	\$67.56
T970844	Carol F. Harms	DOT blower on shoulder struck abandoned vehicle	\$1,030.65	\$1,030.65



<u>CLAIM</u>	<u>FULL NAME</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>	<u>PAID</u>
T970845	Thomas Lynn Bennett	Vehicle's antenna damaged by gate arm	\$87.63	\$87.63
T970847	Thomas Ewers	Patient's hearing aid was misplaced	\$934.25	\$934.25
T970849	Marveen Frances Arvidson	DOT plow allegedly threw rock, \$504.19 damaged windshield		\$295.89
T970851	Michael Lark Reynolds	DOT plow clearing snow at shop, backed into pickup	Unspecified	\$1,699.11
T970852	Hallett Materials	DOT sand truck allegedly backed into vehicle on ramp	\$1,987.78	\$1,987.78
T970854	Darren E. Kirk	DOT sand truck allegedly threw rock damaging windshield	\$388.64	\$194.32
T970856	Christopher Paul Olson	Rearended claimant's vehicle	\$757.44	\$677.20
T970857	Iowa Turkey Products, Inc.	DOT slid thru stop sign and struck other vehicle	\$1,490.17	\$1,490.17
T970858	Geraldine Wise	State driver sideswiped claimant vehicle	\$927.47	\$927.47
T970859	City of Estherville	DOT vehicle allegedly struck light pole with wing	\$195.00	\$195.00
T970863	Bernie A. Schneider	Personal items burned and destroyed while on a training outing at Powdertown	\$209.93	\$59.93
T970865	Scott A. Kendall	State driver rearended claimant's vehicle	\$758.85	\$758.85
T970867	Susan Koger	DOT painting bridge, overspray drifted on vehicles	Unspecified	\$333.90
T970868	Suzanne Moran	Backing up - hit claimant's vehicle	\$887.94	\$887.94
T970869	Lyndee Beth Underbakke	Struck parked claimant's vehicle	\$925.49	\$898.22
T970870	Wayne D. Baumhover	DOT sand truck threw rock chipping windshield	\$40.00	\$26.45
T970871	The Waldinger Corporation	Backing up - hit claimant's vehicle	\$150.09	\$150.09
T970877	Mel Haag	DOT snowblower allegedly blew ice/snow into trees	\$4,000.00	\$1,000.00
T970881	William H. Barbee, Jr.	Lost glasses while inmate at ISP	\$86.00	\$86.00
T970883	Heather M. Green	Backing up - hit claimant's vehicle	\$350.14	\$350.14
T970884	Amanda Sue Bunce	DOT allegedly erred on DL record, arrested and jailed	\$814.75	\$814.75

<u>CLAIM</u>	<u>FULL NAME</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>	<u>PAID</u>
T970885	Robert J. Hubbard	Vehicle allegedly struck payment dropoff not filled by cont	\$1,542.08	\$771.04
T970886	Joy L. Page	State driver lost control slid into claimant vehicle	Unspecified	\$1,601.29
T970888	Dulcinea Michaela Campana	Exposure to CO	\$800.00	\$792.47
T970894	Donna Kay Nielsen	Backing up - hit claimant's vehicle	\$831.00	\$829.17
T970898	Janiece Ann Sorensen	DOT plow allegedly struck stopped vehicle with wing	\$262.03	\$262.03
T970900	Wayne Jabier Drew	DOT plow sideswiped unknown vehicle on shoulder	\$1,000.00	\$500.00
T970901	Joseph William Ueding	Claimant's vehicle rear-ended by DOT vehicle while stopped	\$8,790.21	\$6,178.21
T970902	Susan L. Lloyd	Claimant's van damaged by DOT end loader as it backed up	\$4,958.63	\$4,958.63
T970903	Dennis P. Feikert	Claimant is an ISP employee who had glasses broken	\$247.70	\$97.70
T970908	Carolyn Gaukel	Vehicle's antenna damaged by gate arm in Capitol Complex	\$70.59	\$70.59
T970909	Denise Lange	PD - Vehicle damaged by tree limb	\$368.94	\$318.11
T970910	Paula Jane Puls	State driver sideswiped claimant's vehicle	\$2,314.36	\$2,314.36
T970912	Meldom Davis	Claimant's radio was broke at Iowa Veterans Home	\$35.00	\$35.00
T970914	State Farm Insurance as Subrogee of Devin Blint	DOT painting bridge, overspray drifted on vehicles	\$792.35	\$792.35
T970915	Richard E. Myers	Damage to vehicle's antenna caused by gate arm	\$90.30	\$90.30
T970916	IMT Insurance Company as Subrogee for John Lewandowski	Vehicle struck and damaged DOT snow plow	\$3,625.91	\$1,812.96
T970919	Ernest Irvin Jansen	DOT allegedly erred on DL record, vehicle towed	\$72.41	\$72.41
T970923	Wilson Seeds, Inc.	DOT sand truck allegedly threw rocks/sand damaged windshield	\$525.63	\$339.50
T970924	Elizabeth Jean Kastner	State driver struck claimant in intersection	\$1,135.87	\$1,135.87
T970926	Betty Wiederrecht	Patient's glasses were misplaced	\$243.95	\$243.95

<u>CLAIM</u>	<u>FULL NAME</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>	<u>PAID</u>
T970927	Amy Lynn Brown	Inappropriate medication	\$3,000.00	\$3,000.00
T970930	Orville W. Luedtke	DOT truck on shoulder allegedly threw rock damaged windshield	\$535.50	\$535.50
T970944	Larry D. Ward, Sr.	State driver backed into claimant vehicle	\$886.81	\$886.81
T970951	State Farm Insurance as Subrogee of Ryan and H.R. Harvey	ISU vehicle hit claimant while riding a bike	\$5,523.82	\$6,180.32
T970954	Ronald Rayner	State driver backed into claimant vehicle	\$73.17	\$73.17
T970960	Harlan Epland	Tooth injured during dental procedure	\$138.00	\$138.00
T970961	Sharon L. Hansen	Vehicle damaged by tree limb	\$328.70	\$328.70
T970973	Daniel Paul Poggenklass	Plow allegedly pushed snow off overpass damaged windshield	\$354.73	\$354.73
T970982	Lillian M. McKenrick	DOT vehicle changing lanes, struck vehicle	\$985.43	\$1,074.21
T970986	Joyce E. Edmondson	Claimant's vehicle was struck by U of I employee while attempting to change lanes	\$6,411.35	\$5,513.52
T970988	Richard D. Johnson	Resident at Iowa Veterans Home had his watch damaged	\$50.00	\$50.00
T970998	Suzanne Helene Amsbaugh	DOT vehicle rolled backward damaging DOT EE vehicle	\$669.01	\$669.01
T971007	Elizabeth A. Isaacson	Damage to antenna when entering employee lot	\$72.42	\$72.42
T971008	Kimberly Ann Weber	Vehicle damaged by wind-blown garbage can	\$218.50	\$218.50
T971013	Ryan Richard Keeler	DOT sand trucks allegedly threw rocks damaged windshield	\$407.30	\$319.23
T971014	Nationwide Insurance as Subrogee for Paul Butler-Nalin	Slid into claimant vehicle	\$1,625.55	\$1,725.55
T971016	Tara L. Roehrig	Fell at dental building	\$124.00	\$124.00
T971021	Jessica Harmon	DOT truck allegedly threw rock damaged windshield	Unspecified	\$287.65
T971023	Warren Graham Freeman	Vehicle damaged by wind-blown dumpster	\$271.40	\$247.38
T971026	Esther M. Conway	Hay bales and wooden fences destroyed when a controlled burn set by the DNR went out of control	\$2,568.48	\$2,000.00

<u>CLAIM</u>	<u>FULL NAME</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>	<u>PAID</u>
T971029	Robert D. DeCook	Claimant's vehicle damaged by a rock propelled from a John Deere tractor operated by state employee	\$281.00	\$281.00
T971035	Denise K. Middleswart	Damage to claimant's antenna while exiting employee's parking lot	\$81.89	\$81.89
T971046	Dorothy M. Rodgers	PI - Tooth injured by foreign object in food	\$64.00	\$64.00
T971048	Kenneth R. Cocio	Rearended claimant vehicle	Unspecified	\$315.00
T971052	Jesse Bruce Hardin	DOT plow allegedly threw slush, damaged windshield	\$373.23	\$373.23
T971053	Lint Millwright, Inc.	DOT van passing vehicle, vehicle turned left into DOT van	\$2,005.29	\$840.00
T971054	Ann M. Moore	Projector and slide equipment destroyed at Iowa State Fairgrounds because of the electrical outlet	\$1,318.48	\$1,318.48
T971060	Deborah Sue Hanus	Backing hit claimant vehicle	Unspecified	\$179.97
T971067	Kristine Ann Hill	Backing hit claimant vehicle	\$533.75	\$533.75
T971069	Osceola County Conservation Board	Extensive siltation of Willow Creek Lake took place when DOT removed a natural filtration system that existed above Willow Creek	\$27,000.00	\$19,500.00
T971075	Richard F. Sanderson	DOT painting road, paint allegedly got on vehicle	\$82.84	\$82.84
T971078	Nancy Jean Peterson	State vehicle rolled into claimant vehicle	\$715.13	\$715.13
T971079	Wendell D. Stief	DOT mower allegedly threw rocks, damaged windshield	\$240.82	\$240.82
T971083	Patricia McNamara	Ladder allegedly fell on parked DOT EE vehicle	\$533.71	\$339.14
T971084	Edward Calvin Studebaker	Alleges DOT mower threw rock, damaged windshield	\$469.05	\$469.05
T971085	Franklin Kebschull	Inmate at ISP had personal property damaged	\$175.00	\$175.00
T971086	Doug Young	PD - vehicle damaged by gate arm	\$105.17	\$105.17
T971087	Jeffrey J. Tank	Backing hit claimant vehicle	\$431.36	\$431.36
T971088	Mark Allen Grafton	Claimant arrested illegally	\$518.25	\$300.00

<u>CLAIM</u>	<u>FULL NAME</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>	<u>PAID</u>
T971090	City of Davenport	DOT allegedly failed to call for locate, damaged cable	\$3,158.37	\$3,158.37
T971093	Adoracion Taylor	Backing hit claimant vehicle	\$19,069.36	\$2,851.21
T971095	Stephanie Marlene Miller-Lamb	PD - Property damaged by employee	\$135.00	\$135.00
T971096	Brian James Butcher	Backing hit claimant vehicle	\$502.79	\$502.79
T971098	Lisa R. Palmer	Rearended claimant vehicle	\$370.00	\$295.61
T971099	Craig Richard Root	PD - Vehicle damage by gate arm	\$416.35	\$416.35
T971100	James A. Burgmeier	Vehicle allegedly struck pothole causing damaging to tire	\$76.13	\$76.13
T971102	James Andrew Gehl	PD - Property damaged in vehicle fire	\$397.00	\$397.00
T971105	Norman L. Adams	DOT mower allegedly threw gravel, damaged vehicle	\$1,796.45	\$1,796.45
T971107	Iowa Plains Signing, Inc.	DOT plows allegedly struck/damaged 12 barricades on shoulder	\$720.00	\$720.00
T971111	Steve V. Greenhorn	DOT sand truck allegedly threw rock - damaged windshield	Unspecified	\$262.98
T971114	Larry Fincher	Failed to yield to claimant vehicle	\$3,686.47	\$3,686.47
T971115	Oscar Leland Smith	Vehicle allegedly struck pole in roadway	Unspecified	\$932.18
T971120	Judith Ann Counter	Alleges door of DOT vehicle struck & damaged van door	Unspecified	\$218.48
T971124	Donald Francis Cunningham	DOT allegedly failed to correct record, vehicle towed	\$44.10	\$44.10
T971125	James E. Taylor	Claimant's car antenna damaged by gate arm	\$98.35	\$98.35
T971142	Earl L. Plaehn	Resident at Iowa Veterans Home lost some of his personal property	\$118.13	\$118.13
T971149	Leroy Pedersen	Alleges rock thrown by DOT mower struck/damaged window	\$386.25	\$386.25
T971152	Michael K. Carter	Rearended claimant vehicle	\$409.00	\$286.92
T971153	State Farm Insurance as Subrogee for Gary & Dianne Fell	Backing hit claimant vehicle	\$1,375.54	\$1,375.54
T971154	Holly Dianne Thompson	Claimant's vehicle damaged in state employee gravel parking lot	\$492.70	\$492.70
T971155	Edith Marlene Jones	PD - Property damaged by patient	\$220.00	\$220.00

<u>CLAIM</u>	<u>FULL NAME</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>	<u>PAID</u>
T971158	Patricia D. Kenny	DOT lawn mower allegedly threw rock damaged vehicle rear window	Unspecified	\$232.26
T971165	Dale L. Hall	Alleges contractor covered water valve with cement	\$1,046.57	\$1,031.10
T971167	Amy L. Sass	Failed to yield to claimant vehicle	\$1,637.81	\$1,574.05
T971169	Daniel Paul Sailsbury	PD - Property damaged in vehicle fire	\$433.00	\$433.00
T971172	Holly J. Bealer	Backing hit claimant vehicle	Unspecified	\$1,885.63
T971174	Roger R. Nash	Steel from bridge damaged tire of vehicle	\$309.67	\$309.67
T971175	Walter A. Smith	Inmate at Clarinda Correctional Facility had tapes damaged	\$129.87	\$129.87
T971176	Ellis L. Roberts	Alleges DOT mower threw rock, damaged side window	\$134.86	\$134.86
T971181	Brian Keith McKnight	Alleges debris thrown by DOT mower struck/damaged window	\$110.25	\$110.25
T980001	Judith J. White	DOT mower allegedly threw object, damaged vehicle door	\$600.00	\$316.36
T980003	Pamela A. Healy	DOT plow allegedly threw slush onto vehicle damaging windshield	\$500.00	\$295.89
T980005	Marc Michaelson	DOT motioned vehicle onto fresh tar, tar on vehicle	\$105.00	\$94.50
T980006	Gerald L. McDonald	Claimant's vehicle damaged by snow blower	\$908.01	\$908.01
T980007	American Family Insurance for Nancy Hughlon	Claimant's vehicle damaged by snow blower	\$1,376.50	\$1,376.50
T980009	Kenneth H. Stoll	Vehicle allegedly struck pothole causing damage	\$274.25	\$274.25
T980014	MidAmerican Energy Company	DOT survey crew allegedly broke manhole cover	\$337.39	\$337.39
T980015	Jeffrey Alan Trager	Backing hit claimant vehicle	\$1,500.00	\$1,576.58
T980018	Keith J. Kerr	Resident at IVH - damage to personal property	\$55.88	\$55.88
T980020	Myrna Frances Whitlow	DOT mower allegedly threw rock damage windshield	Unspecified	\$409.98
T980025	Danielle Kathleen Campbell	Claimant injured on bicycle by U of I employee	\$30,000.00	\$9,059.87
T980026	Dennis R. Klingman	DOT mower allegedly threw rock damaged windshield	\$250.39	\$194.17
T980027	Chicago Central & Pacific Railroad	DOT mower allegedly threw rock damaged windshield	\$241.29	\$241.29

<u>CLAIM</u>	<u>FULL NAME</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>	<u>PAID</u>
T980028	Merlvin Joseph Welter	DOT mower threw rock damaged windshield	\$198.08	\$198.08
T980031	Justin James Johnson	Vehicle damaged by debris from water truck	Unspecified	\$374.43
T980043	Ellen M. Price	Vehicle damaged by debris from weed eater	\$855.00	\$830.83
T980044	Sorensen Auto Plaza	DOT vehicle backing into parked vehicle, damaging passenger door	\$1,217.92	\$1,342.92
T980047	Larry L. Bennett	Claimant incurred complications while being treated at the U of T's College of Dentistry	\$5,171.22	\$5,171.22
T980052	Donald E. Lapour	Rearended claimant vehicle	\$220.50	\$220.50
T980053	Catherine L. Howell	DOT vehicle struck vehicle/2nd vehicle struck oncoming 3rd vehicle	\$2,878.85	\$2,878.85
T980057	Sandra Barkan	Vehicle damaged by gate arm	\$133.72	\$133.72
T980059	Robert D. Wilburn	Resident at the IVH - damage to personal razor	\$50.00	\$50.00
T980062	James Jude Whitlow	DOT mower allegedly threw rock damaged windshield	Unspecified	\$221.93
T980065	Jaren Jo Ostercamp	Backing hit claimant vehicle	\$600.91	\$600.91
T980067	Edward A. Kleiner	Rearended claimant vehicle	\$1,171.44	\$1,171.44
T980073	Ami Jo Leath	Failed to yield to claimant vehicle	\$1,039.00	\$1,039.79
T980078	Larry K. Smith	DOT vehicle came out of gear/rolled into other vehicle	\$549.80	\$549.80
T980082	Sean S. Terrell	Alleges DOT mower threw rock, damaged driver side door	Unspecified	\$1,316.60
T980083	Greg G. Schulte	State driver sideswiped claimant vehicle	\$2,669.67	\$2,863.92
T980085	Harlan Epland	Tooth damaged during medical procedure	\$146.00	\$146.00
T980088	Jodi Gay Mathews	Claimant's vehicle was damaged by an adhesive chemical	\$212.00	\$212.00
T980097	Barrion J. Staples	Claimant's vehicle damaged by gate arm at Newton Correctional Facility	\$584.51	\$584.51
T980099	William Lance Brattain	DOT truck allegedly lost branch, struck by vehicle	Unspecified	\$348.60
T980101	Brian D. Cose	Rearended claimant vehicle	Unspecified	\$840.25
T980105	Madrice Downing	Alleged error on DL record resulted in false arrest	\$4,000.00	\$1,000.00

<u>CLAIM</u>	<u>FULL NAME</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>	<u>PAID</u>
T980106	Georgia Leigh Hunt	Rock thrown from DOT mower allegedly damaged window	Unspecified	\$387.54
T980109	Motor Equipment Co., Inc.	DOT vehicle plowing snow on bridge, snow allegedly hit vehicle	\$467.77	\$467.77
T980110	Grinnell Mutual Reinsurance Co. as Subrogee of Carl Elfers	DOT vehicle allegedly rearended vehicle	\$1,228.96	\$1,228.96
T980114	Kimberly Sue Steinbach	DOT mower allegedly threw rock, damaged vehicle	\$198.35	\$198.35
T980117	Myron Eugene Couch	Claimant's tent damaged while camping at Elk Rock State Park	\$169.95	\$169.95
T980119	Kathleen Miller	Claimant's vehicle was damaged by mowers throwing debris	Unspecified	\$603.18
T980121	Greg G. Schulte	State driver sideswiped claimant vehicle	\$240.87	See T980083
T980126	David Michael Koffron	Claimant's vehicle damaged by mowers	\$1,349.57	\$1,201.88
T980127	Nancy Greazel	Vehicle damaged by lawnmower	\$1,007.61	\$1,007.61
T980131	Shawn David Wagner	DOT truck allegedly backing into vehicle, damaged front bumper	\$425.00	\$416.74
T980132	Todd M. Bloomquist	State vehicle rolled into claimant vehicle	\$900.00	\$888.54
T980137	Dahlen Transport, Inc.	DOT snowplow allegedly slid in the claimant's semi-tractor trailer	\$6,915.68	\$6,915.68
T980140	Denise E. Eby	Backing hit claimant vehicle	\$995.57	\$965.59
T980144	Zeneida E. Roath	Caused multi-vehicle accident	\$286.73	\$277.72
T980147	Roger L. Vogel	Claimant's vehicle damaged by snow blower	\$315.87	\$315.87
T980148	Paul Joseph Berge	Claimant's vehicle damaged by snow blower	\$261.45	\$261.45
T980149	Julia Jans	Vehicle damaged by streetsweeper	\$463.85	\$463.85
T980153	Eugene Francis Tomash	Rearended claimant vehicle	\$761.00	\$755.00
T980154	Lucile W. Homan	Claimant suffered injuries from fall at Iowa State Patrol office	\$59.35	\$59.35
T980161	Jill Lynn Millhollin	Rearended claimant vehicle	\$1,246.17	\$1,246.17
T980162	Stephanie Jennerman	Vehicle damaged by unsecured garbage dumpster	\$277.93	\$277.93



<u>CLAIM</u>	<u>FULL NAME</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>	<u>PAID</u>
T980164	Teresa Jo Dunshee	DOT mower allegedly threw dirt clod, damaged signal light	\$133.56	\$133.56
T980171	Gregg D. Wahman	Failed to yield to claimant vehicle	\$3,000.00	\$2,140.60
T980173	Robert Alan Stebbins	Vehicle damaged by lawnmower	\$116.72	\$116.72
T980180	Nubelinda R. Cordts	DOT mower allegedly threw rock, damaged vehicle rear side window	Unspecified	\$354.57
T980181	Ronald J. Mockler	Injuries sustained during theater production	\$516.25	\$516.25
T980184	Harry Alton Hermansen	DOT vehicle backing out of shop, struck parked vehicle	\$266.00	\$248.82
T980186	Adam Micheal Tanner	Claimant is an inmate at ISP and had his television damaged	\$188.68	\$175.00
T980188	Gwendolyn Garretson	Claimant's vehicle damaged by rock thrown by DNR mower	\$245.57	\$245.57
T980189	Trisha Nicole Vandewater	DOT vehicle rearended vehicle stopped for red light	\$3,957.62	\$4,000.00
T980190	Mary Elizabeth Suntken	DOT paint truck backed into parked vehicle	\$731.00	\$731.00
T980191	Jonathan Daniel Pagel	Backing struck claimant vehicle	\$235.97	\$235.97
T980192	Farm Bureau Mutual Insurance Company as Subrogee for Hubert Hill Circle Hill Farms, Ltd.	Claimant's vehicle damaged by entrance gate at Iowa State Fair	\$685.87	\$685.87
T980195	John D. Miller	Vehicle damaged by tractor	\$715.76	\$715.76
T980198	Jerry Howard Mabeus	DOT mower allegedly threw rock, damaged vehicle	Unspecified	\$234.90
T980207	Melinda Ferrie	Claimant's window broke from rock thrown by mower at IMCC	\$235.34	\$235.34
T980209	Bill Klingensmith	Claimant's awning on camper was damaged at Iowa State Fair when patrol officer tried to lower the awning	\$490.78	\$490.78
T980217	Phyllis Hofer	Backing hit claimant vehicle	\$198.08	\$197.08
T980220	Douglas James Geske	DOT tank sprayer allegedly sprayed tar on vehicle	\$95.00	\$95.00
T980221	Thomas J. Coenen	State driver sideswiped claimant vehicle	\$1,000.00	\$771.02

<u>CLAIM</u>	<u>FULL NAME</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>	<u>PAID</u>
T980223	Des Moines County Sheriff's Dept.	DOT truck allegedly threw rock, damaged windshield	\$35.00	\$298.05
T980226	Ruth Ann Hines	Claimant's vehicle damaged when cart at Iowa Veterans Home rolled into the passenger side	\$248.28	\$168.10
T980228	Farmers Casualty Company as Subrogee of Rita May Mueggenberg	Claimant's vehicle struck by a DOT vehicle that turned in front of claimant at an intersection	\$1,660.48	\$7,210.86
T980231	John E. Dresher	Claimant's vehicle struck and damaged by backhoe operated by a state employee on the Glenwood State Hospital-School grounds	\$512.64	\$512.64
T980237	Rihab Fouad Angauoi	Sideswiped claimant vehicle	Unspecified	\$333.90
T980242	Michael Weigman	Diesel fuel from state vehicle damaged claimant vehicle	\$12.30	\$12.30
T980247	Thomas Pittman	Claimant is resident at Iowa Veterans Home and report damages done to his pocket directory while cleaning his wheelchair	\$30.00	\$30.00
T980249	MidAmerican Energy Company	DOT vehicle slid into pole breaking cross arm	\$416.18	\$416.18
T980258	Helen B. Gjerde	Backing hit claimant bicycle	\$397.49	\$397.49
T980268	Clenard Wagner	Claimant is resident at Iowa Veterans Home and claims his razor was damaged when dropped by staff	\$45.00	\$45.00
T980276	Joseph William Birtcher	DOT mower allegedly threw object, damaged vehicle door	Unspecified	\$374.62
T980277	S.E. Iowa Cooperative Electric Assn.	DOT vehicle backed around barn, struck utility pole	\$552.86	\$552.86
T980281	Charles Ronald Reznikov	Claimant resides at Cherokee Mental Health and lost clothing that his mother delivered to him	\$118.00	\$118.00
T980283	US West Communications, Inc.	DOT allegedly damaged buried cable/utility excavation	\$95.30	\$95.30
T980295	Climate Engineers, Inc.	Backing hit claimant vehicle	\$487.04	\$441.96
T980301	Robert F. Voss	DOT mower allegedly threw rock, damaged vehicle door	\$204.16	\$204.16
T980302	Dolores B. Poe	Claimant bumped into a steel stake on the Iowa State Fairgrounds	\$132.00	\$132.00

<u>CLAIM</u>	<u>FULL NAME</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>	<u>PAID</u>
T980305	E. J. Kelly	Claimant's vehicle incurred a broken window allegedly caused by a state mower	\$137.76	\$137.76
T980309	Richard L. Slobe	Vehicle allegedly struck pothole, damaging wheel/tire	\$244.31	\$244.31
T980310	Gerald Joseph Loew	DOT mower allegedly threw rock, Unspecified damaged windshield & radiator		\$1,056.40
T980311	Richard F. Hansen	Property accidentally discarded by UIHC employee	\$258.10	\$258.10
T980318	Jana L. Casteel	Vehicle allegedly struck pothole, damaged tire	\$57.75	\$57.75
T980320	Russell LeRoy Marshall	DOT mower allegedly struck delineator post damaged vehicle	\$1,055.87	\$728.90
T980331	Lori L. Kayser on behalf of Ashley Nicole Kayser, Minor Child	Claimant slipped and fell at Iowa State Fair	\$20.00	\$20.00
T980406	Linda E. Birkhofer	Property accidentally discarded by UIHC employee	\$537.00	\$537.00

ADMINISTRATIVE ACTIONS  
STATE APPEAL BOARD

Interdepartmental Claims

<u>Claim No</u>	<u>Claimant</u>	<u>Amount Paid</u>
D970005	Woodward State Hospital School State Share Health and Dental Insurance - <u>Transfer</u> - Harry Bice	*\$321.41
D970003	Woodward State Hospital School State Share Health Insurance - <u>Transfer</u> - Vern Wilson	*\$202.38
D970004	Glenwood State Hospital School State Share Health and Dental Insurance - <u>Transfer</u> - Darren Alston	*\$12.23
D970007	Department of Human Services State Share Health Insurance - <u>Transfer</u> - Judith Barnes	*\$95.08
D970009	Attorney General's Office State Share Health and Dental Insurance - <u>Transfer</u> - Bruce Kempkes	*\$202.38
D970008	Department of Human Services State Share Health and Dental Insurance - <u>Transfer</u> - Steve Ewing	*\$126.46
D970006	Woodward State Hospital School State Share Health and Dental Insurance - <u>Transfer</u> - Raymond Schlichter	*\$202.38
D970011	Human Rights - Barbara Jones	*\$219.61
D970018	Public Defense	\$3,337.37
D970032	Iowa State Men's Reformatory	\$2,493.31
D970010	Woodward State Hospital (State Share Insurance for Valerie Swanson)	*\$255.70
D970014	Donald R. Smith - Public Safety	\$421.66
D970015	Public Defense - General Assembly	\$256.68
D970016	ICN (General Services)	\$91.30
D970017	Metronet Fiber Optic Network	\$2,040.00
D970019	ICN (Human Services - Spencer)	\$121.99
D970020	ICN (Human Services - Carroll)	\$368.95
D970021	ICN (Human Rights)	\$260.56
D970022	ICN (Public Health)	\$400.24
D970025	ICN (Iowa Parole Board)	\$2,111.00
D970026	ICN (Education)	\$170.00
D970027	ICN (Iowa Parole Board)	\$429.80
D970029	Iowa Medical Classification Center	\$69.52
D970031	ICN (Human Services - Carroll)	\$752.74
D970033	Human Services - Linn County (State Share Insurance for Annette Wieneke)	*\$6.56
D970036	ICN (Public Health)	\$140.00

Claim No	Claimant	Amount Paid
D970037	ISP - Ruby (Gardner) Dickey - Back Pay	\$214.68
D970038	Jeri Burns - State Share	*\$13.10
D970039	Iowa Public Television	\$995.74 - Denied
D970040	Public Safety	\$420.00
D970041	State Share - Human Services - Social Worker II overtime pay	\$129,724.32
D970043	Keith Allen - Natural Resources - SPOC Retiree Account	\$24,667.37
D970045	Terry Ewing - General Services - State Share of Health and Dental Insurance	*\$343.96
D970042	Clarinda Correctional Facility (Arbitration Settlement for Gary Greer)	\$25,561.71
D970024	ICN - Natural Resources - Paid by NR	\$556.48
D970028	ICN - Revenue and Finance - Outdated Invoice	\$14.88
D960031*	Iowa Prison Industries	\$776.17
D970038*	Iowa Veterans Home - State Share of Delta Dental for Jeri Burns	\$13.10
D970048	State Share for Delta Dental for Judy Gunderson - Glenwood State Hospital	\$12.23
D970047	State Share of Health Insurance for Leonida Lukehart - Iowa Veterans Home	\$206.51
D970046	State Share of Health Insurance for Isabelle Lewis - Iowa Veterans Home	\$57.91

\* Transfer State Share of BC/BS and Delta Dental to General Fund

Monies Paid From General Fund For Settlements & Judgements: 1997

Warrant No.	Claimant	Amount Paid
03517185	Clerk of Courts - Jefferson County - K.K. & A.K., Minors	\$175.00
03590503	Marshall County Clerk of Courts - State of Iowa vs. Mary Catherine Weaver	\$1,629.03
03590499	George Goff - George Goff vs. Burton (Interest)	\$30.43
03671833	Patrick E. Ingram, Hicks vs. Acevedo et al	\$10,000.00
03705134	William Keith Pannell vs. State of Iowa, et al	\$110,000.00
03741006	Story Co. Clerk of District Court - Pannell vs. State of Iowa	\$110.00
03705136	Kirk A. Daily - Stuart vs. Iowa Dept. of Public Safety	\$4,000.00
	John Stuart vs. Iowa Department of Public Safety	\$9,000.00
03718691	Legal Services Corporation of Iowa - Bliak & Eberline vs. Palmer & Schmett	\$22,500.00
03645561	Lora L. McCollom - Evans vs. Iowa Dept. of Employment Services	\$3,300.00
03718690	Thomas Werner - Phillips vs. Dept. of General Services	\$2,000.00
	John Phillips - Phillips vs. Dept. of General Services	\$4,454.00
03705135	Julie A. Scott, Individually, and as Executor of the Estate of Gerald L. Scott and her attorneys Gallagher, Langlas & Gallagher	\$37,500.00
04037120	Jones Co. Clerk of Court - Jack Macim vs. State of Iowa	\$92.50
04037121	Thomas J. Duff - Harris vs. State of Iowa	\$5,500.00
04037119	Tom Riley Law Firm - Becky O'Connell vs. State of Iowa	\$103.50
04067339	Becky J. O'Connell & Joe O'Connell vs. State of Iowa	\$132,525.00
04067340	Philip Mears - Patrick John Crone vs. Feikert, et al	\$1,075.00
04067341	Patrick Crone - Patrick John Crone vs. Feikert, et al	\$200.00
03869122	Lee County Clerk of Courts - Patrick Sheeley vs. State of Iowa	\$95.00
03869124	Phelan, Tucker, Mullen - Estate of Gerald Scott vs. State of Iowa	\$50.50
03869123	Jones Clerk of Courts - Ernest F. Walters vs. State of Iowa	\$122.50
	Jon Custis vs. Iowa Men's Reformatory	\$46,912.99
0226820727	Becky O'Connell vs. State of Iowa	Credit of \$52.75
04193689	Wycoff vs. Hundley - Patrick Ingram/Mears Law Firm	\$5,600.00
04193688	Jones County Clerk of Courts - William Douglas, Jr. vs. State of Iowa	\$47.50
04193687	Washington County Clerk of Courts Thelma Tripplett vs. IDHS	\$80.00
04215984	Jones County Clerk of Courts - Richrad Mathis vs. State of Iowa	\$95.00
04215982	Jones County Clerk of Courts - David Lint vs. State of Iowa	\$30.00
04215983	Robert L. Hermann, III/Martin E. Spellman	\$42,500.00
04289848	Lora L. McCollom - Helen Davis vs. State of Iowa - Department of Agriculture	\$5,827.50
04289847	Kellie Rae Taylor - Helen Davis vs. State of Iowa - Department of Agriculture	\$5,827.50
04381189	Iowa State University - Harris vs. Iowa State University	\$10,000.00
04484165	Mercy Hospital Medical Center - Mercy Hospital vs. Kluge	\$51,164.90
04484164	Orthopedic Center - Mercy Hospital Medical Center vs. Kluge	\$4,717.50
04698634	ISU - Donna Harris vs. ISU	\$765.00
04698623	Polk County Clerk of Courts - In Interest of A.G. IAS Ct. 96-1130	\$255.47
04790709	Gerd Cherney * Eric W. Johnson - Gerd Cerney vs. State of Iowa	\$3,000.00
04545294	North Lee County - Michael Jespersen vs. State of Iowa	\$95.00
04573392	Mears Law Office - Cesar Sierra vs. Ault, et al	\$2,400.00
05485725	Susan Hummer f/k/a Kienast and her attorney James Hayes	\$69,750.00
05485724	Rodney J. Harpenau and Gregg E. Williams his attorney	\$35,000.00
05391857	Pottawattamie County Clerk of Courts - Terry Harrington vs. State of Iowa	\$84.00
05362892	Jones County Clerk of Courts - Timothy Bachtell vs. State of Iowa	\$110.00
05196896	Jaia Rosenfels vs. State of Iowa	\$75,000.00
EC	Helen Davis vs. State of Iowa (Iowa Department of Agriculture and Land Stewardship)	\$24,551.00

<u>Claim No</u>	<u>Claimant</u>	<u>Amount Paid</u>
05447921	Rebecca Thurmond and her attorneys Jeffrey Lipman and Ted Marks	\$81,600.00
05447920	Joyce Switchenberg and her attorneys Jeffrey Lipman and Ted Marks	\$20,400.00
05620069	Helen Clay vs. Department of Education Philip Mears	\$812.07
05632666	Philip Mears (Harold D. Williams vs. Sally Halford, et al)	\$15,887.00
05718485	Jeffrey M. Lipman (Coleman vs. Rahija)	\$21,875.00
05718486	Gloria Coleman (Coleman vs. Rahija)	\$1,000.00
05756278	Hrbek vs. Galloway and Emmett (John Hebek - Inmate)	\$1.00
05756279	Hrbek vs. Galloway and Emmett (ISP Inmate Athletic and Amusement Account)	\$100.00
05924124	Butterbaugh vs. State of Iowa (Talisa Butterbaugh as Administrator of Estate of Jimmy Lee Untermahrer, Deceased)	\$72,500.00
05924125	Mears Law Firm (Butterbaugh vs. State of Iowa)	\$13,602.86
05807040	Mears Law Firm (Craig Gardner vs. John Ault)	\$700.00
05756280	Dubuque County District Court (State of Iowa vs. Ryan Henneberry)	\$302.00
06172409	Dennis Lawyer (Jennifer Shriver vs. State)	\$7,200.00
06172408	Patrick Ingram - Mears Law Firm (Winters vs. Hedgepeth, et al)	\$665.87
06115278	First Colony Life Insurance Co. (Charles Smith - Michael Yates)	\$40,000.00
	Alice Yates and A.W. Tauke, Her attorney	\$160,000.00
06115277	Mears Law Firm (Craig Gardner vs. John Ault)	\$334.00
06115279	Kevin Sanborn (Sanborn vs. State)	\$3,000.00
06047567	Alan Kent (Andre vs. State of Iowa)	\$1,200.00
06047568	Legal Clinic (Andre vs. State of Iowa)	\$15,000.00
05961463	Philip Mears (Harold Williams vs. Sally Halford)	\$5,279.41
05961462	Harold D. Williams (Harold D. Williams vs. Sally Halford)	\$1,082.29
05961459	Iowa State Penitentiary (Blaise vs. Hedgepeth)	\$100.00
05961456	Philip Mears (George Goff and Dudie J. Rose)	\$3,242.50
05961457	Principal Mutual Life Insurance Company (Norman Ertz, Patricia Gruhn & Daniel Ertz vs. State of Iowa)	\$600.00
05961455	Washington National Insurance Co. (Norman Ertz, Patricia Gruhn, Daniel Ertz vs. State of Iowa)	\$25,000.00
05961460	State of Iowa on Behalf of Medicaid Program (Norman Ertz, Patricia Gruhn, and Daniel Ertz vs. State of Iowa)	\$61,043.68
05961458	Daniel Ertz, Patricia Gruhn, Norman Ertz and their attorneys Frank, Mundt & Frank	\$205,900.00
05961461	Sac County Clerk of Courts (Norman Ertz)	\$126.00
06407170	Fifth Judicial District of Correctional Services - Alan Robinson vs. State of Iowa	\$3,402.00
06407172	Jeffrey Krausman, Attorney at Law - Alan Robinson vs. State of Iowa	\$2,500.00
06304147	Christopher R. Hedicann, McGowan & Hoarty - Christina Shea vs. State of Iowa	\$5,000.00
06304151	UNI - Christina Shea vs. Iowa School for the Deaf	\$16,000.00
06440448	Roy Higginson - Settlement of Higginson vs. Haggard	\$78,629.00
06424015	ISU - Settlement of Higginson vs. Haggard	\$108,443.58
06424014	Babich, McConnell & Renzo - Settlement of Higginson vs. Haggard	\$65,579.22
06407171	Timothy M. Slinker and his Attorneys Ball, Kirk, Holm & Nardini - Timothy M. Slinker vs. State of Iowa	

Monies Paid From DOT Fund For Settlements & Judgements: 1997

<u>Warrant No.</u>	<u>Claimant</u>	<u>Amount Paid</u>
03217298	Gary R. Devilbiss, the Veterans Administration, and Whitfield & Eddy, P.L.C., attorneys	\$5,000.00
03635949	John F. Keane - Property Damage	\$4,500.00
10910203	Roger R. Walton	\$507.20
10910382	Thomas J. Gill	\$1,885.64
056779736	Mary Dirgo, Administrator of the Estate of Vern S. Dirgo, deceased; Jordan Dirgo a/k/a Justin Dirgo, Minor Child, By and Through his Mother and Next Friend Mary Dirgo; Daniel Dirgo; and Mary Dirgo, Individually, and their attorney Joseph B. Reedy	\$40,000.00
05769412	Lonny B. Smith and Karen K. Smith, and their Attorney Patrick J. Hopkins	\$7,000.00

SUBCOMMITTEE ASSIGNMENTS

House File 2111

State Government: Holmes, Chair; Bradley and Cataldo.

**House File 2112**

State Government: Tyrrell, Chair; Drake, Jochum, Larkin and Van Fossen.

**Senate File 518**

State Government: Bradley, Chair; Bernau, Gipp, Tyrrell and Whitead.

**HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS****House Study Bill 545**

Commerce and Regulation: Van Fossen, Chair; Brunkhorst and Doderer.

**House Study Bill 546**

Commerce and Regulation: Bradley, Chair; Dix and Wise.

**HOUSE STUDY BILL COMMITTEE ASSIGNMENTS****H.S.B. 553 Local Government**

Relating to county vital statistics by providing for the issuance of marriage licenses and eliminating the fee for county birth registrations.

**H.S.B. 554 Appropriations**

Relating to obsolete and unnecessary provisions of the Code.

**H.S.B. 555 Natural Resources**

Relating to the designation and protection of tracts of deep loess soil deposits and formation of this state.

**H.S.B. 556 Ways and Means**

Relating to the administration of the tax and related laws by the department of revenue and finance, including administration of state individual income, corporate income, franchise, sales, services, and use, motor fuel, cigarette and tobacco, local option, inheritance and estate, and property taxes; providing penalties; and including effective and retroactive applicability date provisions.

On motion by Thomson of Linn, the House adjourned at 9:07 a.m., until 10:00 a.m., Tuesday, February 3, 1998.

# JOURNAL OF THE HOUSE

Twenty-third Calendar Day - Fifteenth Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Tuesday, February 3, 1998

The House met pursuant to adjournment at 10:00 a.m., Speaker Corbett in the chair.

Prayer was offered by Pastor Jennifer Daniel, pastor of First United Methodist Church, Marshalltown.

The Journal of Friday, January 30, 1998 was approved.

## PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Pastor Jennifer Daniel, Marshalltown.

## INTRODUCTION OF BILLS

**House Joint Resolution 2001**, by Warnstadt, Cohoon, Bukta, and Huser, a joint resolution proposing an amendment to the Constitution of the State of Iowa to require that all state racing and gaming receipts be used solely for vertical infrastructure purposes.

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

**House File 2125**, by Warnstadt, Klemme, Rants, and Whitead, a bill for an act relating to permitting the display of new motor trucks by nonresident motor vehicle dealers at qualified events in this state, establishing a fee, and providing an effective date.

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

**House File 2126**, by Scherrman, a bill for an act relating to the retention of identification cards of persons while in premises licensed for the sale and consumption of alcoholic beverages.

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

**House File 2127**, by Warnstadt, a bill for an act relating to the transfer of lottery revenues to a special fund for certain capital projects and to the repeal of the committing the lottery to environment, agriculture, and natural resources (CLEAN) fund.

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

**House File 2128**, by Larson, a bill for an act establishing an Iowa lakes restoration fund, providing for the expenditure of moneys from the fund, and providing an appropriation.

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

**House File 2129**, by Tyrrell, a bill for an act allowing an additional income tax deduction for employers who allow employees paid time off to assist with the education or early childhood development of children and providing effective and retroactive applicability date provisions.

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

**House File 2130**, by Lord, Jenkins, Grundberg, Jacobs, Churchill, Metcalf, Thomson, Teig, Arnold, Drake, Bradley, Rants, Kremer, Boddicker, Veenstra, Holmes, Carroll, Tyrrell, Brauns, Weidman, Nelson, Heaton, Lamberti, Barry, Larson, Wise, Hansen, Welter, Houser, Blodgett, Rayhons, Mascher, Foege, Doderer, Richardson, Burnett, Bukta, Taylor, Cohoon, Larkin, May, Falck, Dotzler, Osterhaus, Warnstadt, Shoultz, Witt, Chapman, Jochum, Bell, Mertz, Drees, Scherrman, Mundie, Whitead, Koenigs, Thomas, Moreland, Fallon, Reynolds-Knight, Murphy, Kreiman, Brand, Bernau, Holveck, and Myers, a bill for an act providing additional funding for pupils in school districts experiencing increases in enrollment, making an appropriation, and providing an effective date.

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

**House File 2131**, by Myers, a bill for an act relating to and making appropriations to the property tax relief fund and providing effective and applicability dates.

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

**House File 2132**, by Larson, a bill for an act relating to the exemption from income tax of capital gains and providing effective and retroactive applicability date provisions.

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

**House File 2133**, by Drake, a bill for an act relating to mobile home dealers.

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

#### SENATE MESSAGES CONSIDERED

**Senate File 2023**, by Rittmer, Kibbie, and Drake, a bill for an act



relating to the issuance of ex-prisoner of war motor vehicle registration plates to surviving spouses.

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

**Senate File 2052**, by committee on agriculture, a bill for an act relating to programs involving government finance, by providing for the issuance of private activity bonds to administer programs by governmental entities, including the Iowa agricultural development authority and political subdivisions, and providing program assistance to beginning farmers.

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

**Senate File 2072**, by committee on human resources, a bill for an act providing for the appointment of an additional member to the family development and self-sufficiency council.

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

#### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Thomas of Clayton on request of Frevert of Palo Alto.

#### HOUSE FILE 39 WITHDRAWN

Welter of Jones asked and received unanimous consent to withdraw House File 39 from further consideration by the House.

#### BILL SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on February 3, 1998, he approved and transmitted to the Secretary of State the following bill:

Senate File 2022, an act relating to the authority of the state transportation commission to temporarily transfer revitalize Iowa's sound economy (RISE) funds to the primary road and providing an effective date.

#### COMMUNICATIONS RECEIVED

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

#### DEPARTMENT OF CULTURAL AFFAIRS

The Fiscal Year 1997 Annual Report, pursuant to Chapters 7A.3 and 303.1(6)b, Code of Iowa.

## DEPARTMENT OF HUMAN SERVICES

A report indicating the number of requests received and projecting a time frame to complete the reviews based upon the usage of specific staffing levels, pursuant to Chapter 176.21, 1997 Acts of the Seventy-seventh General Assembly.

## DEPARTMENT OF PUBLIC HEALTH

A report regarding the regulation of intermediate care facilities for the mentally retarded and psychiatric medical institutions for children, pursuant to Chapter 93.11(2), 1997 Acts of the Seventy-seventh General Assembly.

A report from the Iowa Child Death Review Team, pursuant to Chapter 135.43, Code of Iowa.

## TREASURER OF STATE

The Linked Investments for Tomorrow Annual Report for the Year 1997, pursuant to Chapter 12.38, Code of Iowa.

The Linked Investments for Tomorrow Annual Report for the Year 1997 for targeted small business, horticulture and alternative crops, main street, rural small business transfer and focused small business, pursuant to Chapter 12.38, Code of Iowa.

## CERTIFICATES OF RECOGNITION

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

ELIZABETH A. ISAACSON  
Chief Clerk of the House

- 1998\76 Mary and Jim Gunn, Mt. Vernon - For celebrating their 50th wedding anniversary.
- 1998\77 Eleanor and Earl Stratton, Tiffin - For celebrating their 60th wedding anniversary.
- 1998\78 Esther and Dale Groth, Olin - For celebrating their 50th wedding anniversary.
- 1998\79 Frances and Raymond Chaussee, Sioux City - For celebrating their 60th wedding anniversary.
- 1998\80 Dr. Eugene and Beverly Ver Steeg, Inwood - For being named 1997 Iowa Master Pork Producers.
- 1998\81 Curtis and Malinda Bauer, Ames - For celebrating their 50th wedding anniversary.
- 1998\82 Milly and Wally Kaufman, Fairbank - For celebrating their 50th wedding anniversary.
- 1998\83 Lillian and Robert W. Corcoran, Waterloo - For celebrating their 50th wedding anniversary.

- 1998\84 Rita and Larry Thole, Oelwein – For celebrating their 50th wedding anniversary.
- 1998\85 Arlene and Robert Prickett, Maynard – For celebrating their 50th wedding anniversary.
- 1998\86 Flossie Schiffke, Davenport – For celebrating her 99th birthday.
- 1998\87 Nick Seidl, Dedham – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 1998\88 John-David Mallder, Dubuque – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 1998\89 Pat and Keith Lindeman, Russell – For celebrating their 50th wedding anniversary.
- 1998\90 Christene and Olen Hand, Corydon – For celebrating their 50th wedding anniversary.
- 1998\91 Mark Kline, Norwalk – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 1998\92 Vida and Rex Philips, Fairfield – For celebrating their 60th wedding anniversary.

#### SUBCOMMITTEE ASSIGNMENTS

##### House File 512

Labor and Industrial Relations: Millage, Chair; Barry and Dotzler.

##### House File 667

Judiciary: Millage, Chair; Doderer, Greiner, Kreiman and Lamberti.

##### House File 2115

Agriculture: Rayhons, Chair; Hahn and Koenigs.

##### House File 2120

State Government: Hansen, Chair; Jochum and Nelson.

##### House File 2122

Natural Resources: Hahn, Chair; Mundie and Rayhons.

##### House File 2125

Transportation: Chiodo, Chair; Nelson and Rayhons.

**House File 2133**

Transportation: Rayhons, Chair; Arnold and Huser.

**Senate File 2023**

Transportation: Arnold, Chair; Ford and Weidman.

**HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS****House Study Bill 552**

State Government: Holmes, Chair; Hansen and Taylor.

**House Study Bill 553**

Local Government: Welter, Chair; Huseman and Reynolds-Knight.

**House Study Bill 554**

Appropriations: Brunkhorst, Chair; Cormack and Taylor.

**House Study Bill 555**

Natural Resources: Weidman, Chair; Drees and Huseman.

**HOUSE STUDY BILL COMMITTEE ASSIGNMENTS****H.S.B. 557 State Government**

Concerning employment-related rights of fire fighters under civil service who are elected as officers in certain professional fire fighter organizations, and providing an effective date.

**H.S.B. 558 Education**

Requiring the state board of education to adopt rules relating to the incorporation of accountability for student achievement into the education standards and accreditation process.

**H.S.B. 559 Human Resources**

Relating to hepatitis type B immunizations of children and providing an applicability provision and an effective date.

**H.S.B. 560 Commerce and Regulation**

Relating to the computation of interest pursuant to a written agreement between certain parties.

## H.S.B. 561 Judiciary

Providing for victim rights, providing for penalties, and an effective date.

### COMMITTEE RECOMMENDATIONS

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

**ELIZABETH A. ISAACSON**  
Chief Clerk of the House

#### COMMITTEE ON AGRICULTURE

**House File 2037**, a bill for an act regulating implements of husbandry.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 3, 1998.

#### COMMITTEE ON STATE GOVERNMENT

**Senate File 2029**, a bill for an act relating to the composition of the board of podiatry examiners.

Fiscal Note is not required.

Recommended **Do Pass** February 3, 1998.

**Committee Bill** (Formerly House Study Bill 506), providing that member contributions under certain public retirement systems are considered employer contributions for state income tax purposes, and providing effective and applicability date provisions.

Fiscal Note is required.

Recommended **Do Pass** February 3, 1998.

### RESOLUTION FILED

**HCR 104**, by Warnstadt, Whitead, Klemme, Rants, Bukta, and Scherrman, a concurrent resolution providing for the establishment of a committee by the Legislative Council to conduct a study of economic development issues related to the distribution of goods.

Referred to committee on **economic development**.

## AMENDMENTS FILED

H—8008	H.F.	2096	Rayhons of Hancock
H—8009	H.F.	2097	Mertz of Kossuth
H—8010	H.F.	2037	Committee on Agriculture

On motion by Siegrist of Pottawattamie, the House adjourned at 10:20 a.m., until 8:45 a.m., Wednesday, February 4, 1998.

# JOURNAL OF THE HOUSE

Twenty-fourth Calendar Day - Sixteenth Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Wednesday, February 4, 1998

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

Prayer was offered by Reverend Casey Reinkoester, New Covenant Fellowship, Independence.

The Journal of Tuesday, February 3, 1998 was approved.

## INTRODUCTION OF BILLS

**House Joint Resolution 2002**, by Larson, Mertz, Van Fossen, Carroll, Churchill, Welter, Tyrrell, Brauns, Eddie, Meyer, Klemme, Drake, Teig, Bradley, Boddicker, Hahn, Huseman, Barry, Thomson, Cormack, Lamberti, Arnold, Vande Hoef, Dolecheck, Blodgett, Kremer, Veenstra, Dix, Sukup, Millage, Weidman, Lord, Brunkhorst, Gries, Corbett, Rayhons, Gipp, Garman, Greig, Van Maanen, Mundie, and Houser, a joint resolution proposing an amendment to the Constitution of the State of Iowa relating to protection of taxpayers' rights by limiting the growth rate of taxes, revenue, and spending of the state government and by increasing the people's control over taxes, revenue, and spending of the state government.

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

**House File 2134**, by Dotzler and Myers, a bill for an act relating to the exemption from the sales, services, and use taxes of the gross receipts from the sale, furnishing, or service of gas, electricity, and heat, and of fuel used for heating of residential-type dwellings and including an applicability date provision.

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

**House File 2135**, by Wise, Heaton, Cohoon, and Larkin, a bill for an act relating to a mid-America port commission agreement and providing an effective date.

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

**House File 2136**, by Mertz, a bill for an act relating to agricultural drainage wells, by extending the date for complying with certain requirements.

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

**House File 2137**, by Warnstadt, Myers, Connors, Whitead, May, Drees, Cohoon, Mascher, Bukta, Scherrman, Taylor, Murphy, Bell, Reynolds-Knight, Fallon, Witt, Foege, Burnett, Barry, Klemme, Kreiman, Dotzler, Falck, Thomas, Mertz, and Frevert, a bill for an act relating to the issuance of ex-prisoner of war motor vehicle registration plates to surviving spouses.

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

**House File 2138**, by Warnstadt, a bill for an act making an appropriation to the department of public safety to provide training for law enforcement personnel concerning persons with Alzheimer's disease.

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

**House File 2139**, by Tyrrell, a bill for an act providing for confidentiality of communications and documents in mediations conducted in domestic relations actions, and for a limitation of civil liability of the mediator.

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

**House File 2140**, by Whitead, a bill for an act authorizing certain cities to provide for the direct election of mayor and mayor pro tem.

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

**House File 2141**, by Martin, a bill for an act establishing dependent adult abuse assessment pilot projects, defining terms related to dependent adult abuse, providing a civil penalty for elder dependent adult abuse, and establishing a dependent adult emergency services fund.

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

**House File 2142**, by Whitead, Warnstadt, Dotzler, Falck, Cohoon, Bell, Thomas, Murphy, May, Kinzer, Larkin, Moreland, Reynolds-Knight, Bukta, and Frevert, a bill for an act establishing toll-free telephone service for the general assembly and providing funding.

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

**House File 2143**, by Doderer, a bill for an act relating to safety devices for pistols and revolvers and providing penalties.

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



**House File 2144**, by Larson, a bill for an act providing a small business tax credit.

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

**House File 2145**, by Schrader, a bill for an act relating to liability for health care expenses associated with an escaped prisoner or inmate and providing for the payment of inmate expenses from the general fund of the state.

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

**House File 2146**, by Schrader, a bill for an act establishing Iowa State Flag Day.

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

**House File 2147**, by Schrader, a bill for an act providing for the election of the commissioner of insurance.

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

**House File 2148**, by Chiodo, a bill for an act relating to the appointment of the superintendent of banking by providing that an appointee shall not have a conflict of interest.

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

**House File 2149**, by Koenigs, a bill for an act relating to the membership of a joint 911 service board.

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

**House File 2150**, by Jacobs, a bill for an act relating to the penalty for discarding litter.

Read first time and referred to committee on **environmental protection**.

**House File 2151**, by Blodgett, a bill for an act relating to the disposal of cement kiln dust at tonnage fee exempt solid waste disposal facilities.

Read first time and referred to committee on **environmental protection**.

**House File 2152**, by Chiodo, Hansen, Van Fossen, Cormack, and Huser, a bill for an act providing for the establishment of a school energy conservation program.

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

**MESSAGE FROM THE SENATE**

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on February 3, 1998, passed the following bill in which the concurrence of the House is asked:

Senate File 2094, a bill for an act relating to the establishment of the state percent of growth for purposes of the state school foundation program, and providing an applicability date.

MARY PAT GUNDERSON, Secretary

**COMMUNICATIONS RECEIVED**

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

**DEPARTMENT OF HUMAN SERVICES**

A report regarding income withholding arrearage rates, accrued support debt owed to the state and alternatives to median income, pursuant to Chapter 175.241, 1997 Acts of the Seventy-seventh General Assembly.

Family Development and Self-Sufficiency Council

The Fiscal Year 1997 Annual Report, pursuant to Chapter 217.12, Code of Iowa.

**DEPARTMENT OF TRANSPORTATION**

A summary of purchasing activity for soy based inks and recycled content trash bags, pursuant to Chapter 307.21, Code of Iowa.

**STATE BOARD OF REGENTS**

The second quarter highlights and financial reports for fiscal year 1998, pursuant to Chapter 262.64A, 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

- 1998\93 Veva and Forrest Hodgson, Pleasantville – For celebrating their 66th wedding anniversary.
- 1998\94 Ruth and Edward Keller, Newton – For celebrating their 50th wedding anniversary.
- 1998\95 William Colbertson, Northwood – For celebrating his 95th birthday.

## SUBCOMMITTEE ASSIGNMENTS

**House File 665**

Judiciary: Larson, Chair; Bernau and Churchill.

**House File 2116**

Education: Dolecheck, Chair; Kinzer and Veenstra.

**House File 2124**

Human Resources: Martin, Chair; Boddicker and Brand.

**House File 2126**

State Government: Holmes, Chair; Bernau and Bradley.

**House File 2127**

Appropriations: Millage, Chair; Koenigs and Meyer.

**House File 2128**

Appropriations: Millage, Chair; Murphy and Sukup.

**House File 2130**

Education: Lord, Chair; Mascher and Thomson.

**House File 2131**

Appropriations: Millage, Chair; Moreland and Sukup.

**House File 2136**

Agriculture: Mertz, Chair; Eddie and Teig.

**House File 2146**

State Government: Nelson, Chair; Larkin and Martin.

**Senate File 2052**

Agriculture: Klemme, Chair; Greiner and Reynolds-Knight.

**Senate File 2072**

Human Resources: Blodgett, Chair; Ford and Veenstra.

## HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS

**House Study Bill 549**

Education: Thomson, Chair; Cohoon and Garman.

**House Study Bill 556**

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

**House Study Bill 557**

State Government: Gipp, Chair; Connors and Drake.

**House Study Bill 559**

Human Resources: Blodgett, Chair; Lord and Witt.

**House Study Bill 560**

Commerce and Regulation: Churchill, Chair; Chapman and Dix.

**House Study Bill 561**

Judiciary: Churchill, Chair; Kreiman and Larson.

## HOUSE STUDY BILL COMMITTEE ASSIGNMENTS

**H.S.B. 562 Ways and Means**

Relating to the state inheritance tax by treating stepchildren and adopted children the same as biological children; exempting intangible personal property owned by an inhabitant of another state; determining the net market value of transfers made within three years of death as the net market value on the date of transfer; exempting the tax only upon the portion of retirement benefits and individual retirement accounts that will be subject to federal income tax when paid; applying compromised settlements for federal estate tax purposes the same for state purposes; and requiring deferred estates to be recorded by the department of revenue and finance if tax is not paid when tax accrues; and providing an applicability date provision.

**H.S.B. 563 Ways and Means**

Eliminating the limitation of the increase in agricultural and residential assessed values to the percentage increase of the other class of property if the other class of property increases less than the allowable limit and providing an applicability date provision.

**H.S.B. 564 Judiciary**

Establishing a civil cause of action on behalf of the state to recover, from manufacturers of tobacco products, medical assistance payments made by the state due to injury, disease, or disability caused by the use of tobacco by the recipients of medical assistance, providing for a jury trial, making related changes, and providing for severability.

**H.S.B. 565 Judiciary**

Creating the new criminal offense of disarming a peace officer.

**H.S.B. 566 Judiciary**

To amend the crime of burglary in the first degree to include commission of sexual abuse as a possible element of the offense.

**H.S.B. 567 Judiciary**

Relating to property of a debtor which is exempt from execution.

**H.S.B. 568 Judiciary**

Relating to the inclusion of dentists in the volunteer health care provider program.

**H.S.B. 569 Commerce and Regulation**

Relating to the definition of the federal Truth in Lending Act in the Iowa consumer credit code.

**H.S.B. 570 Labor and Industrial Relations**

Relating to workers' compensation by repealing the second injury compensation Act, eliminating the second injury fund, providing for the resolution of claims against the fund to include the imposition of an employer surcharge, and providing an effective date.

**H.S.B. 571 Environmental Protection**

Relating to limits on coverage of the remedial account of the Iowa comprehensive petroleum underground storage tank fund, the minimum copayment provisions in regard to the remedial account, and creating a no further action fund.

**H.S.B. 572 Appropriations**

Relating to and making supplemental and other appropriations for the fiscal year beginning July 1, 1997, and providing an effective date.

**H.S.B. 573 Human Resources**

Relating to records checks of persons employed in health care facilities.

**H.S.B. 574 Local Government**

Providing for the expansion of the system of issuance of motor vehicle licenses by county treasurers.

**COMMITTEE RECOMMENDATIONS**

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

ELIZABETH A. ISAACSON  
Chief Clerk of the House

**COMMITTEE ON ECONOMIC DEVELOPMENT**

**Committee Bill** (Formerly House Study Bill 535), relating to the sale of stock or ownership interest of any corporation formed under the Iowa business development finance Act.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 3, 1998.

**Committee Bill** (Formerly House Study Bill 536), relating to a successor corporation to the Wallace technology transfer foundation of Iowa.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 3, 1998.

**Committee Bill** (Formerly House Study Bill 538), relating to local community and economic development planning assistance and the community builder program.

Fiscal Note is not required.

Recommended **Do Pass** February 3, 1998.

**COMMITTEE ON JUDICIARY**

**House File 677**, a bill for an act relating to an exception from mandatory participation in a course by parties to an action involving child custody or visitation.

Fiscal Note is not required.

Recommended **Do Pass** February 3, 1998.

**Committee Bill** (Formerly House Study Bill 531), relating to the reopening of an administrative hearing pertaining to a license revocation for an operating while intoxicated offense, and providing an effective date.

Fiscal Note is not required.

Recommended **Do Pass** February 3, 1998.

**Committee Bill** (Formerly House Study Bill 544), relating to nonsubstantive Code corrections and including a retroactive applicability provision.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 3, 1998.

#### COMMITTEE ON LOCAL GOVERNMENT

**House File 517**, a bill for an act providing for township trustees, by providing for their representation by county attorneys.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H-8012** February 3, 1998.

**Pursuant to Rule 31.7**, House File 517 was referred to the committee on ways and means.

**House File 2005**, a bill for an act relating to the voter approval of annexation and severance of territory to or from a city.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H-8011** February 3, 1998.

#### COMMITTEE ON WAYS AND MEANS

**Committee Bill** (Formerly House File 2107), relating to regulation of food establishments and providing for fees and penalties and providing an effective date.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 4, 1998.

#### RESOLUTIONS FILED

**HCR 105**, by Schrader, a concurrent resolution to designate March 29 of each year as Iowa State Flag Day.

Referred to committee on **state government**.

**HCR 106**, by Doderer, a concurrent resolution requesting the President of the United States to endorse and sign the International Convention on the Prohibition of the Use, Stockpiling, Production, and Transfer of Anti-personnel Landmines and on Their Destruction.

Referred to committee on **state government**.

AMENDMENTS FILED

H—8011	H.F.	2005	Committee on Local Government
H—8012	H.F.	517	Committee on Local Government
H—8013	H.F.	2119	Weigel of Chickasaw

On motion by Siegrist of Pottawattamie, the House adjourned at 8:55 a.m., until 8:45 a.m., Thursday, February 5, 1998.



# JOURNAL OF THE HOUSE

Twenty-fifth Calendar Day - Seventeenth Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Thursday, February 5, 1998

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

Prayer was offered by Reverend Jim Newby of Plymouth Congregational Church, Des Moines.

The Journal of Wednesday, February 4, 1998 was approved.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Koenigs of Mitchell on request of Weigel of Chickasaw; Brand of Tama, until his arrival, on request of Jochum of Dubuque; Kinzer of Scott on request of Falck of Fayette; Siegrist of Pottawattamie, until his arrival, on request of Gipp of Winneshiek.

## INTRODUCTION OF BILLS

**House File 2153**, by committee on state government, a bill for an act providing that member contributions under certain public retirement systems are considered employer contributions for state income tax purposes, and providing effective and applicability date provisions.

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

**House File 2154**, by Richardson, a bill for an act relating to the licensing of hunting guides and fishing guides, establishing license fees, providing reciprocity with other states, and providing a penalty.

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

**House File 2155**, by Osterhaus, a bill for an act relating to the required disclosure of certain information by a third-party payor of health or medical expenses to certain individuals and making penalties applicable.

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

**House File 2156**, by Bradley, a bill for an act relating to solid waste tonnage fees, the allocation of taxes on solid waste collection, and disposal service and making appropriations.

Read first time and referred to committee on **environmental protection**.

**House File 2157**, by Dolecheck, a bill for an act increasing the minimum daily pay for members of the Iowa national guard while in state active service.

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

**House File 2158**, by O'Brien, a bill for an act requiring bicyclists that are under the age of fourteen to wear helmets and creating a bicycle safety fund and a penalty.

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

**House File 2159**, by Murphy, a bill for an act relating to establishing, for purposes of establishing disability and providing death benefits under the statewide fire and police retirement system, a presumption that infectious diseases are work-related.

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

**House File 2160**, by Bell, a bill for an act providing coverage under a policy or contract providing for third-party payment or prepayment of health or medical expenses for the costs associated with equipment, supplies, and educational training for the treatment of diabetes.

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

**House File 2161**, by Brunkhorst, a bill for an act relating to the consideration of federal social security benefits awarded to a child support obligor in determining payment of a child support obligation.

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

**House File 2162**, by committee on judiciary, a bill for an act relating to nonsubstantive Code corrections and including a retroactive applicability provision.

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

**House File 2163**, by committee on judiciary, a bill for an act relating to the reopening of an administrative hearing pertaining to a license revocation for an operating while intoxicated offense, and providing an effective date.

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

## SENATE MESSAGE CONSIDERED

**Senate File 2094**, by committee on education, a bill for an act relating to the establishment of the state percent of growth for purposes of the state school foundation program, and providing an applicability date.

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

CONSIDERATION OF BILL  
Ways and Means Calendar

**House File 2119**, a bill for an act providing for the creation of an Iowa educational savings plan trust, addressing tax aspects, and containing applicability provisions, was taken up for consideration.

Weigel of Chickasaw offered amendment H-8013 filed by him as follows:

H-8013

- 1 Amend House File 2119 as follows:
- 2 1. Page 5, by striking lines 3 and 4, and
- 3 inserting the following: "specific beneficiary. A
- 4 participant shall not be required to make an annual
- 5 contribution on behalf of a beneficiary. The minimum
- 6 contribution per beneficiary per year, in a year in
- 7 which a participant is making a contribution, shall be
- 8 three hundred dollars, and the maximum".

Weigel of Chickasaw offered the following amendment H-8015, to amendment H-8013, filed by him and Dinkla of Guthrie from the floor and moved its adoption:

H-8015

- 1 Amend the amendment, H-8013, to House File 2119 as
- 2 follows:
- 3 1. Page 1, by inserting after line 8 the
- 4 following:
- 5 "\_\_\_ Page 5, by striking lines 12 and 13 and
- 6 inserting the following: "or changes in educational
- 7 plans. ""

Amendment H-8015, to amendment H-8013, was adopted.

Weigel of Chickasaw moved the adoption of amendment H-8013, as amended.

Amendment H-8013, as amended, was adopted.

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

On the question "Shall the bill pass?" (H.F. 2119)

The ayes were, 95:

Arnold	Barry	Bell	Bernau
Blodgett	Boddicker	Bogges	Bradley
Brand	Brauns	Brunkhorst	Bukta
Burnett	Carroll	Cataldo	Chapman
Chiodo	Cohoon	Cormack	Dinkla
Dix	Doderer	Dolecheck	Dotzler
Drake	Drees	Eddie	Falck
Fallon	Foege	Ford	Frevert
Garman	Gipp	Greig	Greiner
Gries	Grundberg	Hahn	Hansen
Heaton	Holmes	Holveck	Houser
Huseman	Huser	Jacobs	Jenkins
Jochum	Klemme	Kreiman	Kremer
Lamberti	Larkin	Larson	Lord
Martin	Mascher	May	Mertz
Metcalf	Meyer	Millage	Moreland
Mundie	Murphy	Myers	Nelson
O'Brien	Osterhaus	Rants	Rayhons
Reynolds-Knight	Richardson	Scherrman	Schrader
Shoultz	Sukup	Taylor	Teig
Thomas	Thomson	Tyrell	Van Fossen
Van Maanen	Vande Hoef	Veenstra	Warnstadt
Weidman	Weigel	Welter	Whitead
Wise	Witt	Mr. Speaker	
		Corbett	

The nays were, none.

Absent or not voting, 5:

Churchill	Connors	Kinzer	Koenigs
Siegrist			

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

#### IMMEDIATE MESSAGE

Gipp of Winneshiek asked and received unanimous consent that **House File 2119** be immediately messaged to the Senate.

## EXPLANATION OF VOTE

I was necessarily absent from the House chamber on February 5, 1998. Had I been present, I would have voted "aye" on House File 2119.

SIEGRIST of Pottawattamie

## COMMUNICATIONS RECEIVED

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

### CENTER FOR AGRICULTURAL SAFETY AND HEALTH

The 1997 Annual Report, pursuant to Chapter 262.78(6), Code of Iowa.

### DEPARTMENT OF HUMAN RIGHTS Commission on Persons with Disabilities

The 1997 Annual Report, pursuant to Chapter 216A.116, 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

- 1998\96 Helen Pace, Indianola – For celebrating her 75th birthday.
- 1998\97 Betty and Junior Broyles, Indianola – For celebrating their 50th wedding anniversary.
- 1998\98 Neil Ricklefs, West Des Moines – For his 28 years of dedicated leadership and service.
- 1998\99 Jeanette and Dale Schroeder, Elma – For celebrating their 50th wedding anniversary.

## SUBCOMMITTEE ASSIGNMENTS

### House Joint Resolution 2002

Ways and Means: Larson, Chair; Dix, Myers, Richardson and Van Fossen.

### House File 560

Human Resources: Boddicker, Chair; Brand and Lord.

**House File 2067**

Ways and Means: Blodgett, Chair; Dinkla and Doderer.

**House File 2071**

Ways and Means: Van Fossen, Chair; Bernau and Larson.

**House File 2134**

Ways and Means: Van Fossen, Chair; Myers and Teig.

**House File 2137**

Transportation: Rayhons, Chair; Nelson and Scherrman.

**House File 2138**

Appropriations: Millage, Chair; Sukup and Warnstadt.

**House File 2144**

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

**House File 2149**

Local Government: Huseman, Chair; Martin and Richardson.

**House File 2150**

Environmental Protection: Boggess, Chair; Drake and Richardson.

**House File 2151**

Environmental Protection: Van Fossen, Chair; Fallon and Meyer.

**House File 2153**

Ways and Means: Drake, Chair; Larkin and Van Fossen.

**House File 2154**

Natural Resources: Tyrrell, Chair; Huseman and Mertz.

**House File 2156**

Environmental Protection: Burnett, Chair; Bradley and Gipp.

**House Concurrent Resolution 105**

State Government: Nelson, Chair; Larkin and Martin.

**Senate File 2094**

Education: Gries, Chair; Van Maanen and Warnstadt.

**HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS****House Study Bill 562**

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

**House Study Bill 563**

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

**House Study Bill 564**

Judiciary: Lamberti, Chair; Kreiman and Millage.

**House Study Bill 565**

Judiciary: Boddicker, Chair; Bell and Dinkla.

**House Study Bill 566**

Judiciary: Dinkla, Chair; Greiner and Kreiman.

**House Study Bill 567**

Judiciary: Kremer, Chair; Bell and Veenstra.

**House Study Bill 568**

Judiciary: Dinkla, Chair; Churchill and Shoultz.

**House Study Bill 571**

Environmental Protection: Gipp, Chair; Van Fossen and Witt.

**House Study Bill 572**

Appropriations: Millage, Chair; Murphy and Sukup.

**House Study Bill 574**

Local Government: Vande Hoef, Chair; Arnold, Mertz, Reynolds-Knight and Weidman.

**HOUSE STUDY BILL COMMITTEE ASSIGNMENTS****H.S.B. 575 Environmental Protection**

Relating to waste tires and tire-derived fuels.

**H.S.B. 576 Transportation**

Establishing a graduated driver's license for young drivers, making penalties applicable, and including an applicability provision and an effective date.

**H.S.B. 577 Labor and Industrial Relations**

Relating to unemployment compensation employer contribution rates and administrative surcharges and providing an effective date.

**H.S.B. 578 Labor and Industrial Relations**

Relating to workers' compensation by changing the name of the division and personnel responsible, providing for the commencement of compensation during a healing period, and providing for reporting requirements.

**H.S.B. 579 Commerce and Regulation**

Relating to the operation and regulation of banks and making technical corrections.

**H.S.B. 580 Commerce and Regulation**

Authorizing certain health care professionals to use the Iowa communications network.

**H.S.B. 581 Commerce and Regulation**

Relating to utility cost reviews associated with a rate-regulated public utility's procurement of natural gas or fuel for use in generating electricity.

**H.S.B. 582 Appropriations**

Relating to state government technology and operations, by making and relating to appropriations to the Iowa communications network for the connection and subsidizing rates of certain Part III users, making appropriations to various entities for other technology-related purposes, providing for the procurement of information technology, and providing an effective date.



### **H.S.B. 583 State Government**

To provide for the appointment of a vice chairperson for the board of parole and providing an effective date.

### **H.S.B. 584 State Government**

Transferring responsibility for administration of enhanced 911 public safety telephone answering and dispatching services from the emergency management division in the department of public defense to the E911 communications council.

### **H.S.B. 585 Economic Development**

Relating to procurement requirements and agency responsibilities concerning the targeted small business program.

## **COMMITTEE RECOMMENDATIONS**

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

**ELIZABETH A. ISAACSON**  
Chief Clerk of the House

### **COMMITTEE ON AGRICULTURE**

**Committee Bill** (Formerly House Study Bill 529), regulating veterinary practice and procedures, by providing for the treatment of horses.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 4, 1998.

### **COMMITTEE ON APPROPRIATIONS**

**Committee Bill** (Formerly House Study Bill 547), relating to energy conservation including making appropriations of petroleum overcharge funds and providing for the dissolution of the energy fund disbursement council and intermodal revolving loan fund.

Fiscal Note is not required.

Recommended **Do Pass** February 4, 1998.

**Committee Bill** (Formerly House Study Bill 548), 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 **Amend and Do Pass** February 4, 1998.

## COMMITTEE ON JUDICIARY

**Committee Bill** (Formerly House Study Bill 544), relating to nonsubstantive Code corrections and including a retroactive applicability provision.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H-8014** February 3, 1998.

## COMMITTEE ON STATE GOVERNMENT

**House Concurrent Resolution 103**, a concurrent resolution recognizing the notable achievements of the Jefferson High School Marching Band from Cedar Rapids, Iowa.

Fiscal Note is not required.

Recommended **Do Pass and laid over under Rule 25** February 4, 1998.

**Committee Bill** (Formerly House Study Bill 521), relating to the state fire marshal, including the installation of automatic fire extinguishing systems in new construction.

Fiscal Note is not required.

Recommended **Do Pass** February 4, 1998.

## AMENDMENTS FILED

H-8014	H.F.	2162	Committee on Judiciary
H-8016	H.F.	2096	Kreiman of Davis
H-8017	H.F.	2005	Richardson of Warren

On motion by Gipp of Winneshiek, the House adjourned at 9:18 a.m., until 1:00 p.m., Monday, February 9, 1998.

# JOURNAL OF THE HOUSE

Twenty-ninth Calendar Day - Eighteenth Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Monday, February 9, 1998

The House met pursuant to adjournment at 1:08 p.m., Speaker pro tempore Van Maanen of Marion in the chair.

Prayer was offered by Reverend Perry Fruhling, Bethany Lutheran Church, Thompson.

The Journal of Thursday, February 5, 1998 was approved.

## PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by the Hoover Concert Choir, accompanied by Matt Woody, Des Moines.

## INTRODUCTION OF BILLS

**House Joint Resolution 2003**, by Kremer, a joint resolution to approve the request by the state public defender to establish the Fort Dodge satellite public defender office as a separate public defender office.

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

**House Joint Resolution 2004**, by Vande Hoef, Brauns, Mascher, Barry, Klemme, Mundie, Huseman, Whitead, Welter, Veenstra, O'Brien, Holmes, Mertz, Osterhaus, and Rants, a joint resolution designating by name an official highest elevation in the State of Iowa.

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

**House File 2164**, by committee on economic development, a bill for an act relating to local community and economic development planning assistance and the community builder program.

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

**House File 2165**, by committee on state government, a bill for an act relating to the state fire marshal, including the installation of automatic fire extinguishing systems in new construction.

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

**House File 2166**, by committee on ways and means, a bill for an act relating to regulation of food establishments and providing for fees and penalties and providing an effective date.

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

**House File 2167**, by committee on economic development, a bill for an act relating to a successor corporation to the Wallace technology transfer foundation of Iowa and providing an effective date.

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

**House File 2168**, by committee on economic development, a bill for an act relating to the sale of stock or ownership interest of any corporation formed under the Iowa business development finance Act.

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

**House File 2169**, by Rants, a bill for an act raising the limit on the amount of assets subject to a conservatorship in cases where a private nonprofit corporation serves as conservator.

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

**House File 2170**, by Myers, a bill for an act relating to the property tax relief fund by striking an appropriation from the fund for a state medical assistance obligation.

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

**House File 2171**, by Welter and Heaton, a bill for an act relating to the display of a persons with disabilities parking permit placard.

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

**House File 2172**, by Foege and Taylor, a bill for an act relating to grandparent and great-grandparent visitation rights.

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

**House File 2173**, by Greig, Lord, Jacobs, Heaton, Van Fossen, Blodgett, Martin, Nelson, and Grundberg, a bill for an act establishing a property tax credit for commercial property and providing effective and applicability date provisions.

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

**House File 2174**, by Van Fossen, a bill for an act providing an exemption from state sales and services tax for certain equipment used in transporting telephone services.

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

**House File 2175**, by Greig, a bill for an act relating to the creation of, and annexation of property to, a sanitary sewer district.

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

**House File 2176**, by Arnold and Teig, a bill for an act relating to soil and water conservation districts by providing for alternate commissioners.

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

**House File 2177**, by Kreiman, a bill for an act to increase the penalty applicable to persons who commit animal abuse.

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

**House File 2178**, by Kreiman, a bill for an act providing a credit for the electronic filing of a return and payment of tax due under the individual income tax and providing a retroactive applicability date.

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

**House File 2179**, by Kreiman, a bill for an act relating to the commencement of the school calendar.

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

**House File 2180**, by Doderer, Myers, and Mascher, a bill for an act relating to cigarettes and tobacco products and providing penalties.

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

**House File 2181**, by Cohoon, a bill for an act relating to the appointment of the director of the department of education.

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

**House File 2182**, by Garman, Van Maanen, Brunkhorst, Kremer, Boddicker, Heaton, Tyrrell, Cormack, Witt, Nelson, Rants, Jacobs, Welter, Lamberti, Thomson, Burnett, Sukup, Van Fossen, Boggess, Mundie, Warnstadt, Vande Hoef, Barry, Shoultz, Myers, Gipp, Bradley, Bernau, Dix, Doderer, Huser, and Klemme, a bill for an act providing for a study of gambling and its impact on this state, making an appropriation, and providing an effective date.

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

**House File 2183**, by Larson, a bill for an act relating to a deduction under the individual income tax of tuition paid which results in a certificate, diploma, or degree from a community college, or a degree

from an accredited college or university, or similar institution, and including effective and retroactive applicability date provisions.

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

**House File 2184**, by Brunkhorst, a bill for an act prohibiting a real estate broker or salesperson from representing a buyer and a seller to a transaction.

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

**House File 2185**, by Fallon, a bill for an act relating to the assessing of a service charge in lieu of property taxes for the providing of police and fire protection by a city to a hospital for real property that is totally or partially exempt from property tax, and providing an applicability date.

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

**House File 2186**, by Rants, a bill for an act requiring the continued placement of a child with a foster parent who is a prospective adoptive parent for the child during a termination of parental rights proceeding.

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

**House File 2187**, by Grundberg, a bill for an act relating to information included in the published list of claims allowed by the board of directors of a school district.

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

**House File 2188**, by Jacobs, a bill for an act prohibiting the payment of a commission or other valuable consideration to certain persons by a real estate licensee.

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

**House File 2189**, by Myers and Lamberti, a bill for an act relating to the exemption of certain multiple employer welfare arrangements from regulation by the insurance division and providing an effective date.

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

**House File 2190**, by Kreiman, a bill for an act providing for an individual income tax credit for perfect attendance at K-12 parent teacher conferences and including effective and retroactive applicability date provisions.

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

**House File 2191**, by Brunkhorst, a bill for an act abolishing the county compensation board.

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

**House File 2192**, by Osterhaus, a bill for an act requiring certain disclosures regarding pharmaceutical contracts associated with benefits provided by third-party payors.

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

**House File 2193**, by Cohoon, a bill for an act relating to the issuance of motor vehicle and mobile home certificates of title.

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

**House File 2194**, by Larkin, Thomas, Weigel, Falck, Murphy, Osterhaus, Scherrman, and Reynolds-Knight, a bill for an act relating to programs administered by the agricultural development authority, by providing for the issuance of private activity bonds.

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

**House File 2195**, by Kreiman, a bill for an act eliminating vehicle wash and wax as a taxable service under the sales, services, and use taxes.

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

**House File 2196**, by Wise and Warnstadt, a bill for an act relating to charter schools.

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

**House File 2197**, by Wise, Myers, Connors, Kinzer, Whitead, May, Bukta, Frevert, Burnett, Mascher, Dotzler, Taylor, Falck, Foege, Scherrman, Richardson, Murphy, Cohoon, Warnstadt, Huser, Osterhaus, and Mundie, a bill for an act relating to the establishment of a class size reduction program, smaller class size infrastructure program, an infrastructure study, and making an appropriation.

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

## MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on February 5, 1998, passed the following bill in which the concurrence of the House is asked:

Senate File 2073, a bill for an act prohibiting the performance of partial-birth abortions relative to a human fetus, establishing a cause of action for violation of the prohibition, and providing penalties.

Also: That the Senate has on February 5, 1998, passed the following bill in which the concurrence of the House is asked:

Senate File 2081, a bill for an act regulating implements of husbandry.

Also: That the Senate has on February 5, 1998, passed the following bill in which the concurrence of the House is asked:

Senate File 2082, a bill for an act regulating anhydrous ammonia by prohibiting tampering with related equipment and the unauthorized possession and transportation of containers and receptacles used to store anhydrous ammonia, providing enhanced penalties, and providing an effective date.

Also: That the Senate has on February 5, 1998, passed the following bill in which the concurrence of the House is asked:

Senate File 2090, a bill for an act relating to compensation for the legal defense of indigent persons in prison disciplinary postconviction cases and providing an effective date and for retroactive applicability.

Also: That the Senate has on February 5, 1998, passed the following bill in which the concurrence of the House is asked:

Senate File 2121, a bill for an act regulating veterinary practice and procedures, by providing for the treatment of horses, and providing an effective date.

MARY PAT GUNDERSON, Secretary

## SENATE MESSAGES CONSIDERED

**Senate File 2073**, by Behn, Redwine, King, McKibben, Douglas, McKean, Angelo, Rehberg, Schuerer, Hedge, Freeman, Iverson, Boettger, Jensen, Rensink, Flynn, Bartz, Redfern, McCoy, McLaren, and Borlaug, a bill for an act prohibiting the performance of partial-birth abortions relative to a human fetus, establishing a cause of action for violation of the prohibition, and providing penalties.

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

**Senate File 2082**, by committee on agriculture, a bill for an act regulating anhydrous ammonia by prohibiting tampering with related equipment and the unauthorized possession and transportation of



containers and receptacles used to store anhydrous ammonia, providing enhanced penalties, and providing an effective date.

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

**Senate File 2090**, by committee on judiciary, a bill for an act relating to compensation for the legal defense of indigent persons in prison disciplinary postconviction cases and providing an effective date and for retroactive applicability.

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

**Senate File 2121**, by committee on agriculture, a bill for an act regulating veterinary practice and procedures, by providing for the treatment of horses, and providing an effective date.

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

### 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

- 1998\100 James Hall, Mt. Pleasant – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 1998\101 Anna and Leo Heineman, Readlyn – For celebrating their 60th wedding anniversary.
- 1998\102 Kathleen and Lawrence Traeger, Hawkeye – For celebrating their 50th wedding anniversary.
- 1998\103 Doris and Norman Rowray, Solon – For celebrating their 50th wedding anniversary.
- 1998\104 Lillian and Raymond Bell, Newton – For celebrating their 50th wedding anniversary.
- 1998\105 Hazelle and Clay Lanman, Keosauqua – For celebrating their 50th wedding anniversary.
- 1998\106 Goldie and Opal Fields, Keosauqua – For celebrating their 74th wedding anniversary.
- 1998\107 Agnes Christiansen, Dunlap – For celebrating her 95th birthday.
- 1998\108 Ralph Shepard, Pisgah – For celebrating his 90th birthday.

1998\109 Alysia Clark, Iowa Falls – For being a Distinguished Finalist in the Prudential Spirit of Community Awards.

**SUBCOMMITTEE ASSIGNMENTS**

**House File 2089**

Local Government: Mundie, Chair; Arnold and Van Maanen.

**House File 2152**

Education: Van Maanen, Chair; Garman and Kinzer.

**House File 2157**

State Government: Tyrrell, Chair; Chiodo and Gipp.

**House Concurrent Resolution 106**

State Government: Nelson, Chair; Connors and Gipp.

**Senate File 2073**

Human Resources: Barry, Chair; Burnett and Thomson.

**HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS**

**House Study Bill 570**

Labor and Industrial Relations: Lamberti, Chair; Sukup and Taylor.

**House Study Bill 576**

Transportation: Heaton, Chair; Arnold, Bukta, Cohoon and Welter.

**House Study Bill 577**

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

**House Study Bill 578**

Labor and Industrial Relations: Holmes, Chair; Dix and Dotzler.

**House Study Bill 582**

Appropriations: Jacobs, Chair; Huser, Kreiman, Meyer and Sukup.

**House Study Bill 583**

State Government: Tyrrell, Chair; Larkin and Van Fossen.

**House Study Bill 584**

State Government: Tyrrell, Chair; Larkin and Van Fossen.

**HOUSE STUDY BILL COMMITTEE ASSIGNMENTS****H.S.B. 586 Commerce and Regulation**

Relating to authorized investments by insurance companies in obligations of foreign governments and foreign corporations.

**H.S.B. 587 Education**

Relating to the establishment of regional systems by the department of education to provide technical assistance to improve teacher and administrator performance in public school districts and area education agencies.

**H.S.B. 588 Education**

Relating to a meritorious recognition award program and fund for public school teachers and administrators.

**H.S.B. 589 Education**

Relating to the establishment of a teacher induction program.

**H.S.B. 590 Education**

Relating to state aid to school districts for pupils enrolled in kindergarten.

**H.S.B. 591 Education**

Relating to state assistance for school improvement programs and making an appropriation.

**H.S.B. 592 Education**

Establishing a building blocks of success grant program.

**H.S.B. 593 Education**

Relating to the establishment of a national board certification award and making an appropriation.

**H.S.B. 594 Education**

Relating to the establishment of a teacher shortage loan payment program and fund.

**H.S.B. 595 Human Resources**

Relating to the timing and scope of health care facility inspections.

**H.S.B. 596 Human Resources**

Relating to involvement of federal military installations with child abuse assessments.

**COMMITTEE RECOMMENDATIONS**

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

ELIZABETH A. ISAACSON  
Chief Clerk of the House

**COMMITTEE ON EDUCATION**

**Senate File 2094**, a bill for an act relating to the establishment of the state percent of growth for purposes of the state school foundation program, and providing an applicability date.

Fiscal Note is not required.

Recommended **Do Pass** February 9, 1998.

**COMMITTEE ON WAYS AND MEANS**

**House File 2153**, a bill for an act providing that member contributions under certain public retirement systems are considered employer contributions for state income tax purposes, and providing effective and applicability date provisions.

Fiscal Note is not required.

Recommended **Do Pass** February 9, 1998.

**AMENDMENTS FILED**

H—8018	H.F.	2107	Richardson of Warren
H—8019	S.F.	2082	Kreiman of Davis
H—8020	S.F.	2082	Kreiman of Davis

On motion by Siegrist of Pottawattamie, the House adjourned at 1:27 p.m., until 8:45 a.m., Tuesday, February 10, 1998.

# JOURNAL OF THE HOUSE

Thirtieth Calendar Day - Nineteenth Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Tuesday, February 10, 1998

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

Prayer was offered by Reverend Kent Mechler, Zion St. John Lutheran Church, Sheffield.

The Journal of Monday, February 9, 1998 was approved.

## INTRODUCTION OF BILLS

**House File 2198**, by Schrader, a bill for an act relating to the establishment of a deer hunting season for physically disabled persons.

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

**House File 2199**, by Kreiman, a bill for an act amending the definition of child abuse to include an intentionally caused serious injury to a human pregnancy.

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

**House File 2200**, by Burnett, a bill for an act imposing civil and criminal fines for taking of endangered and protected wildlife species.

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

**House File 2201**, by Burnett, a bill for an act providing that a prevailing property owner or aggrieved taxpayer in a property tax challenge may recover reasonable attorney fees from the taxing bodies involved in the appeal.

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

**House File 2202**, by Frevert, a bill for an act relating to the payment by third parties of licensed mental health counselors.

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

**House File 2203**, by Frevert, a bill for an act related to confinement feeding operations, by requiring the filing of bonds by general contractors.

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

**House File 2204**, by Warnstadt and Whitead, a bill for an act relating to the designation of a state poison center and making an appropriation.

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

**House File 2205**, by Foege and Osterhaus, a bill for an act relating to coverage under a policy or contract providing for third-party payment or prepayment of health or medical expenses by requiring coverage for costs associated with the treatment of diabetes.

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

**House File 2206**, by Hahn, Blodgett, Nelson, Boddicker, Huseman, Holmes, Bradley, Boggess, Barry, Dolecheck, Rayhons, Jenkins, Van Fossen, Welter, Weidman, Tyrrell, Teig, Lamberti, Gries, Klemme, Drake, Carroll, Houser, Greig, Cormack, Brunkhorst, Millage, Greiner, Vande Hoef, Lord, Jacobs, Metcalf, Larson, Kremer, Doderer, Thomas, May, Mertz, Burnett, Martin, Mascher, Richardson, Foege, Bell, Taylor, Scherrman, Connors, Whitead, Falck, Jochum, Murphy, Bernau, Huser, Wise, Osterhaus, Myers, Cohoon, Drees, Bukta, Frevert, Warnstadt, and Dotzler, a bill for an act relating to the creation of a dental hygiene committee within the board of dental examiners.

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

**House File 2207**, by Bradley, a bill for an act relating to consumer credit contracts and the permissible fees and charges which may be assessed under such contracts.

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

**House File 2208**, by Bradley, a bill for an act relating to debt collection by excluding a financial institution and its employees from the definition of debt collector.

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

**House File 2209**, by Frevert, a bill for an act relating to a partial property tax exemption for value added to certain livestock facilities and providing an applicability date.

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

**House File 2210**, by committee on appropriations, a bill for an act relating to energy conservation including making appropriations of petroleum overcharge funds and providing for the dissolution of the energy fund disbursement council and intermodal revolving loan fund.

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

**House File 2211**, by committee on local government, a bill for an act relating to the liability for and payment of medical costs and other expenses incurred by certain prisoners and escapees.

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

**House File 2212**, by Chapman, a bill for an act authorizing the use of moneys from the victim compensation fund to fund programs of local anticrime organizations.

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

**House File 2213**, by Wise, a bill for an act relating to the enforcement options for mandatory financial responsibility for motor vehicles and establishing a fee.

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

**House File 2214**, by Nelson, a bill for an act relating to the use of the Iowa communications network by certain health care professionals.

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

**House File 2215**, by Vande Hoef, Heaton, and Veenstra, a bill for an act authorizing under certain circumstances a supplemental property tax levy for excess mental health, mental retardation, and developmental disabilities services costs and providing an applicability date.

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

**House File 2216**, by Jacobs, a bill for an act relating to political party county convention delegates and providing an effective date.

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

**House File 2217**, by Jacobs, a bill for an act allowing for a delayed filing time limit for purposes of applying for the homestead

property tax credit or the military service property tax exemption, and amending the procedure for claiming a military service property tax exemption.

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

**House File 2218**, by committee on appropriations, a bill for an act appropriating federal funds made available from federal block grants and other federal grants, allocating portions of federal block grants, and providing procedures if federal funds are more or less than anticipated or if federal block grants are more or less than anticipated.

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

**House File 2219**, by Frevert, a bill for an act relating to the length of time a student may receive a vocational-technical tuition grant.

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

**House File 2220**, by Garman, a bill for an act concerning the method for imposition of the drug abuse resistance education surcharge.

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

**House File 2221**, by Burnett, a bill for an act relating to the creation of a senior conservation and outdoor recreation employment program under the department of workforce development.

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

#### SENATE MESSAGE CONSIDERED

**Senate File 2081**, by committee on agriculture, a bill for an act regulating implements of husbandry.

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

#### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Lamberti of Polk, until his arrival, on request of Arnold of Lucas.

#### CONSIDERATION OF BILLS

##### Regular Calendar

**House File 2096**, a bill for an act regulating anhydrous ammonia by prohibiting tampering with related equipment and the unauthorized possession and transportation of containers and receptacles used



to store anhydrous ammonia, and providing enhanced penalties, was taken up for consideration.

Kreiman of Davis asked and received unanimous consent to withdraw amendment H-8007 filed by him on January 29, 1998.

Kreiman of Davis asked and received unanimous consent to withdraw amendment H-8016 filed by him on February 5, 1998.

Rayhons of Hancock offered the following amendment H-8008 filed by him:

H-8008

- 1 Amend House File 2096 as follows:
- 2 1. Page 2, by inserting after line 2 the
- 3 following:
- 4 "Sec. \_\_\_\_ EFFECTIVE DATE. This Act, being deemed
- 5 of immediate importance, takes effect upon enactment."
- 6 2. Title page, line 4, by striking the word
- 7 "and".
- 8 3. Title page, line 4, by inserting after the
- 9 word "penalties" the following: ", and providing an
- 10 effective date".

Rayhons of Hancock offered the following amendment H-8021, to amendment H-8008, filed by him from the floor and moved its adoption:

H-8021

- 1 Amend the amendment, H-8008, to House File 2096 as
- 2 follows:
- 3 1. Page 1, by inserting after line 1 the
- 4 following:
- 5 "\_\_\_\_. Page 1, by striking lines 7 and 8 and
- 6 inserting the following: "tamper with anhydrous
- 7 equipment. Tampering occurs when a person who is not
- 8 authorized by the owner of anhydrous ammonia equipment
- 9 uses the equipment in violation of a provision of this
- 10 chapter, including a rule adopted by the secretary."
- 11 2. By renumbering as necessary.

Amendment H-8021, to amendment H-8008, was adopted.

Rayons of Hancock moved the adoption of amendment H-8008, as amended.

Amendment H-8008, as amended, was adopted.

## SENATE FILE 2082 SUBSTITUTED FOR HOUSE FILE 2096

Rayhons of Hancock asked and received unanimous consent to substitute Senate File 2082 for House File 2096.

**Senate File 2082**, a bill for an act regulating anhydrous ammonia by prohibiting tampering with related equipment and the unauthorized possession and transportation of containers and receptacles used to store anhydrous ammonia, providing enhanced penalties, and providing an effective date, was taken up for consideration.

Kreiman of Davis offered the following amendment H-8019 filed by him and moved its adoption:

H-8019

1 Amend Senate File 2082, as amended, passed, and  
2 reprinted by the Senate, as follows:

3 1. Page 1, line 34, by inserting before the words  
4 "A person" the following: "Civil penalties collected  
5 pursuant to this subsection shall be deposited into  
6 the anhydrous ammonia equipment security and cleanup  
7 fund created in section 200.23."

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

10 "Sec. \_\_\_\_ NEW SECTION. 200.23 ANHYDROUS AMMONIA  
11 EQUIPMENT SECURITY AND SITE CLEANUP FUND.

12 1. As used in this section, "alliance" means the  
13 governor's alliance on substance abuse.

14 2. An anhydrous ammonia equipment security and  
15 cleanup fund is created in the state treasury under  
16 the control of the head of the alliance. The fund is  
17 composed of any moneys appropriated by the general  
18 assembly and of any other moneys available to and  
19 obtained or accepted by the alliance from the federal  
20 government or private sources for placement in the  
21 fund. Civil penalties collected for violations of  
22 section 200.14 shall be deposited into the fund.

23 Proceeds from forfeited property shall be deposited  
24 into the fund as provided in section 809A.17.

25 3. Moneys in the fund are subject to an annual  
26 audit by the auditor of state. The fund is subject to  
27 warrants written by the director of revenue and  
28 finance, drawn upon the written requisition of the  
29 head of the alliance.

30 4. Section 8.33 shall not apply to moneys in the  
31 fund. Notwithstanding section 12C.7, moneys earned as  
32 income, including as interest, from moneys in the fund  
33 shall remain in the fund until expended as provided in  
34 this section. The alliance shall not in any manner  
35 directly or indirectly pledge the credit of the state.

36 5. Moneys in the fund shall be used for the

37 following purposes:

38 a. To assist owners of anhydrous ammonia equipment  
39 in purchasing or installing devices necessary to  
40 secure the equipment from intentional tampering,  
41 including locks, lights, or fencing, according to  
42 requirements established by the alliance in  
43 cooperation with the department of public safety.  
44 b. To reimburse counties for costs associated with  
45 cleaning up clandestine laboratory sites as defined in  
46 section 124C.1.

47 The moneys in the fund may be used on a cost-share  
48 basis as determined practical by the alliance.

49 Sec. \_\_\_\_ Section 809A.17, subsection 5, Code  
50 1997, is amended by adding the following new

## Page 2

1 paragraph:

2 NEW PARAGRAPH. e. Forfeited property used in  
3 connection with a violation of section 200.14 shall be  
4 deposited with the department of public safety to be  
5 disposed of in accordance with the rules of the  
6 department. However, the department shall distribute  
7 not more than one thousand five hundred dollars per  
8 forfeiture to the anhydrous ammonia equipment security  
9 and cleanup fund created pursuant to section 200.23.  
10 The department may dispose of the property by a  
11 commercially reasonable public sale in order to carry  
12 out this paragraph."

13 3. Title page, line 4, by inserting after the  
14 word "ammonia," the following: "providing for the  
15 allocation of moneys to support security needs and the  
16 cleanup of clandestine laboratory sites."

Speaker pro tempore Van Maanen of Marion in the chair at 9:10  
a.m.

Roll call was requested by Kreiman of Davis and Schrader of Marion.

Rule 75 was invoked.

On the question "Shall amendment H-8019 be adopted?" (S.F. 2082)

The ayes were, 44:

Bell	Bernau	Brand	Bukta
Burnett	Chapman	Chiodo	Cohoon
Connors	Doderer	Dotzler	Drees
Falck	Fallon	Foege	Ford
Frevert	Holveck	Huser	Jochum
Kinzer	Koenigs	Kreiman	Larkin
Mascher	May	Moreland	Mundie

Murphy	Myers	O'Brien	Osterhaus
Reynolds-Knight	Richardson	Scherrman	Schrader
Shoultz	Taylor	Thomas	Warnstadt
Weigel	Whitead	Wise	Witt

The nays were, 52:

Arnold	Barry	Blodgett	Boddicker
Boggess	Bradley	Brauns	Brunkhorst
Carroll	Churchill	Corbett, Spkr.	Cormack
Dinkla	Dix	Drake	Eddie
Garman	Gipp	Greiner	Gries
Grundberg	Hahn	Hansen	Heaton
Holmes	Houser	Huseman	Jacobs
Jenkins	Klemme	Kremer	Larson
Lord	Martin	Mertz	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:

Cataldo	Dolecheck	Greig	Lamberti
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Amendment H-8019 lost.

Kreiman of Davis asked and received unanimous consent to withdraw amendment H-8020 filed by him on February 9, 1998.

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.

On the question "Shall the bill pass?" (S.F. 2082)

The ayes were, 96:

Arnold	Barry	Bell	Bernau
Blodgett	Boddicker	Boggess	Bradley
Brand	Brauns	Brunkhorst	Bukta
Burnett	Carroll	Chapman	Chiodo
Churchill	Cohoon	Connors	Corbett, Spkr.
Cormack	Dinkla	Dix	Doderer
Dotzler	Drake	Drees	Eddie
Falck	Fallon	Foege	Ford
Frevert	Garman	Gipp	Greiner
Gries	Grundberg	Hahn	Hansen
Heaton	Holmes	Holveck	Houser

Huseman	Huser	Jacobs	Jenkins
Jochum	Kinzer	Klemme	Koenigs
Kreiman	Kremer	Larkin	Larson
Lord	Martin	Mascher	May
Mertz	Metcalf	Meyer	Millage
Moreland	Mundie	Murphy	Myers
Nelson	O'Brien	Osterhaus	Rants
Rayhons	Reynolds-Knight	Richardson	Scherrman
Schrader	Shoultz	Siegrist	Sukup
Taylor	Teig	Thomas	Thomson
Tyrrell	Van Fossen	Vande Hoef	Veenstra
Warnstadt	Weidman	Weigel	Welter
Whitead	Wise	Witt	Van Maanen, Presiding

The nays were, none.

Absent or not voting, 4:

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

On motion by Siegrist of Pottawattamie, the House was recessed at 9:35 a.m., until 4:30 p.m.

### AFTERNOON SESSION

The House reconvened at 4:30 p.m., Speaker pro tempore Van Maanen of Marion in the chair.

### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Garman of Story on request of Siegrist of Pottawattamie.

### CONSIDERATION OF BILLS

#### Regular Calendar

**Senate File 2029**, a bill for an act relating to the composition of the board of podiatry examiners, 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. 2029)

The ayes were, 96:

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

The nays were, none.

Absent or not voting, 4:

Corbett, Spkr.                  Garman                  Greig                  Nelson

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

**House File 2037**, a bill for an act regulating implements of husbandry, with report of committee recommending amendment and passage, was taken up for consideration.

Welter of Jones offered the following amendment H-8010 filed by the committee on agriculture and moved its adoption:

H-8010

- 1 Amend House File 2037 as follows:
- 2 1. Page 1, by striking line 12 and inserting the
- 3 following: "implements of husbandry moved between any
- 4 site and the".

The committee amendment H-8010 was adopted.

SENATE FILE 2081 SUBSTITUTED FOR HOUSE FILE 2037

Welter of Jones asked and received unanimous consent to substitute Senate File 2081 for House File 2037.

**Senate File 2081**, a bill for an act regulating implements of husbandry, was taken up for consideration.

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

On the question "Shall the bill pass?" (S.F. 2081)

The ayes were, 98:

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

The nays were, none.

Absent or not voting, 2:

Corbett, Spkr.

Garman

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 2029 and 2081.**

### HOUSE FILE 2037 WITHDRAWN

Welter of Jones asked and received unanimous consent to withdraw House File 2037 from further consideration by the House.

**House File 2049**, a bill for an act relating to redemption by a county of certain parcels sold at property tax sale, with report of committee recommending passage, was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 2049)

The ayes were, 97:

Arnold	Barry	Bell	Bernau
Blodgett	Boddicker	Bogges	Bradley
Brand	Brauns	Brunkhorst	Bukta
Burnett	Carroll	Cataldo	Chapman
Chido	Churchill	Cphoon	Connors
Cormack	Dinkla	Dix	Doderer
Dolecheck	Dotzler	Drake	Drees
Eddie	Falck	Fallon	Foeger
Ford	Frevert	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	Vande Hoef
Veenstra	Warnstadt	Weidman	Weigel



Welter  
Van Maanen,  
Presiding

Whitead

Wise

Witt

The nays were, none.

Absent or not voting, 3:

Corbett, Spkr.

Garman

Houser

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

#### IMMEDIATE MESSAGE

Siegrist of Pottawattamie asked and received unanimous consent that **House File 2049** be immediately messaged to the Senate.

#### MOTION TO RECONSIDER

(Senate File 2082)

I move to reconsider the vote by which Senate File 2082 passed the House on February 10, 1998.

SIEGRIST of Pottawattamie

#### HOUSE FILE 2152 REREFERRED

The Speaker announced that House File 2152, previously referred to committee on **education** was rereferred to committee on **state government**.

#### HOUSE FILE 2201 REREFERRED

The Speaker announced that House File 2201, previously referred to committee on **judiciary** was rereferred to committee on **local government**.

#### EXPLANATION OF VOTE

I was necessarily absent from the House chamber on February 10, 1998. Had I been present, I would have voted "aye" on Senate File 2029.

NELSON of Marshall

#### REPORT OF ADMINISTRATION AND RULES COMMITTEE

MR. SPEAKER: Pursuant to Senate Concurrent Resolution 1, 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	Justin D. Hupfer	27-1 to 27-2	P-FT	03-20-98
Confidential Secretary to Leader	Carolyn J. Gaukel	27-5 to 32-2	P-PT	03-06-98
Confidential Secretary II to Leader				
Confidential Secretary to Chief Clerk	Betty M. Soener	27-5 to 32-1	P-FT	01-23-98
Confidential Secretary II to Chief Clerk				
Legislative Secretary	Holly J. Armstrong	15-1 to 15-2	S-O	01-12-98
Legislative Secretary	Deborah M. Brand	16-1	S-O	02-09-98
Legislative Secretary	Shane D. Grady	15-1 to 15-2	S-O	03-20-98
Legislative Secretary	Sharon A. Haselhoff	16-1 to 16-2	S-O	03-20-98
Legislative Secretary	Todd A. Henderson	16-1 to 16-2	S-O	03-20-98
Legislative Secretary	Celeste J. Holmes	16-1 to 16-2	S-O	03-20-98
Legislative Secretary	H. Kay Jenkins	16-1 to 16-2	S-O	03-20-98
Legislative Secretary	Ashley M. Marasco	15-1 to 15-2	S-O	03-20-98
Legislative Secretary	Julia F. Nixon	15-1 to 15-2	S-O	03-20-98
Legislative Secretary	Marcy J. Pitstick	15-1 to 15-2	S-O	03-20-98
Legislative Secretary	Kathryn A. Radloff-Francis	15-1 to 15-2	S-O	03-20-98
Legislative Secretary	Martha G. Ricklefs	16-3 to 16-4	S-O	03-06-98
Legislative Secretary	Linda C. Rosky	16-1 to 16-2	S-O	03-20-98
Legislative Secretary	Mary M. Sanders	16-1 to 16-2	S-O	03-20-98
Legislative Secretary	Tasha L. Webster	15-1	S-O	01-27-98
Legislative Secretary	Donna M. Whitead	15-1 to 15-2	S-O	03-20-98
Legislative Committee Secretary	William R. Anderson II	18-1 to 18-2	S-O	03-20-98
Legislative Committee Secretary	Lynn K. Frank	17-1 to 17-2	S-O	03-20-98
Legislative Committee Secretary	Paula M. Houser	17-1 to 17-2	S-O	03-20-98

<u>Position</u>	<u>Name</u>	<u>Grade and Step</u>	<u>Class of Appointment</u>	<u>Eff. Date</u>
Legislative Committee Secretary	Christina R. Schaefer	17-1 to 17-2	S-O	03-20-98
Doorkeeper	Paul W. Aardsma	11-1 to 11-2	S-O	03-20-98

RANTS of Woodbury, Chair

### COMMUNICATIONS RECEIVED

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

#### AUDITOR OF STATE

The Independent Auditor's Reports, Financial Statements and Supplemental Information Schedule of Findings, pursuant to Chapter 11.25, Code of Iowa.

#### DEPARTMENT OF HUMAN SERVICES

The Medicaid Telemedicine Pilot Project Start-up Evaluation Report, pursuant to Chapter 208, 1997 Acts of the Seventy-seventh General Assembly.

The 1997 Annual Report, pursuant to Chapter 7A.3, Code of Iowa.

#### DEPARTMENT OF TRANSPORTATION

The 1997 Annual Report of the Iowa Railway Finance Authority, pursuant to Chapter 327I.8(6), Code of Iowa.

### CERTIFICATES OF RECOGNITION

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

**ELIZABETH A. ISAACSON**  
Chief Clerk of the House

1998\110 Wilma and Robert Lincoln, Colesburg – For celebrating their 50th wedding anniversary.

1998\111 Erma Jones, Clayton – For celebrating her 80th birthday.

1998\112 Mr. and Mrs. Keith Moore, Monona – For celebrating their 50th wedding anniversary.

#### SUBCOMMITTEE ASSIGNMENTS

##### House Joint Resolution 2004

State Government: Holmes, Chair; Churchill and Whitead.

##### House File 2033 Reassigned

Natural Resources: Huseman, Chair; Bell and Tyrrell.

**House File 2155**

Commerce and Regulation: Sukup, Chair; Hansen and Osterhaus.

**House File 2161**

Human Resources: Lamberti, Chair; Boddicker and Moreland.

**House File 2169**

Commerce and Regulation: Rants, Chair; Cataldo and Larson.

**House File 2170**

Appropriations: Millage, Chair; Murphy and Sukup.

**House File 2175**

Local Government: Carroll, Chair; Richardson and Vande Hoef.

**House File 2176**

Local Government: Huseman, Chair; Houser and Reynolds-Knight.

**House File 2181**

State Government: Tyrrell, Chair; Nelson and Taylor.

**House File 2182**

State Government: Martin, Chair; Chiodo, Hansen, Larkin and Tyrrell.

**House File 2184**

Commerce and Regulation: Jacobs, Chair; Brunkhorst and Osterhaus.

**House File 2185**

Local Government: Arnold, Chair; Fallon and Klemme.

**House File 2188**

Commerce and Regulation: Jacobs, Chair; Van Fossen and Wise.

**House File 2189**

Commerce and Regulation: Dix, Chair; Van Fossen and Weigel.

**House File 2194**

Agriculture: Greiner, Chair; Klemme and May.

**House File 2198**

Natural Resources: Eddie, Chair; Arnold and Jochum.

**House File 2200**

Natural Resources: Arnold, Chair; Mertz and Weidman.

**House File 2204**

Appropriations: Millage, Chair; Sukup and Warnstadt.

**House File 2206**

State Government: Drake, Chair; Bradley, Larkin, Nelson and Taylor.

**House File 2214**

Commerce and Regulation: Brunkhorst, Chair; Hansen and Koenigs.

**House File 2216**

State Government: Jacobs, Chair; Gipp and Jochum.

**House File 2221**

Natural Resources: Huseman, Chair; Dolecheck and Frevert.

**HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS****House Study Bill 558**

Education: Rants, Chair; Gries and Wise.

**House Study Bill 569**

Commerce and Regulation: Churchill, Chair; Chapman and Dix.

**House Study Bill 579**

Commerce and Regulation: Churchill, Chair; Dix and Koenigs.

**House Study Bill 580**

Commerce and Regulation: Brunkhorst, Chair; Hansen and Koenigs.

**House Study Bill 581**

Commerce and Regulation: Sukup, Chair; Koenigs and Van Fossen.

**House Study Bill 595**

Human Resources: Martin, Chair; Falck and Lord.

**House Study Bill 596**

Human Resources: Boddicker, Chair; Carroll and Murphy.

**HOUSE STUDY BILL COMMITTEE ASSIGNMENTS****H.S.B. 597 Local Government**

Relating to the budget certification deadline for school districts and providing an applicability date.

**H.S.B. 598 Local Government**

Relating to financial assistance to local governments for eligible disaster-related expenses, serious needs, and hazard mitigation and providing an effective date.

**H.S.B. 599 State Government**

Relating to amusement ride rider safety and providing a penalty.

**H.S.B. 600 State Government**

Relating to regulatory duties under the purview of the Iowa department of public health concerning substance abuse treatment facilities, brain and spinal cord injuries and the advisory committee on brain injuries, the technical advisory committee for operators of radiation machines and users of radioactive materials, applicant requirements for funeral director licensure, cosmetology salon licenses, the council on chemically exposed infants and children, advertising prohibitions on licensed chiropractors, and county claims for payment of certain autopsy costs.

**H.S.B. 601 Human Resources**

Relating to coverage under a policy or contract providing for third-party payment or prepayment of health or medical expenses by requiring coverage for costs associated with equipment, supplies, and self-management training for the treatment of diabetes.

**H.S.B. 602 Education**

Relating to authorization for school districts to establish charter schools and making an appropriation.

**H.S.B. 603 Education**

Relating to state assistance under the postsecondary enrollment options Act and making an appropriation.

**H.S.B. 604 Local Government**

Relating to discarding or directing another person to discard solid waste and providing a penalty.

**H.S.B. 605 Local Government**

Relating to the liability for unpaid rates or charges of a city utility or enterprise service for water, sewage, and solid waste services.

**H.S.B. 606 Education**

Relating to elimination of the first in the nation in education foundation and fund and transfer of the FINE foundation moneys to the center for continuous quality improvement and providing for properly related matters.

**H.S.B. 607 Education**

Relating to the process by which a school district may terminate a teaching contract.

**H.S.B. 608 Human Resources**

Relating to anatomical gifts by modifying certain qualification requirements for hospital reimbursement grants and requiring submission of an annual donation and compliance report.

**H.S.B. 609 Human Resources**

Relating to child support, providing penalties, and providing effective dates.

**H.S.B. 610 Human Resources**

Providing for mandatory licensure for marital and family therapists and mental health counselors, establishing transition provisions, removing frequency requirements regarding board of behavioral science examiners' meetings, and providing an effective date.

**H.S.B. 611 Local Government**

To increase the penalties applicable to the hiring or employment of unauthorized aliens.

**H.S.B. 612 Local Government**

Relating to fines imposed for violations of city ordinances or city infractions.

**H.S.B. 613 Commerce and Regulation**

Relating to the number of bank offices which may be established by a bank within a municipal corporation or urban complex.

**H.S.B. 614 Education**

Relating to the school officials authorized to certify need for minor's school licenses.

**H.S.B. 615 Local Government**

Relating to the powers and duties of county treasurers and including an applicability date provision.

**H.S.B. 616 Commerce and Regulation**

Relating to the regulation of physical exercise clubs.

**H.S.B. 617 Transportation**

Relating to motor trucks, including weight requirements and transportation of hazardous materials, and providing an effective date.

**H.S.B. 618 Transportation**

Establishing a railroad revolving loan fund and making an appropriation.

**H.S.B. 619 Transportation**

Relating to motor vehicle damage disclosure statements.

**H.S.B. 620 Judiciary**

Providing for the regulation of bail enforcement businesses and their agents, limiting their actions, establishing fees, eliminating temporary county-issued identification for private security agents and investigators, and providing penalties.

**H.S.B. 621 Judiciary**

Relating to the penalties applicable to livestock and animal abuse.

**H.S.B. 622 Judiciary**

Relating to compensation for the legal defense of indigent persons in criminal, appellate, and certain civil cases.

**H.S.B. 623 Judiciary**

To repeal the future repeal of the interception of communications chapter.

**H.S.B. 624 Judiciary**

Relating to the fines applicable to the sale of alcohol to minors and providing an effective date.

**H.S.B. 625 Judiciary**

Providing a procedure for the preservation of a mechanic's lien for materials or labor furnished to a subcontractor and providing for related matters.

**H.S.B. 626 Judiciary**

Relating to adoption procedural requirements including those related to investigations, reports, and counseling.

**H.S.B. 627 Judiciary**

Concerning judicial administration.

**H.S.B. 628 Education**

Relating to an increase in the minimum teachers' salary and making an appropriation.



## COMMITTEE RECOMMENDATIONS

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

ELIZABETH A. ISAACSON  
Chief Clerk of the House

## COMMITTEE ON APPROPRIATIONS

**Committee Bill** (Formerly House Study Bill 554), relating to obsolete and unnecessary provisions of the Code.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 9, 1998.

## COMMITTEE ON EDUCATION

**House File 358**, a bill for an act making selective service registration of certain individuals a prerequisite for enrollment, and for the receipt of state-sponsored financial aid, at community colleges and institutions of higher learning under the control of the state board of regents, and providing an effective date and applicability date.

Fiscal Note is required.

Recommended **Amend and Do Pass with amendment H-8022** February 9, 1998.

**House File 2024**, a bill for an act relating to school district use of school improvement technology program funds to employ a computer systems analyst.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H-8023** February 9, 1998.

## COMMITTEE ON LABOR AND INDUSTRIAL RELATIONS

**Senate File 492**, a bill for an act relating to unemployment compensation benefits concerning proof of whether a person has voluntarily quit employment.

Fiscal Note is not required.

Recommended **Do Pass** February 9, 1998.

## COMMITTEE ON NATURAL RESOURCES

**House File 679**, a bill for an act relating to tip-up fishing in the waters of the Missouri and Big Sioux rivers and subjecting violators to an existing penalty.

Fiscal Note is not required.

Recommended **Do Pass** February 10, 1998.

## COMMITTEE ON STATE GOVERNMENT

**House File 2146**, a bill for an act establishing Iowa State Flag Day.

Fiscal Note is not required.

Recommended **Do Pass** February 10, 1998.

**House Concurrent Resolution 105**, a concurrent resolution to designate March 29 of each year as Iowa State Flag Day.

Fiscal Note is not required.

Recommended **Do Pass and laid over under Rule 25** February 10, 1998.

## COMMITTEE ON TRANSPORTATION

**House File 2125**, a bill for an act relating to permitting the display of new motor trucks by nonresident motor vehicle dealers at qualified events in this state, establishing a fee, and providing an effective date.

Fiscal Note is not required.

Recommended **Do Pass** February 9, 1998.

Pursuant to Rule 31.7, **House File 2125** was referred to the committee on ways and means.

**Senate File 2023**, a bill for an act relating to the issuance of ex-prisoner of war motor vehicle registration plates to surviving spouses.

Fiscal Note is not required.

Recommended **Do Pass** February 9, 1998.

## AMENDMENTS FILED

H—8022	H.F.	358	Committee on Education
H—8023	H.F.	2024	Committee on Education
H—8024	H.F.	2167	Weigel of Chickasaw
H—8025	S.F.	492	Taylor of Linn
H—8026	H.F.	2125	Warnstadt of Woodbury Welter of Jones Chiodo of Polk Rants of Woodbury
H—8027	H.F.	530	Witt of Black Hawk Boddicker of Cedar
H—8028	H.F.	2163	Kreiman of Davis Greiner of Washington
H—8029	S.F.	492	Falck of Fayette

On motion by Siegrist of Pottawattamie, the House adjourned at 5:00 p.m., until 8:45 a.m., Wednesday, February 11, 1998.

# JOURNAL OF THE HOUSE

Thirty-first Calendar Day - Twentieth Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Wednesday, February 11, 1998

The House met pursuant to adjournment at 8:48 a.m., Speaker Corbett in the chair.

Prayer was offered by Reverend Douglas Dowling, St John's Lutheran Church, Craig.

The Journal of Tuesday, February 10, 1998 was approved.

## INTRODUCTION OF BILLS

**House File 2222**, by O'Brien, a bill for an act relating to motor vehicle damage disclosure limitations.

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

**House File 2223**, by Fallon, a bill for an act relating to the annexation of certain territory adjoining a city.

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

**House File 2224**, by Carroll, a bill for an act concerning factors used in determining the unscheduled permanent partial disability of an injured employee for purposes of workers' compensation coverage.

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

**House File 2225**, by Grundberg, a bill for an act relating to the determination of evaluation criteria for personnel of school districts and use of the evaluations in teacher termination proceedings.

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

**House File 2226**, by Fallon, Sukup, Garman, and Witt, a bill for an act prohibiting the loan of money for gambling purposes through a credit card or an electronic or mechanical device at a licensed gambling facility.

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

**House File 2227**, by Huser, a bill for an act deducting medical expense payments from the computation of income for purposes of the

elderly and disabled property tax credit and rent reimbursement and providing effective and applicability dates.

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

**House File 2228**, by Scherrman, a bill for an act providing for the monitoring of confinement feeding operations by environmental health specialists.

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

**House File 2229**, by Dix, a bill for an act relating to the entrepreneurs with disabilities program.

Read first time and referred to committee on **economic development**.

**House File 2230**, by Heaton, a bill for an act relating to the housing and funding of costs associated with certain parolees with special needs.

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

**House File 2231**, by Heaton, a bill for an act relating to voter registration deadlines and voter registration by mail.

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

**House File 2232**, by Lord, a bill for an act relating to rural improvement zones.

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

**House File 2233**, by Boddicker, a bill for an act setting forth procedures in name change actions when the petitioner requests that the file be sealed.

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

**House File 2234**, by Klemme, a bill for an act relating to the statewide notification center and providing for alternative staff and the information requirements associated with the notice of an excavation.

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

#### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Scherrman of Dubuque, until his arrival, on request of Osterhaus of Jackson; Rants of Woodbury, until his arrival, on request of Gipp of Winneshiek; Moreland of Wapello on request of Cataldo of Polk; Garman of Story on request of Corbett of Linn.

CONSIDERATION OF BILL  
Regular Calendar

**House File 2162**, a bill for an act relating to nonsubstantive Code corrections and including a retroactive applicability provision, with report of committee recommending amendment and passage, was taken up for consideration.

Sukup of Franklin offered the following amendment H-8014 filed by the committee on judiciary and moved its adoption:

H-8014

- 1 Amend House File 2162 as follows:
- 2 1. Page 17, by inserting after line 1 the
- 3 following:
- 4 "Sec. \_\_\_\_ Section 321.284, Code 1997, is amended
- 5 to read as follows:
- 6 321.284 OPEN CONTAINERS IN MOTOR VEHICLES.
- 7 A person driving a motor vehicle shall not
- 8 knowingly possess in a motor vehicle upon a public
- 9 street or highway an open or unsealed bottle, can,
- 10 jar, or other receptacle containing an alcoholic
- 11 beverage, wine, or beer with the intent to consume the
- 12 alcoholic beverage, wine, or beer while the motor
- 13 vehicle is upon a public street or highway. Evidence
- 14 that an open or unsealed receptacle containing an
- 15 alcoholic beverage, wine, or beer was found during an
- 16 authorized search in the glove compartment, utility
- 17 compartment, console, front passenger seat, or any
- 18 unlocked portable device and within the immediate
- 19 reach of the driver while the motor vehicle is upon a
- 20 public street or highway is evidence from which the
- 21 court or jury may infer that the driver intended to
- 22 consume the alcoholic beverage, wine, or beer while,
- 23 upon the public street or highway if the inference is
- 24 supported by corroborative evidence. However, an open
- 25 or unsealed receptacle containing an alcoholic
- 26 beverage, wine, or beer may be transported at any time
- 27 in the trunk of the motor vehicle or in some other
- 28 area of the interior of the motor vehicle not designed
- 29 or intended to be occupied by the driver and not
- 30 readily accessible to the driver while the motor
- 31 vehicle is in motion. A person convicted of a
- 32 violation of this section is guilty of a simple
- 33 misdemeanor punishable as a scheduled violation under
- 34 section 805.8, subsection 10, ~~paragraph "c."~~
- 35 2. By renumbering and changing internal
- 36 references as necessary.

The committee amendment H-8014 was adopted.

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

On the question "Shall the bill pass?" (H.F. 2162)

The ayes were, 93:

Arnold	Barry	Bell	Bernau
Blodgett	Boddicker	Bogges	Bradley
Brand	Brauns	Brunkhorst	Bukta
Burnett	Carroll	Cataldo	Chapman
Chiodo	Churchill	Cohoon	Connors
Cormack	Dinkla	Dix	Dolecheck
Dotzler	Drake	Drees	Eddie
Falck	Fallon	Foege	Ford
Frevert	Gipp	Greig	Greiner
Gries	Grundberg	Hahn	Hansen
Heaton	Holmes	Holveck	Huseman
Huser	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	Rayhons	Reynolds-Knight	Richardson
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, 7:

Doderer	Garman	Houser	Larkin
Moreland	Rants	Scherrman	

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 2162** be immediately messaged to the Senate.

## HOUSE FILE 2234 REREFERRED

The Speaker announced that House File 2234, previously referred to committee on **commerce and regulation** was rereferred to committee on **local government**.

### COMMUNICATION RECEIVED

The following communication was received and filed in the office of the Chief Clerk:

#### DEPARTMENT OF MANAGEMENT

The Statement of Standing Appropriations Report, pursuant to Chapter 8.6(2), 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

1998\113 Chad Bortell, St. Charles – For being selected one of seven chosen from 200 applicants to be a flight instructor for the Embry Riddle Aeronautical University, Daytona Beach, Florida.

1998\114 Dorothy K. Carpenter, Newton – For being one of only two people in the state to receive a Distinguished Service Award from the 1997 Iowa Volunteer Hall of Fame.

1998\115 Allison Wignall, Newton – For being one of only eleven people in the state to be inducted into the 1997 Iowa Volunteer Hall of Fame.

### SUBCOMMITTEE ASSIGNMENTS

#### House File 2125

Ways and Means: Larkin, Chair; Blodgett and Lord.

#### House File 2152

State Government: Chiodo, Chair; Hansen and Van Fossen.

#### House File 2171

Transportation: Eddie, Chair; Ford and Nelson.

#### House File 2173

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

**House File 2179**

Education: Cohoon, Chair; Brunkhorst and Veenstra.

**House File 2187**

Education: Van Maanen, Chair; Lord and Thomas.

**House File 2193**

Transportation: Brauns, Chair; Cohoon and Rayhons.

**House File 2195**

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

**House File 2196**

Education: Brunkhorst, Chair; Veenstra and Wise.

**House File 2197**

Education: Rants, Chair; Van Maanen and Wise.

**House File 2209**

Ways and Means: Teig, Chair; Frevert and Greig.

**House File 2217**

Ways and Means: Dinkla, Chair; Lord and Richardson.

**House File 2219**

Education: Grundberg, Chair; Falck and Garman.

**House File 2220**

Judiciary: Garman, Chair; Ford and Lamberti.

**House File 2226**

State Government: Martin, Chair; Chiodo, Hansen, Larkin and Tyrrell.

**House File 2231**

State Government: Jacobs, Chair; Houser, Jochum, Nelson and Whitead.

**HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS****House Study Bill 586**

Commerce and Regulation: Brunkhorst, Chair; Bradley and Weigel.



**House Study Bill 588**

Education: Metcalf, Chair; Brunkhorst and Cohoon.

**House Study Bill 589**

Education: Gries, Chair; Falck and Metcalf.

**House Study Bill 590**

Education: Brunkhorst, Chair; Bukta and Dolecheck.

**House Study Bill 591**

Education: Gries, Chair; Foege and Rants.

**House Study Bill 592**

Education: Grundberg, Chair; Boddicker, Brand, Foege and Thomson.

**House Study Bill 593**

Education: Metcalf, Chair; Brunkhorst and Cohoon.

**House Study Bill 594**

Education: Grundberg, Chair; Gries and Mascher.

**House Study Bill 597**

Local Government: Brauns, Chair; Mundie and Welter.

**House Study Bill 598**

Local Government: Huseman, Chair; Mertz and Van Maanen.

**House Study Bill 599**

State Government: Van Fossen, Chair; Chiodo and Jacobs.

**House Study Bill 600**

State Government: Nelson, Chair; Burnett and Hansen.

**House Study Bill 601**

Human Resources: Blodgett, Chair; Lord and Witt.

**House Study Bill 604**

Local Government: Klemme, Chair; Houser and Myers.

**House Study Bill 605**

Local Government: Carroll, Chair; Huseman and Richardson.

**House Study Bill 608**

Human Resources: Blodgett, Chair; Thomas and Vande Hoef.

**House Study Bill 610**

Human Resources: Veenstra, Chair; Carroll and Foege.

**House Study Bill 611**

Local Government: Brauns, Chair; Carroll and Fallon.

**House Study Bill 612**

Local Government: Klemme, Chair; Huser and Martin.

**House Study Bill 615**

Local Government: Dix, Chair; Huseman and Mertz.

**HOUSE STUDY BILL COMMITTEE ASSIGNMENTS****H.S.B. 629 Environmental Protection**

Providing for the purchase of biodegradable hydraulic fluids manufactured from soybeans by state agencies.

**H.S.B. 630 Human Resources**

Relating to the removing or sale of war relics from a cemetery and providing penalties.

**H.S.B. 631 Appropriations**

Relating to the continuation, administration, use, and performance of the community grant fund for juvenile crime prevention programs.

**H.S.B. 632 Appropriations**

Relating to monetary limits concerning procurement requirements for public improvements.

**H.S.B. 633 Appropriations**

Relating to state vertical infrastructure financing, creating the rebuild Iowa infrastructure commission, making an appropriation, and providing effective dates.

### **H.S.B. 634 Appropriations**

Relating to certain funds paid to or administered by the department of corrections, by making changes to procedures for the charging of payments for goods and services of Iowa prison industries, providing for the nonreversion of revolving farm fund balance investment proceeds, and making changes relating to the distribution and accounting for inmate earnings from private employers.

### **H.S.B. 635 Appropriations**

A concurrent resolution affirming the efforts of the child welfare services work group established by the Legislative Council, requesting approval for continuance of the work group, and requesting that leadership of the General Assembly work with the Governor and Iowa's congressional delegation in developing a memorandum of understanding with the federal government.

## **COMMITTEE RECOMMENDATIONS**

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

ELIZABETH A. ISAACSON  
Chief Clerk of the House

### **COMMITTEE ON EDUCATION**

**Committee Bill** (Formerly House Study Bill 558), requiring the state board of education to adopt rules relating to the incorporation of accountability for student achievement into the education standards and accreditation process.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 11, 1998.

### **COMMITTEE ON HUMAN RESOURCES**

**Senate File 2073**, a bill for an act prohibiting the performance of partial-birth abortions relative to a human fetus, establishing a cause of action for violation of the prohibition, and providing penalties.

Fiscal Note is not required.

Recommended **Do Pass** February 11, 1998.

### **COMMITTEE ON JUDICIARY**

**Committee Bill** (Formerly House File 2079), to permit out-of-state peace officers to act within this state pursuant to agreements between state or local authorities.

Fiscal Note is not required.

Recommended **Do Pass** February 10, 1998.

## COMMITTEE ON LOCAL GOVERNMENT

**Senate File 316**, a bill for an act relating to the probationary period for deputy sheriffs.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H-8031** February 10, 1998.

**Committee Bill** (Formerly House Study Bill 515), relating to the collection and payment of fees and expenses of county medical examiners.

Fiscal Note is not required.

Recommended **Do Pass** February 10, 1998.

## COMMITTEE ON STATE GOVERNMENT

**House File 2216**, a bill for an act relating to political party county convention delegates and providing an effective date.

Fiscal Note is not required.

Recommended **Do Pass** February 11, 1998.

**Senate File 518**, a bill for an act relating to the administration of state government, by providing for the practices of the department of general services, state procurement, motor vehicles, and state printing.

Fiscal Note is not required.

Recommended **Do Pass** February 11, 1998.

**Committee Bill** (Formerly House Study Bill 540), relating to a transfer of the records management duties of the department of general services to the department of cultural affairs and making conforming changes.

Fiscal Note is not required.

Recommended **Do Pass** February 11, 1998.

## RESOLUTION FILED

**HCR 107**, by Frevert, a concurrent resolution requesting that the United States government take all actions necessary in order to prevent further concentration and vertical integration in the livestock industry.

Referred to committee on **agriculture**.

## AMENDMENTS FILED

H-8030	H.F.	2166	Richardson of Warren
H-8031	S.F.	316	Committee on Local Government
H-8032	H.F.	2166	Schrader of Marion

H—8034	S.F.	2094	Falck of Fayette
			Myers of Johnson
			Foege of Linn
			Kreiman of Davis
			Dotzler of Black Hawk
			Reynolds-Knight of Van Buren
			Bernau of Story
			Murphy of Dubuque
			Shoultz of Black Hawk
			Doderer of Johnson
			Mascher of Johnson
			Bell of Jasper
			O'Brien of Boone
			Taylor of Linn
			Jochum of Dubuque
			Cataldo of Polk
			Chiodo of Polk
H—8035	S.F.	2094	Bukta of Clinton
			Foege of Linn
			Myers of Johnson
			Cohoon of Des Moines
			Reynolds-Knight of Van Buren
			Connors of Polk
			Mertz of Kossuth
			Richardson of Warren
			Dotzler of Black Hawk
			Bernau of Story
			Brand of Tama
			Murphy of Dubuque
			Kinzer of Scott
			Burnett of Story
			Koenigs of Mitchell
			Taylor of Linn
			Schrader of Marion
			Chiodo of Polk
H—8036	S.F.	2094	Frevert of Palo Alto
			Myers of Johnson
			O'Brien of Boone
			Dotzler of Black Hawk
			Richardson of Warren
			Kreiman of Davis

Kinzer of Scott  
Ford of Polk  
Whitead of Woodbury  
Brand of Tama  
Shoultz of Black Hawk  
Burnett of Story  
Bukta of Clinton  
Bell of Jasper  
Cohoon of Des Moines  
Larkin of Lee  
Osterhaus of Jackson  
Jochum of Dubuque  
Cataldo of Polk  
Huser of Polk

Reynolds-Knight of Van Buren  
Connors of Polk  
Bernau of Story  
Murphy of Dubuque  
Mascher of Johnson  
Doderer of Johnson  
May of Worth  
Drees of Carroll  
Thomas of Clayton  
Taylor of Linn  
Holveck of Polk  
Schrader of Marion  
Chiodo of Polk

On motion by Siegrist of Pottawattamie, the House adjourned at 9:03 a.m., until 8:45 a.m., Thursday, February 12, 1998.

# JOURNAL OF THE HOUSE

Thirty-second Calendar Day - Twenty-first Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Thursday, February 12, 1998

The House met pursuant to adjournment at 8:48 a.m., Speaker Corbett in the chair.

Prayer was offered by Reverend Weisaupt, Christ the King Lutheran Church, Altoona.

The Journal of Wednesday, February 11, 1998 was approved.

## INTRODUCTION OF BILLS

**House File 2235**, by committee on agriculture, a bill for an act regulating veterinary practice and procedures, by providing for the treatment of horses, and providing an effective date.

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

**House File 2236**, by Frevert, a bill for an act relating to the use of cellular telephones by certain law enforcement officers.

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

**House File 2237**, by Dix, a bill for an act relating to the determination of the fee for a class "E" liquor control license.

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

**House File 2238**, by Burnett, a bill for an act concerning the eligibility for continued state health care coverage upon retirement from the Iowa public employees' retirement system and providing a retroactive applicability date.

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

**House File 2239**, by Thomson, a bill for an act relating to school finance, providing for payment of an open enrollment state aid amount per pupil to an open enrollment receiving district, and providing an applicability provision.

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

**House File 2240**, by Burnett, Reynolds-Knight, Falck, Bernau, Mertz, Whitead, Mascher, Dotzler, Connors, Foege, Witt, Doderer,

Osterhaus, and Frevert, a bill for an act relating to third-party payment of health care coverage costs for mental health and substance abuse treatment services.

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

**House File 2241**, by Fallon, a bill for an act providing for farmland preservation by authorizing counties to acquire certain easements and providing an effective date.

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

**House File 2242**, by Brunkhorst, a bill for an act relating to the applicability of child labor laws to students participating in school-to-work or career pathways programs and providing a contingent effective date.

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

**House File 2243**, by Larson and Thomson, a bill for an act relating to construction bids solicited and approved by any governing body of the state.

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

**House File 2244**, by Larson, a bill for an act relating to the release of information by the department of corrections or a judicial district department of correctional services upon request to a registered victim regarding the employment of the person who committed the crime.

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

**House File 2245**, by Larson, a bill for an act limiting damages for noneconomic losses, and making related changes.

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

**House File 2246**, by committee on local government, a bill for an act relating to the collection and payment of fees and expenses of county medical examiners.

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

**House File 2247**, by Shoultz, a bill for an act relating to additional funding for school districts with high limited English proficiency program costs and making an appropriation.

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



**House File 2248**, by Brunkhorst and Gipp, a bill for an act relating to the prohibition of sex acts between juveniles and employees and agents at juvenile placement facilities and providing a penalty.

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

**House File 2249**, by Millage, a bill for an act providing for connection to the Iowa communications network by the quad cities graduate center.

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

**House File 2250**, by Jenkins, Van Fossen, Boggess, Ford, Jacobs, and Dotzler, a bill for an act relating to eligible housing businesses qualifying for incentives and assistance in enterprise zones, providing additional incentives and assistance for approved eligible businesses located in an enterprise zone, and requiring consideration of building codes and zoning.

Read first time and referred to committee on **economic development**.

#### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Moreland of Wapello on request of Cataldo of Polk.

#### CONSIDERATION OF BILL

##### Regular Calendar

**House File 2163**, a bill for an act relating to the reopening of an administrative hearing pertaining to a license revocation for an operating while intoxicated offense, and providing an effective date, was taken up for consideration.

Kreiman of Davis offered amendment H-8028 filed by him and Greiner of Washington as follows:

H-8028

1 Amend House File 2163 as follows:

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

4 "Section 101. Section 321A.17, subsection 5, Code  
5 1997, is amended to read as follows:

6 5. Notwithstanding the provision of subsections 1  
7 through 4, the following individuals are not required

- 8 to maintain proof of financial liability under this  
9 section:
- 10 a. An individual applying for a motor vehicle  
11 license following a period of suspension or revocation  
12 pursuant to a dispositional order issued under section  
13 232.52, subsection 2, paragraph "a", or under,  
14 b. An individual applying for a motor vehicle  
15 license following a period of suspension or revocation  
16 pursuant to section 321.210, subsection 1, paragraph  
17 "d", or section 321.210A, 321.213A, 321.213B,  
18 321.216B, or 321.513,
- 19 c. An individual applying for a motor vehicle  
20 license following a period of suspension under section  
21 321.194, or,
- 22 d. An individual applying for a motor vehicle  
23 license following a period of revocation pursuant to a  
24 court order issued under section 901.5, subsection 10,  
25 or under section 321J.2A, is not required to maintain  
26 proof of financial responsibility under this section.
- 27 e. An individual whose administrative revocation  
28 is rescinded and who is otherwise under no obligation  
29 to furnish proof of liability."
- 30 2. Title page, by striking line 3 and inserting  
31 the following: "intoxicated offense, prohibiting a  
32 demand for proof of financial liability following the  
33 rescision of an administrative revocation, and  
34 providing an effective date."  
35 3. By renumbering as necessary.

Kreiman of Davis offered the following amendment H-8038, to amendment H-8028, filed by him and Greiner of Washington from the floor and moved its adoption:

H-8038

- 1 Amend the amendment, H-8028, to House File 2163, as  
2 follows:
- 3 1. Page 1, by striking lines 4 through 29, and  
4 inserting the following:  
5 ""Section 1. Section 321A.17, Code 1997, is  
6 amended by adding the following new subsection:  
7 NEW SUBSECTION. 7. This section shall not apply  
8 to an individual whose administrative license  
9 revocation has been rescinded, and who is otherwise  
10 under no obligation to furnish proof of financial  
11 responsibility.""
- 12 2. Page 1, line 32, by striking the word  
13 "liability" and inserting the following:  
14 "responsibility".

Amendment H-8038, to amendment H-8028, was adopted.

Kreiman of Davis moved the adoption of amendment H-8028, as amended.

Amendment H-8028, 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?" (H.F. 2163)

The ayes were, 98:

Arnold	Barry	Bell	Bernau
Blodgett	Boddicker	Bogges	Bradley
Brand	Brauns	Brunkhorst	Bukta
Burnett	Carroll	Cataldo	Chapman
Chiodo	Churchill	Cohoon	Connors
Cormack	Dix	Doderer	Dolecheck
Dotzler	Drake	Drees	Eddie
Falk	Fallon	Foege	Ford
Frevert	Garman	Gipp	Greig
Greiner	Gries	Grundberg	Hahn
Hansen	Heaton	Holmes	Holveck
Houser	Huseman	Huser	Jacobs
Jenkins	Jochum	Kinzer	Klemme
Koenigs	Kreiman	Kremer	Lamberti
Larkin	Larson	Lord	Martin
Mascher	May	Mertz	Metcalf
Meyer	Millage	Mundie	Murphy
Myers	Nelson	O'Brien	Osterhaus
Rants	Rayhons	Reynolds-Knight	Richardson
Scherrman	Schrader	Shoultz	Siegrist
Sukup	Taylor	Teig	Thomas
Thomson	Tyrrell	Van Fossen	Van Maanen
Vande Hoef	Veenstra	Warnstadt	Weidman
Weigel	Welter	Whitead	Wise
Witt	Mr. Speaker		
	Corbett		

The nays were, none.

Absent or not voting, 2:

Dinkla                      Moreland

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

## IMMEDIATE MESSAGE

Siegrist of Pottawattamie asked and received unanimous consent that **House File 2163** be immediately messaged to the Senate.

## HOUSE FILE 276 WITHDRAWN

Larson of Linn asked and received unanimous consent to withdraw House File 276 from further consideration by the House.

## MOTION TO RECONSIDER WITHDRAWN

(Senate File 2082)

Siegrist of Pottawattamie asked and received unanimous consent to withdraw the motion to reconsider **Senate File 2082**, a bill for an act regulating anhydrous ammonia by prohibiting tampering with related equipment and the unauthorized possession and transportation of containers and receptacles used to store anhydrous ammonia, providing enhanced penalties, and providing an effective date, filed by him on February 10, 1998.

On motion by Siegrist of Pottawattamie, the House was recessed at 9:25 a.m., until 11:30 a.m.

## AFTERNOON SESSION

The House reconvened at 11:40 a.m., Speaker Corbett in the chair.

## CONSIDERATION OF BILL

Regular Calendar

**Senate File 2094**, a bill for an act relating to the establishment of the state percent of growth for purposes of the state school foundation program, and providing an applicability date, with report of committee recommending passage, was taken up for consideration.

Speaker pro tempore Van Maanen of Marion in the chair at 11:50 a.m.

Falck of Fayette asked and received unanimous consent that amendment H-8034 be deferred.

Bukta of Clinton offered the following amendment H-8035 filed by Bukta, et al., and moved its adoption:

H-8035

- 1 Amend Senate File 2094, as passed by the Senate, as
- 2 follows:

- 3 1. Page 1, by striking line 5 and inserting the  
 4 following: "1998 1999, is ~~three and one-half~~ four  
 5 percent. The state percent".

Roll call was requested by Wise of Lee and Siegrist of Pottawattamie.

Rule 75 was invoked.

On the question "Shall amendment H-8035 be adopted?" (S.F. 2094)

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
Mundie	Murphy	Myers	O'Brien
Osterhaus	Reynolds-Knight	Richardson	Scherrman
Schrader	Shoultz	Taylor	Thomas
Warnstadt	Weigel	Whitead	Wise
Witt			

The nays were, 53:

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

Absent or not voting, 2:

Meyer                      Moreland

Amendment H-8035 lost.

Frevert of Palo Alto offered the following amendment H-8036 filed by Frevert, et al., and moved its adoption:

H-8036

- 1 Amend Senate File 2094, as passed by the Senate, as
- 2 follows:
- 3 1. Page 1, by striking line 5 and inserting the
- 4 following: "~~1998~~ 1999, is three and one-half percent.
- 5 The state percent".

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

Rule 75 was invoked.

On the question "Shall amendment H-8036 be adopted?" (S.F. 2094)

The ayes were, 47:

Bell	Bernau	Brand	Bukta
Burnett	Cataldo	Chapman	Chiodo
Cohoon	Connors	Doderer	Dolecheck
Dotzler	Drees	Falck	Fallon
Foege	Ford	Frevrt	Garman
Holveck	Huser	Jochum	Kinzer
Koenigs	Kreiman	Larkin	Mascher
May	Mertz	Mundie	Murphy
Myers	O'Brien	Osterhaus	Reynolds-Knight
Richardson	Scherrman	Schrader	Shultz
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	Drake	Eddie
Gipp	Greig	Greiner	Gries
Grundberg	Hahn	Hansen	Heaton
Holmes	Houser	Huseman	Jacobs
Jenkins	Klemme	Kremer	Lamberti
Larson	Lord	Martin	Metcalf
Meyer	Millage	Nelson	Rants
Rayhons	Siegrist	Sukup	Teig
Thomson	Tyrrell	Van Fossen	Vande Hoef
Veenstra	Weidman	Welter	Van Maanen, Presiding

Absent or not voting, 1:

Moreland

Amendment H-8036 lost.

Falck of Fayette offered the following amendment H-8034 filed by Falck, et al., and moved its adoption:

H-8034

- 1 Amend Senate File 2094, as passed by the Senate, as
- 2 follows:
- 3 1. Page 1, line 5, by striking the figure "1998"
- 4 and inserting the following: "1998, is four percent.
- 5 The state percent of growth for the budget year
- 6 beginning July 1."
- 7 2. Page 1, line 15, by striking the words and
- 8 figures "year beginning July 1, 1999" and inserting
- 9 the following: "years beginning July 1, 1998, and
- 10 July 1, 1999".
- 11 3. Page 1, by inserting after line 15 the
- 12 following:
- 13 "Sec. 3. EFFECTIVE DATE. This Act, being deemed
- 14 of immediate importance, takes effect upon enactment."
- 15 4. Title page, by striking line 3 and inserting
- 16 the following: "and providing effective and
- 17 applicability dates."

Roll call was requested by Wise of Lee and Connors of Polk.

On the question "Shall amendment H-8034 be adopted?" (S.F. 2094)

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
Mundie	Murphy	Myers	O'Brien
Osterhaus	Reynolds-Knight	Richardson	Scherrman
Schrader	Shoultz	Taylor	Thomas
Warnstadt	Weigel	Whitead	Wise
Witt			

The nays were, 53:

Arnold	Barry	Blodgett	Boddicker
Boggess	Bradley	Brauns	Brunkhorst
Carroll	Churchill	Corbett, Spkr.	Cormack
Dinkla	Dix	Dolecheck	Drake
Eddie	Garman	Gipp	Greiner
Gries	Grundberg	Hahn	Hansen
Heaton	Holmes	Houser	Huseman

Jacobs	Jenkins	Klemme	Kremer
Lamberti	Larson	Lord	Martin
Metcalf	Meyer	Millage	Nelson
Rants	Rayhons	Siegrist	Sukup
Teig	Thomson	Tyrrell	Van Fossen
Vande Hoef	Veenstra	Weidman	Welter
Van Maanen, Presiding			

Absent or not voting, 2:

Greig                      Moreland

Amendment H-8034 lost.

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

On the question "Shall the bill pass?" (S.F. 2094)

The ayes were, 99:

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



The nays were, none.

Absent or not voting, 1:

Moreland

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

### HOUSE FILE 2096 WITHDRAWN

Rayhons of Hancock asked and received unanimous consent to withdraw House File 2096 from further consideration by the House.

### IMMEDIATE MESSAGE

Siegrist of Pottawattamie asked and received unanimous consent that **Senate File 2094** be immediately messaged to the Senate.

### CERTIFICATES OF RECOGNITION

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

**ELIZABETH A. ISAACSON**  
Chief Clerk of the House

1998\116 Mr. and Mrs. Irvin Bergman, Lake Park – For celebrating their 65th wedding anniversary.

1998\117 Mildred Feller, Elgin – For celebrating her 80th birthday.

1998\118 Malinda Maiers, Garnavillo – For celebrating her 80th birthday.

### SUBCOMMITTEE ASSIGNMENTS

#### House File 2135

Commerce and Regulation: Wise, Chair; Bradley and Van Fossen.

#### House File 2207

Commerce and Regulation: Bradley, Chair; Metcalf and Weigel.

#### House File 2208

Commerce and Regulation: Bradley, Chair; Metcalf and Weigel.

#### House File 2215

Local Government: Vande Hoef, Chair; Carroll and Myers.

**House File 2222**

Transportation: Weidman, Chair; Arnold and Cohoon.

**House File 2225**

Education: Grundberg, Chair; Cohoon and Gries.

**House File 2233**

Judiciary: Boddicker, Chair; Grundberg and Holveck.

**House File 2249**

Commerce and Regulation: Brunkhorst, Chair; Bradley and Doderer.

**Senate File 508**

Commerce and Regulation: Churchill, Chair; Chiodo and Dix.

**Senate File 2061**

Local Government: Vande Hoef, Chair; Huseman and Mertz.

**HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS****House Study Bill 573**

Human Resources: Martin, Chair; Blodgett and Murphy.

**House Study Bill 575**

Environmental Protection: Gipp, Chair; Meyer and Shoultz.

**House Study Bill 602**

Education: Brunkhorst, Chair; Veenstra and Wise.

**House Study Bill 603**

Education: Brunkhorst, Chair; Lord and Wise.

**House Study Bill 606**

Education: Grundberg, Chair; Bukta and Gries.

**House Study Bill 607**

Education: Gries, Chair; Cohoon and Rants.

**House Study Bill 609**

Human Resources: Boddicker, Chair; Lamberti and Moreland.

**House Study Bill 613**

Commerce and Regulation: Jacobs, Chair; Chapman and Metcalf.

**House Study Bill 614**

Education: Cohoon, Chair; Gries and Lord.

**House Study Bill 616**

Commerce and Regulation: Larson, Chair; Chiodo and Sukup.

**House Study Bill 617**

Transportation: Blodgett, Chair; May and Welter.

**House Study Bill 619**

Transportation: Weidman, Chair; Cohoon and Cormack.

**House Study Bill 620**

Judiciary: Boddicker, Chair; Holveck and Larson.

**House Study Bill 621**

Judiciary: Sukup, Chair; Greiner and Kreiman.

**House Study Bill 622**

Judiciary: Millage, Chair; Chapman and Lamberti.

**House Study Bill 623**

Judiciary: Boddicker, Chair; Bell and Kremer.

**House Study Bill 624**

Judiciary: Sukup, Chair; Garman and Kreiman.

**House Study Bill 625**

Judiciary: Sukup, Chair; Churchill and Moreland.

**House Study Bill 626**

Judiciary: Kremer, Chair; Lamberti and Moreland.

**House Study Bill 627**

Judiciary: Dinkla, Chair; Chapman and Veenstra.

**House Study Bill 629**

Environmental Protection: Jenkins, Chair; Teig and Thomas.

**House Study Bill 630**

Human Resources: Van Maanen, Chair; Martin and Thomas.

**HOUSE STUDY BILL COMMITTEE ASSIGNMENTS****H.S.B. 636 Transportation**

Relating to optometrists' reports to the department of transportation concerning a person's ability to operate a motor vehicle.

**H.S.B. 637 Ways and Means**

Relating to the individual income tax by eliminating the taxation of certain capital gains and providing special treatment of gains from the sales of businesses to descendants, increasing the amount of pension income excluded, increasing certain personal exemption tax credits, and increasing and expanding the tuition and textbook tax credit, exempting sales and services to privately owned or operated hospitals from the sales, services, and use taxes, and relating to the income eligibility requirements for the homestead property tax credit, mobile home tax credit, or reimbursement for rent constituting property taxes paid, and including effective and prospective and retroactive applicability date provisions.

**H.S.B. 638 Environmental Protection**

Relating to the administration of the insurance account of the comprehensive petroleum underground storage tank fund, creating an underground storage tank insurance board, an underground storage tank insurance fund, and transferring assets and liabilities of the insurance account of the comprehensive petroleum underground storage tank fund.

**H.S.B. 639 Natural Resources**

Eliminating a report of land acquisitions and exchanges by a county conservation board.

**COMMITTEE RECOMMENDATIONS**

MR. SPEAKER: The Chief Clerk of the House respectfully reports

that the following committee recommendations have been received and are on file in the office of the Chief Clerk.

ELIZABETH A. ISAACSON  
Chief Clerk of the House

#### COMMITTEE ON AGRICULTURE

**Committee Bill** (Formerly House Study Bill 528), relating to the corn promotion board, by increasing the ceiling on the state assessment of corn subject to a special referendum and authorizing the receipt of rents, royalties, and license fees by the board.

Fiscal Note is not required.

Recommended **Do Pass** February 11, 1998.

#### COMMITTEE ON EDUCATION

**House File 2130**, a bill for an act providing additional funding for pupils in school districts experiencing increases in enrollment, making an appropriation, and providing an effective date.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H-8037** February 11, 1998.

**Pursuant to Rule 31.7, House File 2130 was referred to the committee on appropriations.**

#### COMMITTEE ON STATE GOVERNMENT

**House Joint Resolution 2004**, a joint resolution designating by name an official highest elevation in the State of Iowa.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H-8043** February 11, 1998.

#### COMMITTEE ON WAYS AND MEANS

**Committee Bill** (Formerly House File 2076), authorizing the imposition of a local option sales and services tax for school infrastructure projects and the issuance of bonds, and providing an effective date.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 11, 1998.

#### AMENDMENTS FILED

H—8037	H.F.	2130	Committee on Education
H—8039	S.F.	492	Dotzler of Black Hawk
H—8040	S.F.	492	Dotzler of Black Hawk
H—8041	S.F.	492	Connors of Polk

H-8042	H.F.	2039	Chapman of Linn
H-8043	H.J.R.	2004	Committee on State Government
H-8044	H.C.R.	106	Doderer of Johnson
H-8045	H.F.	2166	Blodgett of Cerro Gordo
H-8046	H.F.	2166	Blodgett of Cerro Gordo
H-8047	H.F.	2166	Weigel of Chickasaw
H-8048	H.F.	2166	Weigel of Chickasaw

On motion by Gipp of Winneshiek, the House adjourned at 1:38 p.m., until 9:00 a.m., Friday, February 13, 1998.

# JOURNAL OF THE HOUSE

Thirty-third Calendar Day - Twenty-second Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Friday, February 13, 1998

The House met pursuant to adjournment at 9:00 a.m., Representative Greiner of Washington in the chair.

Prayer was offered by Becky Lorenz, Executive Secretary to the Majority Leader.

The Journal of Thursday, February 12, 1998 was approved.

## PETITIONS FILED

The following petitions were received and placed on file:

By Connors of Polk, from approximately one thousand one hundred petitioners from Friends of the Public Library of Des Moines favoring direct state funding of public libraries.

By Richardson of Warren, from two hundred thirteen constituents of the 89th District favoring House File 2005, regarding legislative intent of the annexation law.

## INTRODUCTION OF BILLS

**House File 2251**, by Bernau, a bill for an act relating to public health by providing for the regulation of body piercing and providing a penalty.

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

**House File 2252**, by Scherrman, a bill for an act requiring the minimum requirements for a coaching authorization to include cardiopulmonary resuscitation certification.

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

**House File 2253**, by Grundberg, a bill for an act relating to area education agencies and school districts by modifying the time guidelines concerning bargaining by certain employees, and changing dates relating to budget certification and notice of teacher termination for school districts.

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

**House File 2254**, by Burnett, a bill for an act relating to the assessment of a surcharge by a county board of supervisors and providing for a public referendum.

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

**House File 2255**, by Rants, a bill for an act exempting antimicrobial pesticides from the registration fee for pesticides.

Read first time and referred to committee on **environmental protection**.

**House File 2256**, by Richardson, a bill for an act specifying lighting equipment and other features for snowplows, regulating snowplow operations, and making penalties applicable.

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

**House File 2257**, by Brand, a bill for an act providing for the development of a site analysis and preliminary plan for the construction of a state veterans cemetery and making an appropriation.

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

**House File 2258**, by Warnstadt, Whitead, and Cohoon, a bill for an act creating and making an appropriation for a teacher loan payment program.

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

**House File 2259**, by committee on agriculture, a bill for an act relating to the corn promotion board, by increasing the ceiling on the state assessment of corn subject to a special referendum and authorizing the receipt of rents, royalties, and license fees by the board.

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

**House File 2260**, by Scherrman, a bill for an act requiring the minimum program for health education of students in grades nine through twelve to include cardiopulmonary resuscitation procedures.

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

**House File 2261**, by Grundberg, a bill for an act relating to the spending authority of a school district as a factor in collective bargaining arbitration.

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

**House File 2262**, by committee on judiciary, a bill for an act to permit out-of-state peace officers to act within this state pursuant to agreements between state or local authorities.

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



**House File 2263**, by Kreiman, a bill for an act imposing a mandatory minimum community service obligation as part of any sentence for an operating while intoxicated (OWI) offense.

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

**House File 2264**, by Mascher, a bill for an act providing for an increase in the voter-approved community college equipment replacement levy.

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

**House File 2265**, by Churchill and Holveck, a bill for an act relating to annual reports, audits, and board of director composition of non-profit corporations created by or in association with the Iowa finance authority and providing effective dates.

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

**House File 2266**, by Burnett, a bill for an act relating to local goals and regulations for outdoor light fixture efficiency.

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

**House File 2267**, by Reynolds-Knight, a bill for an act relating to the issuance of a free deer or wild turkey hunting license to the spouse of a landowner.

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

**House File 2268**, by Schrader, a bill for an act establishing a pharmaceutical assistance program for the elderly and providing a penalty.

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

**House File 2269**, by Rants, a bill for an act relating to permissible physical contact between school employees and students.

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

**House File 2270**, by Millage and Boddicker, a bill for an act requiring deviation from the uniform child support guidelines in the calculation of the child support obligation of a parent when visitation rights are awarded in excess of the average liberal visitation rights award.

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

**House File 2271**, by committee on appropriations, a bill for an act relating to obsolete and unnecessary provisions of the Code.

Read first time and referred to committee on state government.

### MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on February 12, 1998, adopted the following resolution in which the concurrence of the House is asked:

Senate Concurrent Resolution 102, a concurrent resolution requesting the United States Department of Health and Human Services to revise a proposed rulemaking for implementing welfare reform and requesting the United States Congress to provide oversight.

Also: That the Senate has on February 12, 1998, passed the following bill in which the concurrence of the House is asked:

Senate File 2075, a bill for an act relating to the creation of a dental hygiene committee within the board of dental examiners.

Also: That the Senate has on February 12, 1998, passed the following bill in which the concurrence of the House is asked:

Senate File 2113, a bill for an act relating to driver and motor vehicle licensing, reporting, and registration.

Also: That the Senate has on February 12, 1998, passed the following bill in which the concurrence of the House is asked:

Senate File 2136, a bill for an act relating to statutory corrections which may adjust language to reflect current practices, insert earlier omissions, delete redundancies and inaccuracies, delete temporary language, resolve inconsistencies and conflicts, update ongoing provisions, or remove ambiguities, and providing effective and retroactive applicability dates.

Also: That the Senate has on February 12, 1998, passed the following bill in which the concurrence of the House is asked:

Senate File 2162, a bill for an act relating to the definition of the federal Truth in Lending Act in the Iowa consumer credit code.

Also: That the Senate has on February 12, 1998, passed the following bill in which the concurrence of the House is asked:

Senate File 2174, a bill for an act relating to agriculture by amending and eliminating provisions to reflect current practice, and transferring provisions.

MARY PAT GUNDERSON, Secretary

### HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENT

#### House Study Bill 637

Ways and Means: Greig, Chair; Blodgett, Jenkins, Shultz and Weigel.



# JOURNAL OF THE HOUSE

Thirty-sixth Calendar Day - Twenty-third Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Monday, February 16, 1998

The House met pursuant to adjournment at 1:08 p.m., Speaker pro tempore Van Maanen of Marion in the chair.

Prayer was offered by Reverend Tim Beglin, First Assembly of God Church, Des Moines.

The Journal of Friday, February 13, 1998 was approved.

## PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by the Linn-Marr SODA Group (Students O.K. Without Drugs and Alcohol) from Linn-Marr High School, Marion.

## INTRODUCTION OF BILLS

**House File 2272**, by committee on education, a bill for an act requiring the state board of education to adopt rules relating to the incorporation of accountability for student achievement into the education standards and accreditation process.

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

**House File 2273**, by committee on state government, a bill for an act relating to a transfer of the records management duties of the department of general services to the department of cultural affairs and making conforming changes.

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

**House File 2274**, by Mascher, Ford, Thomas, Mertz, Reynolds-Knight, Chapman, Connors, Whitead, May, Dotzler, Taylor, Burnett, Myers, Frevert, Bell, Kinzer, Bukta, and Cohoon, a bill for an act relating to the amount of the community college facilities levy.

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

**House File 2275**, by Martin, Lord, Nelson, Kremer, and Thomson, a bill for an act relating to health care providers including the application of records checks to additional providers and the recording and availability of the records of the facility inspections and providing for a repeal.

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

**House File 2276**, by Dotzler, a bill for an act relating to notice requirements for landlords, remedies for tenants, discrimination by landlords based on source of payments, and providing penalties.

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

**House File 2277**, by Richardson, a bill for an act reducing the maximum premium amount which can be charged for coverage provided through the Iowa comprehensive health insurance association.

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

**House File 2278**, by Grundberg, a bill for an act relating to coverage for mental health services provided to state employees.

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

**House File 2279**, by Grundberg and Dix, a bill for an act relating to arts and cultural enhancement and endowment, and arts and cultural conferences and caucuses.

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

**House File 2280**, by Rants, a bill for an act devoting sales, services, and use tax revenues from the charges paid to a provider for access to on-line computer services for appropriation to the department of education for the school improvement technology program.

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

**House File 2281**, by Jacobs, a bill for an act providing for the recording of certain residential real estate contracts, providing a penalty, and providing for the Act's applicability.

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

#### SENATE MESSAGES CONSIDERED

**Senate File 2075**, by Iverson, Szymoniak, Hansen, Dvorsky, Hammond, Kibbie, Connolly, Douglas, Bartz, Horn, Harper, Freeman, Rittmer, Gettings, Neuhauser, Gronstal, Fink, Lundby, McKibben, Drake, Vilsack, Maddox, and Behn, a bill for an act relating to the creation of a dental hygiene committee within the board of dental examiners.

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

**Senate File 2113**, by committee on transportation, a bill for an act relating to driver and motor vehicle licensing, reporting, and registration.

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

**Senate File 2136**, by committee on judiciary, a bill for an act relating to statutory corrections which may adjust language to reflect current practices, insert earlier omissions, delete redundancies and inaccuracies, delete temporary language, resolve inconsistencies and conflicts, update ongoing provisions, or remove ambiguities, and providing effective and retroactive applicability dates.

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

**Senate File 2162**, by committee on commerce, a bill for an act relating to the definition of the federal Truth in Lending Act in the Iowa consumer credit code.

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

**Senate File 2174**, by committee on agriculture, a bill for an act relating to agriculture by amending and eliminating provisions to reflect current practice, and transferring provisions.

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

The House stood at ease at 1:18 p.m., until the fall of the gavel.

The House resumed session at 1:55 p.m., Speaker Corbett in the chair.

## INTRODUCTION OF BILLS

**House File 2282**, by committee on ways and means, a bill for an act authorizing the imposition of a local option sales and services tax and use of certain federal funds for school infrastructure projects and the issuance of bonds, and providing an effective date.

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

**House File 2283**, by committee on local government, a bill for an act providing for the determination of time for notice and service of process relating to residential property rentals and mobile home parks residential rentals.

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

CONSIDERATION OF BILL  
Ways and Means Calendar

**House File 2166**, a bill for an act relating to regulation of food establishments and providing for fees and penalties and providing an effective date, was taken up for consideration.

Schrader of Marion offered amendment H-8032 filed by him as follows:

H-8032

- 1 Amend House File 2166 as follows:
- 2 1. Page 2, by inserting after line 22 the
- 3 following:
- 4 "Sec. \_\_\_\_ NEW SECTION. 137D.9 EXEMPTION.
- 5 This chapter shall not apply to a home food
- 6 establishment having gross annual sales of prepared
- 7 food of one thousand dollars or less, if the person
- 8 who prepares the food sells or offers to sell the food
- 9 on or off the premises of the home food
- 10 establishment."
- 11 2. Page 3, line 28, by striking the words
- 12 "licensed as".
- 13 3. By renumbering as necessary.

Blodgett of Cerro Gordo offered the following amendment H-8046, to amendment H-8032, filed by him and moved its adoption:

H-8046

- 1 Amend the amendment, H-8032, to House File 2166 as
- 2 follows:
- 3 1. Page 1, by striking line 10 and inserting the
- 4 following: "establishment and if the food is labeled
- 5 to identify the name and address of the person
- 6 preparing the food and the common name of the food,
- 7 and to state that the food is prepared in a kitchen
- 8 that is not subject to state inspection, regulation,
- 9 or licensure."

Rants of Woodbury in the chair at 2:10 p.m.

Amendment H-8046, to amendment H-8032, was adopted.

Blodgett of Cerro Gordo rose on a point of order that amendment H-8032, as amended, was not germane.

The Speaker ruled the point not well taken and amendment H-8032, as amended, germane.

Schrader of Marion moved the adoption of H-8032, as amended.

A non-record roll call was requested.

The ayes were 50, nays 31.

Amendment H-8032, as amended, was adopted.

Richardson of Warren offered the following amendment H-8030 filed by him and moved its adoption:

H-8030

- 1 Amend House File 2166 as follows:
- 2 1. Page 2, line 27, by striking the word "two"
- 3 and inserting the following: "four".

Amendment H-8030 was adopted.

Blodgett of Cerro Gordo offered amendment H-8045 filed by him as follows:

H-8045

- 1 Amend House File 2166 as follows:
- 2 1. Page 7, by inserting after line 24 the
- 3 following:
- 4 "10. 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."

Heaton of Henry offered the following amendment H-8052, to amendment H-8045, filed by him from the floor and moved its adoption:

H-8052

- 1 Amend the amendment, H-8045, to House File 2166 as
- 2 follows:
- 3 1. Page 1, by inserting after line 1 the
- 4 following:
- 5 "\_\_\_ Page 7, by inserting after line 5 the
- 6 following:
- 7 "6A. 3-301.11(B) shall be amended by deleting the
- 8 section and replacing it with the following:
- 9 (1) Except when washing fruits and vegetables,
- 10 food employees should, to the extent practicable,
- 11 avoid contact with exposed, ready-to-eat food with
- 12 their bare hands. Where ready-to-eat food is
- 13 routinely handled by employees, employers should adopt
- 14 reasonable sanitary procedures to reduce the risk of
- 15 the transmission of pathogenic organisms.
- 16 (2) In seeking to minimize employees' physical



17 contact with ready-to-eat foods, no single method or  
18 device is universally practical or necessarily the  
19 most effective method to prevent the transmission of  
20 pathogenic organisms in all situations. As such, each  
21 public food service establishment shall review its  
22 operations to identify procedures where ready-to-eat  
23 food must be routinely handled by its employees and  
24 adopt one or more of the following sanitary  
25 alternatives, to be used either alone or in  
26 combination, to prevent the transmission of pathogenic  
27 organisms:

28 (a) The use of suitable food handling materials  
29 including, but not limited to, deli tissues,  
30 appropriate utensils, or dispensing equipment. Such  
31 materials must be used in conjunction with thorough  
32 hand washing practices in accord with paragraph (c).

33 (b) The use of single-use gloves, for the purpose  
34 of preparing or handling ready-to-eat foods, shall be  
35 discarded when damaged or soiled or when the process  
36 of food preparation or handling is interrupted.  
37 Single-use gloves must be used in conjunction with  
38 thorough hand washing practices in accord with  
39 paragraph (c).

40 (c) The use, pursuant to the manufacturer's  
41 instructions, of anti-microbial soaps, with the  
42 additional optional use of anti-bacterial protective  
43 skin lotions or anti-microbial hand sanitizers,  
44 rinses, or dips. All such soaps, lotions, sanitizers,  
45 rinses, and dips must contain active topical anti-  
46 microbial or anti-bacterial ingredients, registered by  
47 the United States environmental protection agency,  
48 cleared by the United States food and drug  
49 administration, and approved by the United States  
50 department of agriculture.

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1 (d) The use of such other practices, devices, or  
2 products that are found by the division to achieve a  
3 comparable level of protection to one or more of the  
4 sanitary alternatives in paragraphs (a) through (c).

5 (3) Regardless of the sanitary alternatives in  
6 use, each public food service establishment shall  
7 establish:

8 (a) Systematic focused education and training of  
9 all food service employees involved in the identified  
10 procedures regarding the potential for transmission of  
11 pathogenic organisms from contact with ready-to-eat  
12 food. The importance of proper hand washing and  
13 hygiene in preventing the transmission of illness, and  
14 the effective use of the sanitary alternatives and  
15 monitoring systems utilized by the public food service  
16 establishment, shall be reinforced. The content and

17 duration of this training shall be determined by the  
18 manager of the public food service establishment.  
19 (b) A monitoring system to demonstrate the proper  
20 and effective use of the sanitary alternatives  
21 utilized by the public food service establishment.”  
22 \_\_\_\_\_. By renumbering as necessary.”

Blodgett of Cerro Gordo rose on a point of order that amendment H-8052, to amendment H-8045, was not germane.

The Speaker ruled the point well taken and amendment H-8052, to amendment H-8045, not germane.

Blodgett of Cerro Gordo moved the adoption of amendment H-8045.

Amendment H-8045 was adopted.

Weigel of Chickasaw asked and received unanimous consent that amendment H-8047 be deferred.

Weigel of Chickasaw offered amendment H-8048 filed by him as follows:

H-8048

1 Amend House File 2166 as follows:  
2 1. By striking page 9, line 33, through page 11,  
3 line 13, and inserting the following:  
4 “1. For a mobile food unit or pushcart, ten  
5 dollars.  
6 2. For temporary food establishment per fixed  
7 location, ten dollars.  
8 3. For a vending machine, two dollars per vending  
9 machine.  
10 4. For a food establishment or a section of a food  
11 establishment, which prepares or serves food for  
12 individual portion service, the annual license fee  
13 shall correspond to the annual gross sales of food in  
14 the food establishment, as follows:  
15 a. Annual gross sales of under fifty thousand  
16 dollars, forty dollars.  
17 b. Annual gross sales of at least fifty thousand  
18 dollars but less than one hundred thousand dollars,  
19 seventy dollars.  
20 c. Annual gross sales of at least one hundred  
21 thousand dollars but less than two hundred fifty  
22 thousand dollars, one hundred twenty-five dollars.  
23 d. Annual gross sales of two hundred fifty  
24 thousand dollars or more, one hundred fifty dollars.  
25 5. For a food establishment or section of a food  
26 establishment, which sells food or food products to  
27 consumer customers intended for preparation or  
28 consumption off-the-premises, the annual license fee

- 29 shall correspond to the annual gross sales of food in  
 30 the food establishment, as follows:
- 31 a. Annual gross sales of under ten thousand  
 32 dollars, twenty dollars.
- 33 b. Annual gross sales of at least ten thousand  
 34 dollars but less than two hundred fifty thousand  
 35 dollars, fifty dollars.
- 36 c. Annual gross sales of at least two hundred  
 37 fifty thousand dollars but less than five hundred  
 38 thousand dollars, seventy-five dollars.
- 39 d. Annual gross sales of at least five hundred  
 40 thousand dollars, but less than seven hundred fifty  
 41 thousand dollars, one hundred dollars.
- 42 e. Annual gross sales of seven hundred fifty  
 43 thousand dollars or more, one hundred fifty dollars.
- 44 6. For a food processing plant, the annual license  
 45 fee shall correspond to the annual gross sales of food  
 46 by the food processing plant, as follows:
- 47 a. Annual gross sales of under ten thousand  
 48 dollars, twenty dollars.
- 49 b. Annual gross sales of at least ten thousand  
 50 dollars but less than two hundred fifty thousand

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- 1 dollars, fifty dollars.
- 2 c. Annual gross sales of at least two hundred  
 3 fifty thousand dollars but less than five hundred  
 4 thousand dollars, seventy-five dollars.
- 5 d. Annual gross sales of at least five hundred  
 6 thousand dollars but less than seven hundred fifty  
 7 thousand dollars, one hundred dollars.
- 8 e. Annual gross sales of seven hundred fifty  
 9 thousand dollars or more, one hundred fifty dollars."

Weigel of Chickasaw offered the following amendment H-8050, to amendment H-8048, filed by him from the floor and moved its adoption:

H-8050

- 1 Amend the amendment, H-8048, to House File 2166 as  
 2 follows:
- 3 1. Page 2, by inserting after line 9 the  
 4 following:  
 5 "\_\_\_ Page 11, by inserting after line 25 the  
 6 following:  
 7 "Sec. \_\_\_ NEW SECTION. 137F.6A EXCESS COSTS -  
 8 APPROPRIATION.  
 9 There is appropriated annually from the general  
 10 fund of the state to the department of inspections and  
 11 appeals an amount sufficient to reimburse counties for  
 12 regulatory costs under this chapter in excess of

13 county regulatory cost levels for the fiscal year  
 14 beginning July 1, 1997, and ending June 30, 1998,  
 15 which are not covered by annual license fees. The  
 16 department shall establish by rule procedures for the  
 17 filing of reimbursement claims by counties pursuant to  
 18 this section."  
 19 \_\_\_\_ Title page, line 2, by inserting after the  
 20 word "penalties" the following: ", making an  
 21 appropriation,"."

A non-record roll call was requested.

The ayes were 34, nays 50.

Amendment H-8050, to amendment H-8048, lost.

Weigel of Chickasaw moved the adoption of amendment H-8048.

Roll call was requested by Weigel of Chickasaw and Siegrist of Pottawattamie.

On the question "Shall amendment H-8048 be adopted?" (H.F. 2166)

The ayes were, 25:

Bell	Brand	Bukta	Cataldo
Chapman	Chioldo	Cohoon	Connors
Falck	Foege	Ford	Frevert
Kinzer	Koenigs	Kreiman	Moreland
Mundie	Murphy	Osterhaus	Reynolds-Knight
Richardson	Scherrman	Schrader	Weigel
Wise			

The nays were, 74:

Arnold	Barry	Bernau	Blodgett
Boddicker	Boggest	Bradley	Brauns
Brunkhorst	Burnett	Carroll	Churchill
Corbett	Cormack	Dinkla	Dix
Doderer	Dolecheck	Dotzler	Drake
Drees	Eddie	Fallon	Garman
Gipp	Greig	Greiner	Gries
Grundberg	Hahn	Hansen	Heaton
Holmes	Holveck	Houser	Huseman
Huser	Jacobs	Jenkins	Jochum
Klemme	Kremer	Lamberti	Larkin
Larson	Martin	Mascher	May
Mertz	Metcalf	Meyer	Millage
Myers	Nelson	O'Brien	Rayhons
Shoultz	Siegrist	Sukup	Taylor
Teig	Thomas	Thomson	Tyrrell
Van Fossen	Van Maanen	Vande Hoef	Veenstra

Warnstadt  
Witt

Weidman  
Rants,  
Presiding

Welter

Whitead

Absent or not voting, 1:

Lord

Amendment H-8048 lost.

Weigel of Chickasaw offered amendment H-8047 (previously deferred) filed by him as follows:

H-8047

- 1 Amend House File 2166 as follows:
- 2 1. Page 10, line 9, by striking the word "sixty"
- 3 and inserting the following: "forty".
- 4 2. Page 10, line 11, by striking the words
- 5 "dollars, one hundred" and inserting the following:
- 6 "dollars, seventy".
- 7 3. Page 10, line 24, by striking the word
- 8 "thirty" and inserting the following: "twenty".
- 9 4. Page 10, line 26, by striking the words
- 10 "seventy-five" and inserting the following: "fifty".
- 11 5. Page 11, line 5, by striking the word "fifty"
- 12 and inserting the following: "twenty".
- 13 6. Page 11, line 7, by striking the words "one
- 14 hundred" and inserting the following: "fifty".

Dix of Butler offered the following amendment H-8051, to amendment H-8047, filed by him from the floor and moved its adoption:

H-8051

- 1 Amend the amendment, H-8047, to House File 2166 as
- 2 follows:
- 3 1. Page 1, by inserting after line 14 the
- 4 following:
- 5 "\_\_\_ Page 11, line 15, by inserting after the
- 6 word "fees" the following: "not to exceed seventy-
- 7 five percent of the total fees applicable."

Amendment H-8051 lost.

Weigel of Chickasaw asked and received unanimous consent to withdraw amendment H-8047 filed by him on February 12, 1998.

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. 2166)

The ayes were, 94:

Arnold	Barry	Bell	Bernau
Blodgett	Boddicker	Boggess	Bradley
Brand	Brauns	Brunkhorst	Bukta
Burnett	Carroll	Cataldo	Chapman
Chiodo	Churchill	Cohoon	Connors
Corbett, Spkr.	Cormack	Dinkla	Dix
Doderer	Dolecheck	Dotzler	Drake
Drees	Eddie	Fallon	Foege
Ford	Garman	Gipp	Greig
Greiner	Gries	Grundberg	Hahn
Hansen	Heaton	Holmes	Holveck
Houser	Huseman	Huser	Jacobs
Jenkins	Jochum	Kinzer	Klemme
Koenigs	Kreiman	Kremer	Lamberti
Larkin	Martin	Mascher	May
Mertz	Metcalf	Meyer	Millage
Moreland	Mundie	Murphy	Myers
Nelson	O'Brien	Osterhaus	Rayhons
Reynolds-Knight	Richardson	Schrader	Shoultz
Siegrist	Sukup	Taylor	Teig
Thomas	Thomson	Tyrrell	Van Fossen
Van Maanen	Vande Hoef	Veenstra	Warnstadt
Weidman	Welter	Whitead	Wise
Witt	Rants, Presiding		

The nays were, 5:

Falck	Frevert	Larson	Scherrman
Weigel			

Absent or not voting, 1:

Lord

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

## IMMEDIATE MESSAGE

Siegrist of Pottawattamie asked and received unanimous consent that **House File 2166** be immediately messaged to the Senate.

## HOUSE FILE 2265 REREFERRED

The Speaker announced that House File 2265, previously referred to committee on **state government** was rereferred to committee on **economic development**.

## BILL SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on February 16, 1998, he approved and transmitted to the Secretary of State the following bill:

Senate File 2029, an act relating to the composition of the board of podiatry examiners.

## 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

1998\119 Lucille Jones. Davenport – For celebrating her 90th birthday.

### SUBCOMMITTEE ASSIGNMENTS

#### House Joint Resolution 2003

Judiciary: Kremer, Chair; Ford and Veenstra.

#### House File 2011 Reassigned

Economic Development: Jenkins, Chair; Boggess and Weigel.

#### House File 2012 Reassigned

Economic Development: Jenkins, Chair; Boggess and Dotzler.

#### House File 2110

Economic Development: Heaton, Chair; Dotzler, Drake, Mascher and Teig.

#### House File 2180

Judiciary: Lamberti, Chair; Doderer and Sukup.

#### House File 2228

Agriculture: Hahn, Chair; Eddie and Scherrman.

#### House File 2229

Economic Development: Drake, Chair; Barry and Bukta.

#### House File 2239

Education: Van Maanen, Chair; Thomson and Wise.

**House File 2242**

Education: Brunkhorst, Chair; Garman and Wise.

**House File 2247**

Appropriations: Millage, Chair; Brand and Sukup.

**House File 2248**

Judiciary: Grundberg, Chair; Kreiman and Lamberti.

**House File 2250**

Economic Development: Jenkins, Chair; Boggess and Dotzler.

**House File 2257**

Appropriations: Millage, Chair; Sukup and Taylor.

**House File 2258**

Appropriations: Millage, Chair; Sukup and Wise.

**House File 2265**

Economic Development: Bradley, Chair; Barry and Witt.

**House File 2271**

State Government: Holmes, Chair; Gipp and Taylor.

**House File 2275**

State Government: Martin, Chair; Burnett and Nelson.

**House File 2280**

Appropriations: Millage, Chair; Huser and Sukup.

**House Concurrent Resolution 104**

Economic Development: Warnstadt, Chair; Rayhons and Tyrrell.

**House Concurrent Resolution 107**

Agriculture: Frevert, Chair; Hahn and Meyer.

**House Concurrent Resolution 108**

Judiciary: Garman, Chair; Bell and Lamberti.



**Senate File 2174**

Agriculture: Rayhons, Chair; Klemme and Scherrman.

**HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS****House Study Bill 631**

Appropriations: Millage, Chair; Brand and Sukup.

**House Study Bill 632**

Appropriations: Gipp, Chair; Brunkhorst and Cataldo.

**House Study Bill 633**

Appropriations: Millage, Chair; Sukup and Warnstadt.

**House Study Bill 634**

Appropriations: Garman, Chair; Cormack and Kreiman.

**House Study Bill 635**

Appropriations: Houser, Chair; Brand and Cormack.

**House Study Bill 636**

Transportation: Carroll, Chair; Arnold and Larkin.

**HOUSE STUDY BILL COMMITTEE ASSIGNMENTS****H.S.B. 640 State Government**

Concerning eligible alternative retirement benefit systems for community college employees.

**H.S.B. 641 Agriculture**

Relating to the Iowa egg council and to an assessment on the sale of eggs for support of the council.

**H.S.B. 642 Agriculture**

Relating to the regulation of commercial feed.

## H.S.B. 643 Appropriations

Relating to and making transportation and other infrastructure-related appropriations to the state department of transportation and other state agencies, 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, and making statutory changes relating to appropriations.

### COMMITTEE RECOMMENDATIONS

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

ELIZABETH A. ISAACSON  
Chief Clerk of the House

#### COMMITTEE ON EDUCATION

**Committee Bill** (Formerly House Study Bill 558), requiring the state board of education to adopt rules relating to the incorporation of accountability for student achievement into the education standards and accreditation process.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 11, 1998.

#### COMMITTEE ON ENVIRONMENTAL PROTECTION

**House File 681**, a bill for an act creating an environmental audit privilege and providing penalties.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H-8054** February 12, 1998 and placed on the special order calendar for Tuesday, February 24, 1998.

**Committee Bill** (Formerly House File 2054), relating to permits for aquifer storage and recovery and making penalties applicable.

Fiscal Note is not required.

Recommended **Do Pass** February 12, 1998.

#### COMMITTEE ON HUMAN RESOURCES

**Committee Bill** (Formerly House Study Bill 234), relating to hospital privileges for physician assistants and advanced registered nurse practitioners.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 12, 1998.

## COMMITTEE ON LOCAL GOVERNMENT

**Committee Bill** (Formerly House Study Bill 517), providing for the determination of time for notice and service of process relating to residential property rentals and mobile home parks residential rentals.

Fiscal Note is not required.

Recommended **Do Pass** February 12, 1998.

## COMMITTEE ON STATE GOVERNMENT

**Committee Bill** (Formerly House Study Bill 540), relating to a transfer of the records management duties of the department of general services to the department of cultural affairs and making conforming changes.

Fiscal Note is not required.

Recommended **Do Pass** February 11, 1998.

## RESOLUTIONS FILED

**HCR 109**, by Bradley, a concurrent resolution establishing a committee to study and make recommendations concerning the management of solid waste and recycling.

Referred to committee on **environmental protection**.

**SCR 102**, by Tinsman and Boettger, a concurrent resolution requesting the United States Department of Health and Human Services to revise a proposed rulemaking for implementing welfare reform and requesting the United States Congress to provide oversight.

Referred to committee on **human resources** February 13, 1998.

## AMENDMENTS FILED

H—8053	H.F.	2272	Rants of Woodbury
H—8054	H.F.	681	Committee on Environmental Protection

On motion by Siegrist of Pottawattamie, the House adjourned at 3:22 p.m., until 8:45 a.m., Tuesday, February 17, 1998.

# JOURNAL OF THE HOUSE

Thirty-seventh Calendar Day - Twenty-fourth Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Tuesday, February 17, 1998

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

Prayer was offered by Reverend Glen Reynolds, Christian Life Assembly of God, Norwalk.

The Journal of Monday, February 16, 1998 was approved.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Connors of Polk on request of Schrader of Marion.

## INTRODUCTION OF BILLS

**House File 2284**, by Mundie, a bill for an act relating to providing well-child care under individual accident and sickness insurance, group nonprofit health service plans, and prepaid group plans of health maintenance organizations.

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

**House File 2285**, by committee on human resources, a bill for an act relating to hospital privileges for physician assistants and advanced registered nurse practitioners.

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

**House File 2286**, by committee on judiciary, a bill for an act creating the new criminal offense of disarming a peace officer.

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

**House File 2287**, by Warnstadt and Whitead, a bill for an act permitting the use of school improvement technology program moneys for purposes of school building repair, school building improvement, or new school building construction.

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

**House File 2288**, by Garman, a bill for an act prohibiting persons required to register as sex offenders from entering or remaining on school grounds without written permission and providing a penalty.

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

**House File 2289**, by Ford, a bill for an act relating to the appointment of city and county boards, commissions, committees, or other multimember appointive bodies.

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

**House File 2290**, by Arnold, a bill for an act relating to the civil damages and penalties for the illegal taking of antlered deer.

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

**House File 2291**, by Heaton, a bill for an act relating to the definition of "commercial property" for purposes of property taxation.

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

**House File 2292**, by committee on environmental protection, a bill for an act relating to permits for aquifer storage and recovery and making penalties applicable.

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

**House File 2293**, by Whitead, a bill for an act providing for legal assistance for pro se domestic abuse complainants in contempt proceedings where the defendant is represented by counsel.

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

**House File 2294**, by Grundberg, Brauns, Heaton, Martin, and Chapman, a bill for an act relating to third-party payment of health care coverage costs for mental health treatment services.

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

**House File 2295**, by Grundberg, a bill for an act requesting the legislative council to establish an interim committee to study the postsecondary enrollment options Act.

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

**House File 2296**, by Rants, a bill for an act relating to income tax credits for donations of new or used computers to elementary or secondary schools in the state and providing effective and applicability date provisions.

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

**House File 2297**, by committee on commerce and regulation, a bill for an act relating to authorized investments by insurance companies in obligations of foreign governments and foreign corporations.

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

**House File 2298**, by Thomson, a bill for an act relating to an additional deduction for the cost of constructing storm shelters for mobile home parks under the individual and corporate income tax law and including an effective and retroactive applicability date provision.

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

**House File 2299**, by Thomson, a bill for an act requiring, upon the birth of a child, a medically relevant test for the presence of illegal substances.

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

**House File 2300**, by Mascher, a bill for an act concerning the reemployment of persons retired under the Iowa public employees' retirement system.

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

**House File 2301**, by Chiodo, a bill for an act relating to conflicts of interest in the use of county property and providing a penalty.

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

**House File 2302**, by Doderer, a bill for an act providing for a civil cause of action for damages arising from domestic abuse.

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

**House File 2303**, by Millage, a bill for an act relating to the creation of a new program to provide technicians for businesses in certain targeted industries by offering to pay student loans incurred by the technicians to attend private and public Iowa colleges and universities and to provide withholding tax credit to help fund these payments and providing an effective date.

Read first time and referred to committee on **economic development**.

**House File 2304**, by Kremer, a bill for an act providing an exemption from liability for possessors or owners of residential real property.

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

**House File 2305**, by Tyrrell, a bill for an act relating to orders for confinement of criminal defendants in jails in counties other than the county in which the person was arrested or convicted.

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

**House File 2306**, by Richardson, a bill for an act creating the battleship U.S.S. Iowa fund and providing an income tax checkoff for contributions to the fund on the state income tax return and providing an applicability date.

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

**House File 2307**, by Falck, a bill for an act relating to tort and workers' compensation liability for labor performed by inmates of jails and county detention facilities.

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

**House File 2308**, by Grundberg, a bill for an act relating to the study of manufactured housing.

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

**House File 2309**, by Shoultz and Weigel, a bill for an act relating to sexual misconduct of a juvenile placed in foster care or in a juvenile facility and providing a penalty.

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

**House File 2310**, by Ford and Siegrist, a bill for an act relating to adoption by the board of regents of a policy and rules regarding student athletes.

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

**House File 2311**, by Ford, a bill for an act relating to student achievement and performance goals and plans adopted by the boards of directors of school districts.

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

**House File 2312**, by Burnett, a bill for an act establishing a sustainable business program.

Read first time and referred to committee on **economic development**.

**House File 2313**, by Kreiman, a bill for an act relating to the definition of burglary and attempted burglary.

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

**House File 2314**, by Reynolds-Knight, Witt, Doderer, Murphy, Dotzler, Holveck, Bukta, Mertz, Barry, Fallon, Frevert, Grundberg, Mundie, Falck, Mascher, and Jochum, a bill for an act providing for the designation of a state poet laureate.

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

**House File 2315**, by Kreiman, a bill for an act relating to the conditions for the release of persons alleged to have unlawfully possessed, manufactured, or distributed a controlled substance.

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

## CONSIDERATION OF BILLS

### Regular Calendar

**House File 2168**, a bill for an act relating to the sale of stock or ownership interest of any corporation formed under the Iowa business development finance Act, was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 2168)

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
Frevert	Garman	Gipp	Greig
Greiner	Gries	Grundberg	Hahn
Hansen	Heaton	Holmes	Holveck
Houser	Huseman	Huser	Jacobs
Jenkins	Jochum	Kinzer	Klemme
Koenigs	Kreiman	Kremer	Lamberti
Larkin	Larson	Martin	Mascher
May	Mertz	Metcalf	Meyer
Millage	Moreland	Mundie	Murphy
Myers	Nelson	O'Brien	Osterhaus
Rants	Rayhons	Reynolds-Knight	Richardson
Scherrman	Schrader	Shoultz	Siegrist
Sukup	Taylor	Teig	Thomas
Thomson	Tyrrell	Van Fossen	Vande Hoef



Veenstra  
Welter  
Van Maanen,  
Presiding

Warnstadt  
Whitead

Weidman  
Wise

Weigel  
Witt

The nays were, none.

Absent or not voting, 3:

Connors

Ford

Lord

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

### Appropriations Calendar

**House File 2210**, a bill for an act relating to energy conservation including making appropriations of petroleum overcharge funds and providing for the dissolution of the energy fund disbursement council and intermodal revolving loan fund, was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 2210)

The ayes were, 94:

Arnold	Barry	Bell	Bernau
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
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	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  
Witt

Welter  
Van Maanen,  
Presiding

Whitead

Wise

The nays were, none.

Absent or not voting, 6:

Blodgett  
Larson

Connors  
Lord

Falck

Ford

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 2210 and 2168.**

### EXPLANATION OF VOTE

I was necessarily absent from the House chamber on Wednesday, February 11, and Thursday, February 12, 1998. Had I been present, I would have voted "aye" on House Files 2162, 2163, amendments H-8035, H-8036, and H-8034 to Senate File 2094, and Senate File 2094.

MORELAND of Wapello

### 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

- 1998\120 Kristine and Gilbert Stevens, Cedar Rapids – For celebrating their 50th wedding anniversary.
- 1998\121 Math Langreck, Lucas – For celebrating his 80th birthday.
- 1998\122 Marion and Eldon Hosek, Cedar Rapids – For celebrating their 50th wedding anniversary.
- 1998\123 Sylvia Ulch, Solon – For celebrating her 80th birthday.
- 1998\124 Anne Taylor, Cedar Rapids – For being selected by Rotary International to study in Sweden, May 1998.

- 1998\125 Ross K. Vernon, Sioux Center – For his 52 years of public service on the Sioux Center City Council.
- 1998\126 Erik Langland, Red Oak – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 1998\127 Linus Croatt, Lucas – For celebrating his 80th birthday.
- 1998\128 Florence Thompson, West Union – For celebrating her 80th birthday.
- 1998\129 Vera Berns, Garnavillo – For celebrating her 80th birthday.
- 1998\130 Adelia Tibbott, Greeley – For celebrating her 90th birthday.
- 1998\131 Alice and Ed Jaacks, Sioux City – For celebrating their 60th wedding anniversary.
- 1998\132 Grace and Donald Kistner, Sioux City – For celebrating their 66th wedding anniversary.
- 1998\133 Beryl and Chester Cartwright, Osceola – For celebrating their 50th wedding anniversary.
- 1998\134 Leah and Maurice Keeler, Weldon – For celebrating their 67th wedding anniversary.
- 1998\135 Helen and Clark Carmichael, Corning – For celebrating their 65th wedding anniversary.
- 1998\136 Lois and Oral Eddy, Osceola – For celebrating their 50th wedding anniversary.
- 1998\137 Mildred and John Lindsay, Lamont – For celebrating their 50th wedding anniversary.
- 1998\138 Evelyn and George Opperman, Hawkeye – For celebrating their 50th wedding anniversary.
- 1998\139 Forrest Fay Hamlett, Lamont – For his 50 years of membership in the Solomon Lodge.
- 1998\140 Doris and James Bright, Norwalk – For celebrating their 50th wedding anniversary.
- 1998\141 Colonel John Schuck – For directing the Red Tail Project, P-51 Mustang World War II Aircraft Restoration.
- 1998\142 Robert Martin – For service to his country as a Tuskegee Airman P-51 pilot with 64 missions during the second World War.
- 1998\143 Joseph Gomer – For service to his country as a Tuskegee Airman P-51 pilot with 68 missions during the second World War.

1998\144 Luther Smith - For service to his country as a Tuskegee Airman P-51 pilot with 133 missions during the second World War.

1998\145 Lee "Buddy" Archer - For service to his country as a Tuskegee Airman P-51 pilot with 169 missions during the second World War.

#### SUBCOMMITTEE ASSIGNMENTS

##### House File 541

Economic Development: Barry, Chair; Dolecheck and Witt.

##### House File 690

Economic Development: Thomson, Chair; Kinzer and Tyrrell.

##### House File 2141

Human Resources: Martin, Chair; Barry and Murphy.

##### House File 2172

Human Resources: Lamberti, Chair; Foegen and Kremer.

##### House File 2183

Ways and Means: Van Fossen, Chair; Chapman and Larson.

##### House File 2186

Human Resources: Carroll, Chair; Foegen and Veenstra.

##### House File 2224

Labor and Industrial Relations: Lamberti, Chair; Dix and Taylor.

##### House File 2232

Local Government: Huseman, Chair; Reynolds-Knight and Welter.

##### House File 2234

Local Government: Klemme, Chair; Arnold and Fallon.

##### House File 2256

Transportation: Vande Hoef, Chair; Cormack and Scherrman.

##### House File 2266

Local Government: Brauns, Chair; Arnold and Mundie.

**House File 2267**

Natural Resources: Weidman, Chair; Drees and Tyrrell.

**House File 2269**

Education: Rants, Chair; Gries and Wise.

**House File 2270**

Human Resources: Lamberti, Chair; Boddicker and Moreland.

**House File 2281**

Local Government: Brauns, Chair; Huser and Martin.

**House File 2285**

State Government: Tyrrell, Chair; Burnett and Houser.

**House File 2290**

Natural Resources: Arnold, Chair; Drees and Eddie.

**House Concurrent Resolution 14**

Economic Development: Drake, Chair; Bukta and Rayhons.

**House Concurrent Resolution 109**

Environmental Protection: Burnett, Chair; Bradley and Gipp.

**Senate File 2113**

Transportation: Carroll, Chair; Eddie and Larkin.

**Senate Concurrent Resolution 102**

Human Resources: Thomson, Chair; Boddicker and Fallon.

**HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS****House Study Bill 628**

Education: Rants, Chair; Cohoon and Gries.

**House Study Bill 638**

Environmental Protection: Gipp, Chair; Van Fossen and Witt.

**House Study Bill 639**

Natural Resources: Huseman, Chair; Frevert and Rayhons.

**House Study Bill 640**

State Government: Nelson, Chair; Gipp and Larkin.

**HOUSE STUDY BILL COMMITTEE ASSIGNMENTS****H.S.B. 644 Economic Development**

Relating to agriculture, by providing provisions regarding the production, handling, processing, and sale of agricultural products, providing programs to assist persons involved in value-adding processing, regulating the sale of agricultural products advertised as organic, providing for fees and appropriations, and providing penalties and an effective date.

**H.S.B. 645 Local Government**

Providing for the payment of health care coverage costs for retired city employees.

**H.S.B. 646 Local Government**

Relating to public notice of annexation applications.

**H.S.B. 647 Local Government**

Relating to the duties of cities certifying enterprise zones and incentives allowed eligible businesses in enterprise zones.

**H.S.B. 648 Human Resources**

Relating to the entities responsible for assisting in international adoptions.

**H.S.B. 649 Judiciary**

Changing the designation of the judiciary in the Code from the judicial department to the judicial branch.

**H.S.B. 650 Commerce and Regulation**

Relating to electronic commerce security, and providing penalties.

**H.S.B. 651 Commerce and Regulation**

Relating to a reinsurer's liability.

**H.S.B. 652 Human Resources**

Relating to medical assistance including transfer of assets, interest on medical assistance debt, and probate procedures relative to medical assistance debt.

**H.S.B. 653 Human Resources**

Relating to establishment and continuance of community mental health centers and providing a penalty.

**H.S.B. 654 Human Resources**

Relating to mental health and developmental disability services provisions involving supported community living services, home and community-based waiver residential services, legal settlement determinations, and the mental health and developmental disabilities commission.

**H.S.B. 655 Commerce and Regulation**

Relating to the management of public rights-of-way by local government units, eliminating the power of cities to grant franchises to erect, maintain, and operate plants and systems for telecommunications services within the city, and providing an effective date.

**H.S.B. 656 Agriculture**

Relating to the allocation of cost-share moneys as financial incentives to encourage summer construction of permanent soil and water conservation practices.

**COMMITTEE RECOMMENDATIONS**

MR. SPEAKER: The Chief Clerk of the House respectfully reports that

the following committee recommendations have been received and are on file in the office of the Chief Clerk.

ELIZABETH A. ISAACSON  
Chief Clerk of the House

COMMITTEE ON AGRICULTURE

**Committee Bill** (Formerly House Study Bill 501), relating to persons holding interests in agricultural land and providing penalties.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 16, 1998.

COMMITTEE ON APPROPRIATIONS

**Committee Bill** (Formerly House Study Bill 635), a concurrent resolution affirming the efforts of the child welfare services work group established by the Legislative Council, requesting approval for continuance of the work group, and requesting that leadership of the General Assembly work with the Governor and Iowa's congressional delegation in developing a memorandum of understanding with the federal government.

Fiscal Note is not required.

Recommended **Do Pass** February 16, 1998.

COMMITTEE ON EDUCATION

**House File 2219**, a bill for an act relating to the length of time a student may receive a vocational-technical tuition grant.

Fiscal Note is not required.

Recommended **Do Pass** February 16, 1998.

COMMITTEE ON ENVIRONMENTAL PROTECTION

**Committee Bill** (Formerly House Study Bill 571), relating to limits on coverage of the remedial account of the Iowa comprehensive petroleum underground storage tank fund, the minimum copayment provisions in regard to the remedial account, and creating a no further action fund.

Fiscal Note is not required.

Recommended **Do Pass** February 17, 1998.

COMMITTEE ON JUDICIARY

**House File 382**, a bill for an act relating to the validity of certain marriages.

Fiscal Note is not required.

Recommended **Do Pass** February 16, 1998.

**Committee Bill** (Formerly House Study Bill 510), relating to the statutory elements of certain forms of assault.

Fiscal Note is not required.

Recommended **Do Pass** February 16, 1998.



## COMMITTEE ON STATE GOVERNMENT

**House File 424**, a bill for an act relating to the election of the board of directors for an area education agency and providing effective date and applicability provisions.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H-8056** February 16, 1998.

**Pursuant to Rule 31.7, House File 424 was referred to the committee on education.**

**House File 2206**, a bill for an act relating to the creation of a dental hygiene committee within the board of dental examiners.

Fiscal Note is not required.

Recommended **Do Pass** February 16, 1998.

**Committee Bill** (Formerly House Study Bill 522), concerning the release of information by the department of transportation to investigators in the department of inspections and appeals.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 16, 1998.

## COMMITTEE ON TRANSPORTATION

**Committee Bill** (Formerly House Study Bill 539), relating to exemptions from distinguishing registration plates for motor vehicles.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 17, 1998.

## RESOLUTIONS FILED

**HCR 110**, by committee on appropriations, a concurrent resolution affirming the efforts of the child welfare services work group established by the Legislative Council, requesting approval for continuance of the work group, and requesting that leadership of the General Assembly work with the Governor and Iowa's congressional delegation in developing a memorandum of understanding with the federal government.

Laid over under **Rule 25**.

**HCR 111**, by Grundberg and Holveck, a concurrent resolution designating March 1998 as Iowa Women's History Month.

Referred to committee on **state government**.

## AMENDMENTS FILED

H—8055	S.F.	2073	Doderer of Johnson Metcalf of Polk
H—8056	H.F.	424	Committee on State Government
H—8057	S.F.	316	Brauns of Muscatine
H—8058	H.F.	2259	Koenigs of Mitchell Drees of Carroll
H—8059	H.F.	2212	Chapman of Linn
H—8060	S.F.	2073	Doderer of Johnson Nelson of Marshall
H—8061	S.F.	2073	Chapman of Linn Moreland of Wapello
H—8062	S.F.	2073	Grundberg of Polk Nelson of Marshall
H—8063	S.F.	2073	Moreland of Wapello
H—8064	S.F.	2073	Mascher of Johnson Doderer of Johnson Brand of Tama Burnett of Story Foege of Linn Bernau of Story Jacobs of Polk Grundberg of Polk Metcalf of Polk
H—8065	S.F.	2073	Metcalf of Polk

On motion by Gipp of Winneshiek, the House adjourned at 9:24 a.m., until 8:45 a.m., Wednesday, February 18, 1998.

# JOURNAL OF THE HOUSE

Thirty-eighth Calendar Day - Twenty-fifth Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Wednesday, February 18, 1998

The House met pursuant to adjournment at 8:48 a.m., Speaker Corbett in the chair.

Prayer was offered by Reverend David Ruhe, Plymouth Congregational Church, Des Moines.

The Journal of Tuesday, February 17, 1998 was approved.

## INTRODUCTION OF BILLS

**House File 2316**, by Weigel, a bill for an act relating to implementation of a Medicare rural hospital flexibility program and making an appropriation.

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

**House File 2317**, by Mertz, a bill for an act relating to drainage districts, by providing for the maintenance, repair, or replacement of improvements within drainage districts.

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

**House File 2318**, by Schrader, a bill for an act requiring that the clerk of the district court, prior to the filing of a nonstatutory lien, confirm that notice has been given to required parties.

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

**House File 2319**, by Witt and Connors, a bill for an act relating to the state long-term care ombudsperson, establishing local area long-term care ombudspersons, requiring training of representatives of the ombudsperson, making an appropriation, and providing an effective date.

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

**House File 2320**, by Foege, a bill for an act making an appropriation to the state board of regents to support the initiative for the health and independence of elderly Iowans at the state university of Iowa.

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

**House File 2321**, by Brand, a bill for an act relating to the deduction of net capital gains from the sale of farm property to a beginning

farmer and providing effective and applicability date provisions.

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

**House File 2322**, by Kreiman, a bill for an act relating to the healthy opportunities for parents to experience success-healthy families Iowa program, and making an appropriation.

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

**House File 2323**, by Greig, a bill for an act relating to the sales, services, and use taxes exemption for the sales of meals by certain agricultural production associations and including effective and retroactive applicability date provisions.

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

**House File 2324**, by committee on judiciary, a bill for an act relating to the statutory elements of certain forms of assault.

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

**House File 2325**, by Schrader, a bill for an act relating to foods prepared at a residence for sale on a retail basis for off-premises consumption.

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

**House File 2326**, by Barry and Warnstadt, a bill for an act relating to contracts for the medical and surgical treatment and care of indigent persons.

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

**House File 2327**, by committee on state government, a bill for an act concerning the release of information by the department of transportation to governmental employees.

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

**House File 2328**, by Heaton, a bill for an act relating to procedures applicable to civil commitment, and including an implementation provision.

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

**House File 2329**, by Garman, a bill for an act providing for a cause of action for a wrongful mechanic's lien.

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

## ADOPTION OF HOUSE CONCURRENT RESOLUTION 105

Schrader of Marion asked and received unanimous consent for the immediate consideration of House Concurrent Resolution 105, a concurrent resolution to designate March 29 of each year as Iowa State Flag Day, and moved its adoption.

The motion prevailed and the resolution was adopted.

## CONSIDERATION OF BILL

## Regular Calendar

House File 2146, a bill for an act establishing Iowa State Flag Day, 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?" (H.F. 2146)

The ayes were, 97:

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

Chiodo

Churchill

Dinkla

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 105** and **House File 2146**.

#### RULES SUSPENDED

Siegrist of Pottawattamie asked and received unanimous consent to suspend the rules for the immediate consideration of **House Concurrent Resolution 110**.

#### ADOPTION OF HOUSE CONCURRENT RESOLUTION 110

Houser of Pottawattamie asked and received unanimous consent for the immediate consideration of **House Concurrent Resolution 110**, a concurrent resolution affirming the efforts of the child welfare services work group established by the Legislative Council, requesting approval for continuance of the work group, and requesting that leadership of the General Assembly work with the Governor and Iowa's congressional delegation in developing a memorandum of understanding with the federal government, 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 110** be immediately messaged to the Senate.

#### SENATE FILE 2075 PASSED ON FILE

The Speaker announced that Senate File 2075, previously referred to committee on **state government** was **passed on file**.

#### SENATE CONCURRENT RESOLUTION 102

(Laid over under Rule 25)

The Speaker announced that Senate Concurrent Resolution 102, previously referred to committee on **human resources** was **laid over under Rule 25**.

The House stood at ease at 9:12 a.m., until the fall of the gavel.

The House resumed session at 11:13 a.m., Speaker pro tempore Van Maanen of Marion in the chair.

On motion by Gipp of Winneshiek, the House was recessed at 11:14 a.m., until 3:30 p.m.

#### AFTERNOON SESSION

The House reconvened at 3:33 p.m., Speaker Corbett in the chair.

#### INTRODUCTION OF BILLS

**House File 2330**, by committee on local government, a bill for an act relating to the budget certification deadline for school districts and providing an applicability date.

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

**House File 2331**, by committee on commerce, a bill for an act relating to utility cost reviews associated with a rate-regulated public utility's procurement of natural gas or fuel for use in generating electricity.

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

**House File 2332**, by Dotzler, a bill for an act establishing a competitive grant program for public health nursing and making an appropriation.

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

**House File 2333**, by Lord, a bill for an act providing for an alternative actual enrollment determination date for school districts.

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

**House File 2334**, by Witt and Greiner, a bill for an act relating to certain crimes against persons, by permitting the retention as criminal history data of acquittals, dismissals, or adjudications based on mental condition if the charge involved injury to another, by providing for the collection and dissemination of information on the offense of stalking, by providing for the application of enhanced stalking penalties for persons who are the subject of certain restraining or protective orders, and providing for the issuance of a no-contact order against persons accused of stalking.

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

**House File 2335**, by committee on agriculture, a bill for an act relating to persons holding interests in agricultural land and providing penalties and an effective date.

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

**House File 2336**, by committee on judiciary, a bill for an act relating to the assumption of risk by and liability of forcible felons and persons aiding and abetting in the commission of forcible felonies for damages resulting from the offenders' criminal conduct.

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

**House File 2337**, by committee on judiciary, a bill for an act concerning the method for imposition of the drug abuse resistance education surcharge.

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

**House File 2338**, by committee on judiciary, a bill for an act concerning judicial administration.

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

**House File 2339**, by committee on environmental protection, a bill for an act relating to limits on coverage of the remedial account of the Iowa comprehensive petroleum underground storage tank fund, the minimum copayment provisions in regard to the remedial account, and creating a no further action fund.

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

**House File 2340**, by committee on judiciary, a bill for an act relating to the inclusion of dentists in the volunteer health care provider program.

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

**House File 2341**, by Siegrist, a bill for an act relating to state park user permits and providing a penalty and an effective date.

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

**House File 2342**, by Grundberg, a bill for an act providing for the establishment of an appeal reimbursement fund by the school budget review committee, and making an appropriation.

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



**House File 2343**, by Brauns and Heaton, a bill for an act relating to coaching endorsement and authorization requirements.

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

**House File 2344**, by Whitead and Warnstadt, a bill for an act relating to an individual income tax credit for textbook fees charged in attending a public school in the state, prohibiting increases in the charging of textbook fees, and providing effective and retroactive applicability date provisions.

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

**House File 2345**, by Kreiman, a bill for an act relating to the performance of community service work by criminal offenders, by providing for penalties for the falsification of records relating to community service work performed by certain offenders, and providing for the performance of a minimum number of hours of community service work by certain offenders.

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

**House File 2346**, by Myers and Carroll, a bill for an act creating an indemnity fund for county mental health, mental retardation, and developmental disabilities service costs, making appropriations, and providing an effective date.

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

**House File 2347**, by Thomas, a bill for an act providing for the equalization of the regular physical plant and equipment levy, and making an appropriation.

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

**House File 2348**, by Houser, Brauns, Foege, Heaton, and Mertz, a bill for an act relating to institutions and facilities administered by the department of human services and to similar and related services.

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

**House File 2349**, by Warnstadt, Reynolds-Knight, Fallon, Holveck, Kreiman, Dotzler, and Witt, a bill for an act relating to creating a main street investments loan program for the preservation of historical buildings within central business districts and making an appropriation.

Read first time and referred to committee on **economic development**.

**House File 2350**, by Connors and Grundberg, a bill for an act relating to the voluntary admission and release of persons suffering from dementia or a dementia-related illness to inpatient psychiatric treatment.

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

### MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on February 18, 1998, amended and adopted the following resolution in which the concurrence of the House is asked:

House Concurrent Resolution 15, a concurrent resolution providing for the formation of a committee by the Legislative Council to conduct a comprehensive study of school finance and make recommendations for a revised school aid formula.

Also: That the Senate has on February 18, 1998, passed the following bill in which the concurrence of the Senate is asked:

House File 2002, a bill for an act to provide that persons convicted of attempted murder serve at least eighty-five percent of the sentence imposed and providing an effective date.

Also: That the Senate has on February 18, 1998, passed the following bill in which the concurrence of the House is asked:

Senate File 2015, a bill for an act to remove cottonwood trees and cotton-bearing poplar trees in cities from a list of items deemed to be nuisances.

Also: That the Senate has on February 18, 1998, passed the following bill in which the concurrence of the House is asked:

Senate File 2085, a bill for an act relating to the responsibilities of the department of transportation, including vehicle equipment and parking regulation, postings of highway weight restrictions, and receipt of plans for city street construction.

Also: That the Senate has on February 18, 1998, passed the following bill in which the concurrence of the House is asked:

Senate File 2117, a bill for an act relating to the reissuance of special instruction permits to operate motor vehicles to persons with physical disabilities.

Also: That the Senate has on February 18, 1998, passed the following bill in which the concurrence of the House is asked:

Senate File 2119, a bill for an act relating to the corn promotion board, by increasing the ceiling on the state assessment of corn subject to a special referendum and authorizing the receipt of rents, royalties, and license fees by the board.

Also: That the Senate has on February 18, 1998, passed the following bill in which the concurrence of the House is asked:

Senate File 2182, a bill for an act relating to the state fire marshal, including the installation of automatic fire extinguishing systems in new construction.

Also: That the Senate has on February 18, 1998, passed the following bill in which the concurrence of the House is asked:

Senate File 2183, a bill for an act relating to a transfer of records management duties of the department of general services to the department of cultural affairs and making conforming changes.

Also: That the Senate has on February 18, 1998, passed the following bill in which the concurrence of the House is asked:

Senate File 2184, a bill for an act relating to the disposal of cement kiln dust at tonnage fee exempt solid waste disposal facilities.

Also: That the Senate has on February 18, 1998, passed the following bill in which the concurrence of the House is asked:

Senate File 2185, a bill for an act providing for the purchase of biodegradable hydraulic fluids manufactured from soybeans by state agencies.

Also: That the Senate has on February 18, 1998, passed the following bill in which the concurrence of the House is asked:

Senate File 2189, a bill for an act relating to the number of bank offices which may be established by a bank within a municipal corporation or urban complex.

MARY PAT GUNDERSON, Secretary

### SPECIAL ORDER (House File 681)

The Chair would like to announce that House File 681 (environmental audit bill) previously scheduled for the special order calendar Tuesday, February 24, is rescheduled for Thursday, February 26, 1998.

### CONSIDERATION OF BILL Regular Calendar

**Senate File 2073**, a bill for an act prohibiting the performance of partial-birth abortions relative to a human fetus, establishing a cause of action for violation of the prohibition, and providing penalties, with report of committee recommending passage, was taken up for consideration.

The House stood at ease at 3:45 p.m., until the fall of the gavel.

The House resumed session and consideration of Senate File 2073 at 3:58 p.m., Speaker Corbett in the chair.

Chapman of Linn offered the following amendment H-8061 filed by her and Moreland of Wapello and moved its adoption:

H-8061

1 Amend Senate File 2073, 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. NEW SECTION. 707.8A PARTIAL-BIRTH  
6 ABORTION PROHIBITED - EXCEPTIONS - PENALTY.

7 1. As used in this section, unless the context  
8 otherwise requires:

9 a. "Abortion" means abortion as defined in section  
10 146.1.

11 b. "Fetus" means a human fetus that has achieved  
12 viability as defined in section 702.20.

13 c. "Intact dilation and extraction procedure"  
14 means a procedure in which a fetus in utero is  
15 manipulated to breech position, a partial breech  
16 delivery is performed leaving the head of the fetus in  
17 utero, and then the head of the fetus is punctured,  
18 collapsed, or compressed and delivery of the fetus is  
19 completed. "Intact dilation and extraction procedure"  
20 does not include the vacuum aspiration, suction  
21 aspiration, dilation and curettage, suction curettage,  
22 induction, or dilation and evacuation procedures.

23 d. "Partial-birth abortion" means an abortion  
24 which is performed using the intact dilation and  
25 extraction procedure on a fetus.

26 2. A person shall not knowingly perform or attempt  
27 to perform a partial-birth abortion. This prohibition  
28 shall not apply to a partial-birth abortion that is  
29 necessary to preserve the life or health of the woman  
30 upon whom the partial-birth abortion is performed.

31 3. This section shall not be construed to create a  
32 right to an abortion.

33 4. a. The woman on whom a partial-birth abortion  
34 is performed may bring an action against a person  
35 violating subsection 2 to obtain appropriate relief,  
36 unless the pregnancy resulted from the plaintiff's  
37 criminal conduct or the plaintiff consented to the  
38 partial-birth abortion.

39 b. In an action brought under this subsection,  
40 appropriate relief may include any of the following:

41 (1) Statutory damages which are equal to three  
42 times the cost of the partial-birth abortion.

43 (2) Compensatory damages for all injuries,  
44 psychological and physical, resulting from violation  
45 of subsection 2.

46 5. A person who violates subsection 2 is guilty of  
47 a class "C" felony.

48 6. A woman upon whom a partial-birth abortion is  
49 performed shall not be prosecuted for violation of  
50 subsection 2 or for conspiracy to violate subsection

## Page 2

- 1 2.  
 2 7. a. A licensed physician subject to the  
 3 authority of the state board of medical examiners who  
 4 is accused of a violation of subsection 2 may seek a  
 5 hearing before the board on whether the physician's  
 6 conduct was necessary to preserve the life or health  
 7 of the woman upon whom the partial-birth abortion was  
 8 performed.  
 9 b. The board's findings concerning the physician's  
 10 conduct are admissible at the criminal trial of the  
 11 physician. Upon a motion of a physician, the court  
 12 shall delay the beginning of the trial for not more  
 13 than thirty days to permit the hearing before the  
 14 board of medical examiners to take place."

Roll call was requested by Schrader of Marion and Siegrist of Pottawattamie.

On the question "Shall amendment H-8061 be adopted?" (S.F. 2073)

The ayes were, 37:

Bell	Bernau	Brand	Bukta
Burnett	Cataldo	Chapman	Cohoon
Connors	Doderer	Dotzler	Falck
Fallon	Foege	Ford	Frevert
Grundberg	Holveck	Huser	Jacobs
Kinzer	Larkin	Mascher	Metcalf
Moreland	Murphy	Myers	Nelson
Richardson	Scherrman	Schrader	Shoultz
Taylor	Warnstadt	Whitead	Wise
Witt			

The nays were, 63:

Arnold	Barry	Blodgett	Boddicker
Bogges	Bradley	Brauns	Brunkhorst
Carroll	Chiodo	Churchill	Cormack
Dinkla	Dix	Dolecheck	Drake
Drees	Eddie	Garman	Gipp
Greig	Greiner	Gries	Hahn
Hansen	Heaton	Holmes	Houser
Huseman	Jenkins	Jochum	Klemme
Koenigs	Kreiman	Kremer	Lamberti
Larson	Lord	Martin	May
Mertz	Meyer	Millage	Mundie
O'Brien	Osterhaus	Rants	Rayhons
Reynolds-Knight	Siegrist	Sukup	Teig
Thomas	Thomson	Tyrrell	Van Fossen

Van Maanen  
Weigel

Vande Hoef  
Welter

Veenstra  
Mr. Speaker  
Corbett

Weidman

Absent or not voting, none.

Amendment H-8061 lost.

Metcalf of Polk offered the following amendment H-8065 filed by her and moved its adoption:

H-8065

- 1 Amend Senate File 2073, as passed by the Senate, as
- 2 follows:
- 3 1. Page 1, line 6, by inserting after the word
- 4 "a" the following: "viable".
- 5 2. Page 1, line 8, by striking the word "living".
- 6 3. Page 1, line 10, by striking the word
- 7 "living".
- 8 4. Page 1, by striking line 12 and inserting the
- 9 following: "the vagina a fetus or a substantial
- 10 portion of a".

Amendment H-8065 lost.

Doderer of Johnson offered the following amendment H-8060 filed by her and Nelson of Marshall and moved its adoption:

H-8060

- 1 Amend Senate File 2073, as passed by the Senate, as
- 2 follows:
- 3 1. Page 1, line 12, by striking the word
- 4 "substantial" and inserting the following: "major".

Amendment H-8060 lost.

Grundberg of Polk asked and received unanimous consent that amendment H-8062 be deferred.

Mascher of Johnson offered the following amendment H-8064 filed by Mascher, et al., and moved its adoption:

H-8064

- 1 Amend Senate File 2073, as passed by the Senate, as
- 2 follows:
- 3 1. Page 1, line 17, by inserting after the words
- 4 "necessary to" the following: "preserve the physical
- 5 health of the mother or to".
- 6 2. Page 2, line 9, by inserting after the word

- 7 "to" the following: "preserve the physical health of  
8 the mother or to".

Speaker pro tempore Van Maanen of Marion in the chair at 7:20 p.m.

Roll call was requested by Mascher of Johnson and Doderer of Johnson.

On the question "Shall amendment H-8064 be adopted?" (S.F. 2073)

The ayes were, 44:

Bell	Bernau	Brand	Bukta
Burnett	Cataldo	Chapman	Cohoon
Connors	Dinkla	Doderer	Dotzler
Falck	Fallon	Foege	Ford
Frevert	Grundberg	Holveck	Huser
Jacobs	Jochum	Kinzer	Koenigs
Larkin	Martin	Mascher	May
Metcalf	Meyer	Moreland	Murphy
Myers	Nelson	Reynolds-Knight	Richardson
Schrader	Shoultz	Taylor	Warnstadt
Weigel	Whitead	Wise	Witt

The nays were, 56:

Arnold	Barry	Blodgett	Boddicker
Boguess	Bradley	Brauns	Brunkhorst
Carroll	Chiodo	Churchill	Corbett, Spkr.
Cormack	Dix	Dolecheck	Drake
Drees	Eddie	Garman	Gipp
Greig	Greiner	Gries	Hahn
Hansen	Heaton	Holmes	Houser
Huseman	Jenkins	Klemme	Kreiman
Kremer	Lamberti	Larson	Lord
Mertz	Millage	Mundie	O'Brien
Osterhaus	Rants	Rayhons	Scherrman
Siegrist	Sukup	Teig	Thomas
Thomson	Tyrrell	Van Fossen	Vande Hoef
Veenstra	Weidman	Welter	Van Maanen, Presiding

Absent or not voting, none.

Amendment H-8064 lost.

Doderer of Johnson offered the following amendment H-8055 filed by her and Metcalf of Polk and moved its adoption:

H-8055

- 1 Amend Senate File 2073, as passed by the Senate, as

2 follows:

3 1. Page 1, by striking lines 23 through 25 and

4 inserting the following: "performed".

Roll call was requested by Doderer of Johnson and Mascher of Johnson.

On the question "Shall amendment H-8055 be adopted?" (S.F. 2073)

The ayes were, 41:

Bell	Bernau	Brand	Bukta
Burnett	Cataldo	Chapman	Cohoon
Connors	Dinkla	Doderer	Dotzler
Falck	Fallon	Foege	Ford
Frevort	Grundberg	Holveck	Huser
Jochum	Kinzer	Koenigs	Larkin
Mascher	May	Metcalf	Moreland
Murphy	Myers	Osterhaus	Richardson
Scherrman	Schrader	Shoultz	Taylor
Warnstadt	Weigel	Whitead	Wise
Witt			

The nays were, 59:

Arnold	Barry	Blodgett	Boddicker
Boggess	Bradley	Brauns	Brunkhorst
Carroll	Chiodo	Churchill	Corbett, Spkr.
Cormack	Dix	Dolecheck	Drake
Drees	Eddie	Garman	Gipp
Greig	Greiner	Gries	Hahn
Hansen	Heaton	Holmes	Houser
Huseman	Jacobs	Jenkins	Klemme
Kreiman	Kremer	Lamberti	Larson
Lord	Martin	Mertz	Meyer
Millage	Mundie	Nelson	O'Brien
Rants	Rayhons	Reynolds-Knight	Siegrist
Sukup	Teig	Thomas	Thomson
Tyrrell	Van Fossen	Vande Hoef	Veenstra
Weidman	Welter	Van Maanen,	
		Presiding	

Absent or not voting, none.

Amendment H-8055 lost.

Speaker Corbett in the chair at 8:20 p.m.

Moreland of Wapello offered the following amendment H-8063 filed by him and moved its adoption:

H-8063

1 Amend Senate File 2073, as passed by the Senate, as



- 2 follows:  
 3 1. Page 2, by inserting after line 16, the  
 4 following:  
 5 "Sec. \_\_\_\_ LEGISLATIVE INTENT. It is the intent  
 6 of the general assembly that the provisions of this  
 7 Act shall only apply to one singular procedure. It is  
 8 also the intent of the general assembly that this Act  
 9 comply with the constitutional limitations imposed on  
 10 the states by the United States supreme court  
 11 precedents which are in effect on the effective date  
 12 of this Act."  
 13 2. By numbering and renumbering as necessary.

Roll call was requested by Moreland of Wapello and Bernau of Story.

On the question "Shall amendment H-8063 be adopted?" (S.F. 2073)

The ayes were, 39:

Bell	Bernau	Brand	Bukta
Burnett	Cataldo	Chapman	Cohoon
Connors	Doderer	Dotzler	Falck
Fallon	Foege	Ford	Frevert
Grundberg	Holveck	Huser	Jochum
Kinzer	Koenigs	Larkin	Mascher
May	Metcalf	Moreland	Murphy
Myers	Osterhaus	Richardson	Schrader
Shoultz	Taylor	Wardstadt	Weigel
Whitead	Wise	Witt	

The nays were, 61:

Arnold	Barry	Blodgett	Boddicker
Boggess	Bradley	Brauns	Brunkhorst
Carroll	Chiodo	Churchill	Cormack
Dinkla	Dix	Dolecheck	Drake
Drees	Eddie	Garman	Gipp
Greig	Greiner	Gries	Hahn
Hansen	Heaton	Holmes	Houser
Huseman	Jacobs	Jenkins	Klemme
Kreiman	Kremer	Lamberti	Larson
Lord	Martin	Mertz	Meyer
Millage	Mundie	Nelson	O'Brien
Rants	Rayhons	Reynolds-Knight	Scherrman
Siegrist	Sukup	Teig	Thomas
Thomson	Tyrrell	Van Fossen	Van Maanen
Vande Hoef	Veenstra	Weidman	Welter
Mr. Speaker			
Corbett			

Absent or not voting, none.

Amendment H-8063 lost.

Grundberg of Polk offered the following amendment H-8062, previously deferred, filed by her and Nelson of Marshall and moved its adoption:

H-8062

1 Amend Senate File 2073, as passed by the Senate, as  
2 follows:

3 1. Page 1, by striking lines 7 through 14 and  
4 inserting the following:

5 "c. "Partial-birth abortion" means an abortion  
6 which is performed using the intact dilation and  
7 extraction procedure on a fetus.

8 d. "Intact dilation and extraction procedure"  
9 means a procedure in which a fetus in utero is  
10 manipulated to breech position, a partial breech  
11 delivery is performed leaving the head of the fetus in  
12 utero, and then the head of the fetus is punctured,  
13 collapsed, or compressed and delivery of the fetus is  
14 completed. "Intact dilation and extraction procedure"  
15 does not include the vacuum aspiration, suction  
16 aspiration, dilation and curettage, suction curettage,  
17 induction, or dilation and evacuation procedures."

Rants of Woodbury in the chair at 8:38 p.m.

Amendment H-8062 lost.

Connors of Polk asked for unanimous consent to suspend the rules to immediately consider amendment H-8075.

Objection was raised.

Connors of Polk moved to suspend the rules for the immediate consideration of amendment H-8075 filed by him from the floor as follows:

H-8075

1 Amend Senate File 2073, as passed by the Senate, as  
2 follows:

3 1. Page 1, line 25, by inserting after the word  
4 "maternal" the following: "or paternal".

A non-record roll call was requested.

The ayes were 46, nays 51.

The motion to suspend the rules lost.

Speaker Corbett in the chair at 8:46 p.m.

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

Rule 75 was invoked.

On the question "Shall the bill pass?" (S.F. 2073)

The ayes were, 84:

Arnold	Barry	Bell	Blodgett
Boddicker	Bogges	Bradley	Brand
Brauns	Brunkhorst	Bukta	Carroll
Cataldo	Chiold	Churchill	Cohoon
Cormack	Dinkla	Dix	Dolecheck
Drake	Drees	Eddie	Falck
Foege	Frevert	Garman	Gipp
Greig	Greiner	Gries	Hahn
Hansen	Heaton	Holmes	Houser
Huseman	Jacobs	Jenkins	Jochum
Kinzer	Klemme	Koenigs	Kreiman
Kremer	Lamberti	Larkin	Larson
Lord	Martin	May	Mertz
Meyer	Millage	Mundie	Murphy
Myers	Nelson	O'Brien	Osterhaus
Rants	Rayhons	Reynolds-Knight	Richardson
Scherrman	Siegrist	Sukup	Taylor
Teig	Thomas	Thomson	Tyrrell
Van Fossen	Van Maanen	Vande Hoef	Veenstra
Warnstadt	Weidman	Weigel	Welter
Whitead	Wise	Witt	Mr. Speaker Corbett

The nays were, 16:

Bernau	Burnett	Chapman	Connors
Doderer	Dotzler	Fallon	Ford
Grundberg	Holveck	Huser	Mascher
Metcalf	Moreland	Schrader	Shoultz

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 2073** be immediately messaged to the Senate.

#### EXPLANATION OF VOTE

I was necessarily absent from the House chamber on February 18, 1998. Had I been present, I would have voted "aye" on House File 2146.

CHIODO of Polk

## PRESENTATION OF VISITORS

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

Sixty fifth grade students from Pleasant Hill Elementary, Pleasant Hill, accompanied by Sue Stanley. By Huser of Polk.

Twenty-three senior students from Charles City High School, Charles City, accompanied by Chuck Redenius. By Koenigs of Mitchell.

## COMMUNICATION RECEIVED

The following communication was received and filed in the office of the Chief Clerk:

### DEPARTMENT OF HUMAN SERVICES

The Annual Report of the State County Management Committee, pursuant to Chapter 331.438(4)(b)(13), Code of Iowa.

## SUBCOMMITTEE ASSIGNMENTS

### House File 262

Judiciary: Larson, Chair; Bernau and Boddicker.

### House File 2025

Judiciary: Millage, Chair; Chapman and Lamberti.

### House File 2130

Appropriations: Millage, Chair; Brunkhorst and Huser.

### House File 2199

Human Resources: Lord, Chair; Barry and Witt.

### House File 2251

Human Resources: Carroll, Chair; Boddicker and Thomas.

### House File 2265 Reassigned

Economic Development: Boggess, Chair; Barry and Dotzler.

### House File 2308

State Government: Gipp, Chair; Cataldo and Jacobs.

**House File 2312**

Economic Development: Larson, Chair; Drake and Warnstadt.

**House File 2317**

Agriculture: Mertz, Chair; Greig and Rayhons.

**House Concurrent Resolution 111**

State Government: Nelson, Chair; Burnett and Jacobs.

**HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS****House Study Bill 641**

Agriculture: Boggess, Chair; Frevert and Welter.

**House Study Bill 642**

Agriculture: Heaton, Chair; Huseman and Mertz.

**House Study Bill 644**

Economic Development: Teig, Chair; Bukta, Dolecheck, Larson and O'Brien.

**House Study Bill 645**

Local Government: Welter, Chair; Connors and Martin.

**House Study Bill 646**

Local Government: Carroll, Chair; Richardson and Vande Hoef.

**House Study Bill 647**

Local Government: Huseman, Chair; Myers and Welter.

**House Study Bill 648**

Human Resources: Carroll, Chair; Burnett and Veenstra.

**House Study Bill 649**

Judiciary: Larson, Chair; Chapman and Sukup.

**House Study Bill 650**

Commerce and Regulation: Jacobs, Chair; Osterhaus and Sukup.

**House Study Bill 651**

Commerce and Regulation: Dix, Chair; Sukup and Weigel.

**House Study Bill 652**

Human Resources: Lamberti, Chair; Fallon and Kremer.

**House Study Bill 653**

Human Resources: Houser, Chair; Carroll and Witt.

**House Study Bill 654**

Human Resources: Houser, Chair; Brand and Carroll.

**House Study Bill 655**

Commerce and Regulation: Metcalf, Chair; Koenigs and Van Fossen.

**House Study Bill 656**

Agriculture: Rayhons, Chair; Hahn and Reynolds-Knight.

**HOUSE STUDY BILL COMMITTEE ASSIGNMENTS****H.S.B. 657 Local Government**

Relating to the standard uniforms of sheriffs and deputy sheriffs.

**H.S.B. 658 State Government**

Concerning nonsubstantive gender-related provisions in the Code.

**H.S.B. 659 Education**

Relating to para-educator licensing by the state board of educational examiners.

**H.S.B. 660 Transportation**

Relating to certain criminal acts committed on or against the property of railway corporations and providing and applying penalties.

**H.S.B. 661 Agriculture**

Regulating animal feeding operations and making penalties applicable and providing an effective date.

**H.S.B. 662 Appropriations**

Appropriating funds to the department of economic development, certain board of regents institutions, the department of workforce development, the public employment relations board, making related statutory changes, and providing an effective date provision.

**H.S.B. 663 Local Government**

Relating to the statewide notification center and providing for alternative staff and the information requirements associated with the notice of an excavation.

**H.S.B. 664 Local Government**

Authorizing townships to issue general obligation bonds for fire protection equipment.

**COMMITTEE RECOMMENDATIONS**

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

**ELIZABETH A. ISAACSON**  
Chief Clerk of the House

**COMMITTEE ON AGRICULTURE**

**House File 2136**, a bill for an act relating to agricultural drainage wells, by extending the date for complying with certain requirements.

Fiscal Note is not required.

Recommended **Do Pass** February 18, 1998.

**Committee Bill** (Formerly House Study Bill 527), regulating bulk dry animal nutrient products, providing for fees and an appropriation, providing penalties, and providing for an effective date.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 18, 1998.

**Committee Bill** (Formerly House Study Bill 641), relating to the Iowa egg council and to an assessment on the sale of eggs for support of the council.

Fiscal Note is not required.

Recommended **Do Pass** February 18, 1998.

**COMMITTEE ON APPROPRIATIONS**

**Committee Bill** (Formerly House Study Bill 572), relating to and making supplemental and other appropriations for the fiscal year beginning July 1, 1997, and providing an effective date.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 18, 1998.

**COMMITTEE ON COMMERCE AND REGULATION**

**House File 2135**, a bill for an act relating to a mid-America port commission agreement and providing an effective date.

Fiscal Note is not required.

Recommended **Do Pass** February 17, 1998.

**House File 2169**, a bill for an act raising the limit on the amount of assets subject to a conservatorship in cases where a private nonprofit corporation serves as conservator.

Fiscal Note is not required.

Recommended **Do Pass** February 17, 1998.

**Committee Bill** (Formerly House Study Bill 581), relating to utility cost reviews associated with a rate-regulated public utility's procurement of natural gas or fuel for use in generating electricity.

Fiscal Note is not required.

Recommended **Do Pass** February 17, 1998.

#### COMMITTEE ON EDUCATION

**House File 2026**, a bill for an act relating to criteria for practitioner preparation programs.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H-8068** February 18, 1998.

**House File 2269**, a bill for an act relating to permissible physical contact between school employees and students.

Fiscal Note is not required.

Recommended **Do Pass** February 18, 1998.

#### COMMITTEE ON JUDICIARY

**House Joint Resolution 2003**, a joint resolution to approve the request by the state public defender to establish the Fort Dodge satellite public defender office as a separate public defender office.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H-8070** February 18, 1998.

**House Concurrent Resolution 108**, a concurrent resolution to honor the memory of Jim Hancock.

Fiscal Note is not required.

Recommended **Do Pass** February 18, 1998.

**Committee Bill** (Formerly House File 2030), relating to the assumption of risk by and liability of forcible felons and persons aiding and abetting in the commission of forcible felonies for damages resulting from the offenders' criminal conduct.

Fiscal Note is not required.

Recommended **Do Pass** February 17, 1998.



**Committee Bill** (Formerly House File 2108), relating to the human immunodeficiency virus including the testing of an alleged offender for the human immunodeficiency virus, the intentional transmission of the human immunodeficiency virus, making penalties applicable, establishing penalties, and providing for an affirmative defense.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 18, 1998.

**Committee Bill** (Formerly House File 2220), concerning the method for imposition of the drug abuse resistance education surcharge.

Fiscal Note is not required.

Recommended **Do Pass** February 17, 1998.

**Committee Bill** (Formerly House File 2248), relating to the prohibition of sex acts between juveniles and employees and agents at juvenile placement facilities and providing a penalty.

Fiscal Note is not required.

Recommended **Do Pass** February 18, 1998.

**Committee Bill** (Formerly House Study Bill 568), relating to the inclusion of dentists in the volunteer health care provider program.

Fiscal Note is not required.

Recommended **Do Pass** February 17, 1998.

**Committee Bill** (Formerly House Study Bill 627), concerning judicial administration.

Fiscal Note is not required.

Recommended **Do Pass** February 17, 1998.

#### COMMITTEE ON LOCAL GOVERNMENT

**Committee Bill** (Formerly House Study Bill 597), relating to the budget certification deadline for school districts and providing an applicability date.

Fiscal Note is not required.

Recommended **Do Pass** February 17, 1998.

#### COMMITTEE ON NATURAL RESOURCES

**Senate File 429**, a bill for an act relating to the operation, regulation, and equipment of watercraft, and subjecting violators to a penalty.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H-8067** February 17, 1998.

#### COMMITTEE ON STATE GOVERNMENT

**Committee Bill** (Formerly House Study Bill 600), relating to regulatory duties under the purview of the Iowa department of public health concerning substance

abuse treatment facilities, brain and spinal cord injuries and the advisory committee on brain injuries, the technical advisory committee for operators of radiation machines and users of radioactive materials, applicant requirements for funeral director licensure, cosmetology salon licenses, the council on chemically exposed infants and children, advertising prohibitions on licensed chiropractors, and county claims for payment of certain autopsy costs.

Fiscal Note is not required.

Recommended Do Pass February 18, 1998.

### RESOLUTION FILED

**HCR 112**, by Warnstadt, a concurrent resolution providing for the establishment of a committee by the Legislative Council to conduct a study of state and local government revenue and spending programs.

Referred to committee on **local government**.

### AMENDMENTS FILED

H—8066	H.F.	2268	Osterhaus of Jackson
H—8067	S.F.	429	Committee on Natural Resources
H—8068	H.F.	2026	Committee on Education
H—8069	H.C.R.	15	Senate Amendment
H—8070	H.J.R.	2003	Committee on Judiciary
H—8071	H.F.	2282	Richardson of Warren
			Bell of Jasper
			Brand of Tama
			Burnett of Story
			Chapman of Linn
			Cohoon of Des Moines
			Doderer of Johnson
			Falck of Fayette
			Foege of Linn
			Frevert of Palo Alto
			Huser of Polk
			Kinzer of Scott
			Kreiman of Davis
			Mascher of Johnson
			Mertz of Kossuth
			Mundie of Webster
			Myers of Johnson
			Osterhaus of Jackson
			Scherrman of Dubuque
			Shoultz of Black Hawk
			Bernau of Story
			Bukta of Clinton
			Cataldo of Polk
			Chiodo of Polk
			Connors of Polk
			Dotzler of Black Hawk
			Fallon of Polk
			Ford of Polk
			Holveck of Polk
			Jochum of Dubuque
			Koenigs of Mitchell
			Larkin of Lee
			May of Worth
			Moreland of Wapello
			Murphy of Dubuque
			O'Brien of Boone
			Reynolds-Knight of Van Buren
			Schrader of Marion
			Taylor of Linn

	Thomas of Clayton		Warnstadt of Woodbury
	Weigel of Chickasaw		Whitead of Woodbury
	Wise of Lee		Witt of Black Hawk
H—8072	H.F.	2282	Falck of Fayette
H—8073	H.F.	2282	Falck of Fayette
H—8074	H.F.	2339	Fallon of Polk
			Shoultz of Black Hawk

On motion by Siegrist of Pottawattamie, the House adjourned at 9:31 p.m., until 8:45 a.m., Thursday, February 19, 1998.

# JOURNAL OF THE HOUSE

Thirty-ninth Calendar Day - Twenty-sixth Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Thursday, February 19, 1998

The House met pursuant to adjournment at 8:50 a.m., Veenstra of Sioux in the chair.

Prayer and song were offered by the "Victory" group of the Des Moines Christian School, Des Moines.

The Journal of Wednesday, February 18, 1998 was approved.

## INTRODUCTION OF BILLS

**House File 2351**, by Thomas, a bill for an act supporting forestry, by establishing programs and providing an appropriation.

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

**House File 2352**, by committee on judiciary, a bill for an act relating to the prohibition of sex acts between juveniles and employees and agents at juvenile placement facilities and providing a penalty.

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

**House File 2353**, by committee on transportation, a bill for an act relating to exemptions from distinguishing registration plates for motor vehicles.

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

**House File 2354**, by Larkin, a bill for an act relating to eligibility for United States armed forces retired special motor vehicle license plates.

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

**House File 2355**, by Bradley, a bill for an act relating to deposits on white goods and tires and providing penalties.

Read first time and referred to committee on **environmental protection**.

**House File 2356**, by Larkin and Cohoon, a bill for an act permitting adjunct instructors of a community college or regents university to elect coverage under the Iowa public employees' retirement system.

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

**House File 2357**, by Mertz and Blodgett, a bill for an act establishing a state children's health insurance program.

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

**House File 2358**, by Witt, a bill for an act relating to the use of certain property owned by the department of transportation for green space purposes.

Read first time and referred to committee on **environmental protection**.

**House File 2359**, by Sukup, a bill for an act relating to closed sessions of governmental bodies considering an individual's professional competency.

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

**House File 2360**, by Bell, a bill for an act relating to the issuance of additional deer hunting licenses for hunters with muzzleloaders.

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

**House File 2361**, by Lamberti, a bill for an act relating to funding of new jobs training programs.

Read first time and referred to committee on **economic development**.

**House File 2362**, by Bell, a bill for an act relating to operating privileges under special minor driver's licenses and imposing a penalty for violations.

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

**House File 2363**, by Bradley, a bill for an act relating to motor vehicle operator proof of financial responsibility and providing an effective date and for retroactive applicability.

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

**House File 2364**, by Reynolds-Knight, Connors, Falck, Mertz, Frevert, and Thomas, a bill for an act defining the acquisition of ambulances and fire protection and emergency medical services equipment and building facilities as an essential county purpose for bonding purposes.

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

**House File 2365**, by Doderer and Murphy, a bill for an act relating to the licensing of certified professional midwives, establishing the board of professional midwife examiners, prohibiting the use of the title certified professional midwife without a license, and making a penalty applicable.

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

**House File 2366**, by Ford, a bill for an act relating to the establishment of an Iowa freedom trail program.

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

**House File 2367**, by Houser, a bill for an act relating to mental health, developmental disability, and substance abuse service provisions involving medical assistance reimbursement and legal settlement for age-related requirements of county management plans, and including an applicability provision and an effective date.

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

**House File 2368**, by Hansen, Martin, Jacobs, Churchill, Houser, Grundberg, Cormack, Heaton, Tyrrell, Arnold, Drake, Dolecheck, Jenkins, Veenstra, Klemme, Kremer, Bradley, Barry, Metcalf, Garman, Teig, Van Fossen, Lamberti, Carroll, Hahn, Boggess, Sukup, Thomson, Holmes, Rants, and Blodgett, a bill for an act establishing a healthy and well kids in Iowa (HAWK-I) program to provide health insurance to eligible children.

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

#### SENATE MESSAGES CONSIDERED

**Senate File 2015**, by Lundby, a bill for an act to remove cottonwood trees and cotton-bearing poplar trees in cities from a list of items deemed to be nuisances.

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

**Senate File 2085**, by committee on transportation, a bill for an act relating to the responsibilities of the department of transportation, including vehicle equipment and parking regulation, postings of highway weight restrictions, and receipt of plans for city street construction.

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

**Senate File 2117**, by Iverson, a bill for an act relating to the reissuance of special instruction permits to operate motor vehicles to persons with physical disabilities.

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

**Senate File 2182**, by committee on state government, a bill for an act relating to the state fire marshal, including the installation of automatic fire extinguishing systems in new construction.

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

**Senate File 2183**, by committee on state government, a bill for an act relating to a transfer of the records management duties of the department of general services to the department of cultural affairs and making conforming changes.

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

**Senate File 2184**, by committee on natural resources and environment, a bill for an act relating to the disposal of cement kiln dust at tonnage fee exempt solid waste disposal facilities.

Read first time and referred to committee on **environmental protection**.

**Senate File 2185**, by committee on natural resources and environment, a bill for an act providing for the purchase of biodegradable hydraulic fluids manufactured from soybeans by state agencies.

Read first time and referred to committee on **environmental protection**.

**Senate File 2189**, by committee on commerce, a bill for an act relating to the number of bank offices which may be established by a bank within a municipal corporation or urban complex.

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

#### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Weidman of Cass, until his arrival, on request of Siegrist of Pottawattamie; Boddicker of Cedar on request of Siegrist of Pottawattamie.

#### SPECIAL PRESENTATION

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

**CONSIDERATION OF BILLS**  
Regular Calendar

**House File 2164**, a bill for an act relating to local community and economic development planning assistance and the community builder program, was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 2164)

The ayes were, 94:

Arnold	Barry	Bell	Bernau
Blodgett	Bogges	Bradley	Brand
Brauns	Brunkhorst	Bukta	Burnett
Carroll	Cataldo	Chapman	Chiodo
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	Mascher	May
Mertz	Metcalf	Meyer	Millage
Moreland	Mundie	Murphy	Myers
Nelson	O'Brien	Osterhaus	Rants
Rayhons	Reynolds-Knight	Richardson	Scherrman
Schrader	Shoultz	Siegrist	Sukup
Taylor	Teig	Thomas	Tyrrell
Van Fossen	Van Maanen	Vande Hoef	Warnstadt
Weigel	Welter	Whitead	Wise
Witt	Veenstra, Presiding		

The nays were, none.

Absent or not voting, 6:

Boddicker	Churchill	Dinkla	Grundberg
Thomson	Weidman		

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



**House File 2246**, a bill for an act relating to the collection and payment of fees and expenses of county medical examiners, was taken up for consideration.

Rants of Woodbury in the chair at 9:11 a.m.

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

On the question "Shall the bill pass?" (H.F. 2246)

The ayes were, 96:

Arnold	Barry	Bell	Bernau
Blodgett	Bogges	Bradley	Brand
Brunkhorst	Bukta	Burnett	Carroll
Cataldo	Chapman	Chiodo	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	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:

Boddicker	Brauns	Churchill	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.

#### ADOPTION OF SENATE CONCURRENT RESOLUTION 102

Veenstra of Sioux asked and received unanimous consent for the immediate consideration of Senate Concurrent Resolution 102, a

concurrent resolution requesting the United States Department of Health and Human Services to revise a proposed rulemaking for implementing welfare reform and requesting the United States Congress to provide oversight, and moved its adoption.

The motion prevailed and the resolution was adopted.

### IMMEDIATE MESSAGES

Siegrist of Pottawattamie asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Files 2164, 2246 and Senate Concurrent Resolution 102.**

**House File 2235**, a bill for an act regulating veterinary practice and procedures, by providing for the treatment of horses, and providing an effective date, was taken up for consideration.

#### SENATE FILE 2121 SUBSTITUTED FOR HOUSE FILE 2235

Mertz of Kossuth asked and received unanimous consent to substitute Senate File 2121 for House File 2235.

**Senate File 2121**, a bill for an act regulating veterinary practice and procedures, by providing for the treatment of horses, and providing an effective date, was taken up for consideration.

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

On the question "Shall the bill pass?" (S.F. 2121)

The ayes were, 93:

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	Foege	Frevert	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	Rayhons	Reynolds-Knight	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, 5:

Fallon	Ford	Garman	Holveck
Richardson			

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.

#### Ways and Means Calendar

**House File 2153**, a bill for an act providing that member contributions under certain public retirement systems are considered employer contributions for state income tax purposes, and providing effective and applicability date provisions, 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?" (H.F. 2153)

The ayes were, 97:

Arnold	Barry	Bell	Bernau
Blodgett	Boguess	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	Ford	Frevert
Garman	Gipp	Greig	Greiner
Gries	Grundberg	Hahn	Hansen
Heaton	Holmes	Holveck	Houser
Huseman	Huser	Jacobs	Jenkins
Jochum	Kinzer	Klemme	Koenigs
Kreiman	Kremer	Lamberti	Larkin

Larson	Lord	Martin	Mascher
May	Mertz	Metcalf	Meyer
Millage	Moreland	Mundie	Murphy
Myers	Nelson	O'Brien	Osterhaus
Rayhons	Reynolds-Knight	Richardson	Scherrman
Schrader	Shoultz	Siegrist	Sukup
Taylor	Teig	Thomas	Thomson
Tyrrell	Van Fossen	Van Maanen	Vande Hoef
Veenstra	Warnstadt	Weidman	Weigel
Welter	Whitead	Wise	Witt
Rants, Presiding			

The nays were, none.

Absent or not voting, 2:

Boddicker                      Dinkla

Under the provision of Rule 76, conflict of interest, Doderer of Johnson refrained from voting.

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

#### Regular Calendar

**House File 2262**, a bill for an act to permit out-of-state peace officers to act within this state pursuant to agreements between state or local authorities, was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 2262)

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
Frevrt	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	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, 3:

Boddicker                      Dinkla                      Grundberg

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

#### HOUSE FILE 2235 WITHDRAWN

Eddie of Buena Vista asked and received unanimous consent to withdraw House File 2235 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 2121 and House Files 2153 and 2262.**

#### SPONSOR ADDED (House File 2368)

Mertz of Kossuth requested to be added as a sponsor of House File 2368.

#### EXPLANATION OF VOTE

I was necessarily absent from the House chamber. Had I been present, I would have voted "aye" on House File 2246.

BRAUNS of Muscatine

#### BILLS SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on February 3, 1998, he approved and transmitted to the Secretary of State the following bill:

Senate File 2022, an act relating to the authority of the state transportation commission to temporarily transfer revitalize Iowa's sound economy (RISE) funds to the primary road fund and providing an effective date.

Also: That on February 16, 1998, he approved and transmitted to the Secretary of State the following bill:

Senate File 2029, an act relating to the composition of the board of podiatry examiners.

Also: That on February 19, 1998, he approved and transmitted to the Secretary of State the following bills:

Senate File 2081, an act regulating implements of husbandry.

Senate File 2082, an act regulating anhydrous ammonia by prohibiting tampering with related equipment and the unauthorized possession and transportation of containers and receptacles used to store anhydrous ammonia, providing enhanced penalties, and providing an effective date.

Senate File 2094, an act relating to the establishment of the state percent of growth for purposes of the state school foundation program, and providing an applicability date.

### COMMUNICATION RECEIVED

The following communication was received and filed in the office of the Chief Clerk:

#### STATE LIBRARY OF IOWA

The Annual Report of the use of the Iowa Communications Network, pursuant to Chapter 8D.10, 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

1998\146 Craig Winger, Dubuque - For winning the Edith Rose Murphy Sackett Award on the Best Essay on a Woman Volunteer in the "Write Women Back Into History" Essay Contest.

1998\147 Margaret and Raymond Tarvin, Grinnell - For celebrating their 60th wedding anniversary.

### SUBCOMMITTEE ASSIGNMENTS

#### House File 351

Judiciary: Lamberti, Chair; Doderer and Veenstra.

**House File 517**

Ways and Means: Dix, Chair; Drake and Richardson.

**House File 2299**

Human Resources: Thomson, Chair; Martin and Moreland.

**House File 2310**

Education: Dolecheck, Chair; Gries and Warnstadt.

**House File 2316**

Appropriations: Millage, Chair; Reynolds-Knight and Sukup.

**House File 2320**

Appropriations: Grundberg, Chair; Kreiman and Sukup.

**House File 2321**

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

**House File 2322**

Appropriations: Houser, Chair; Brand and Nelson.

**House File 2323**

Ways and Means: Greig, Chair; Doderer and Drake.

**House File 2341**

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

**House File 2346**

Local Government: Carroll, Chair; Houser and Myers.

**House File 2354**

Transportation: Larkin, Chair; Carroll and Welter.

**House File 2360**

Natural Resources: Arnold, Chair; Bell and Rayhons.

**House File 2362**

Transportation: Heaton, Chair; Bukta and Welter.

**House File 2363**

Commerce and Regulation: Bradley, Chair; Koenigs and Van Fossen.

**House File 2364**

Local Government: Mertz, Chair; Vande Hoef and Welter.

**House File 2367**

Local Government: Houser, Chair; Klemme and Myers.

**House File 2368**

Commerce and Regulation: Hansen, Chair; Doderer, Holveck, Metcalf, Osterhaus, Rants and Van Fossen.

**Senate File 2090**

Judiciary: Millage, Chair; Moreland and Sukup.

**HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS**

**House Study Bill 657**

Local Government: Welter, Chair; Huser and Whitead.

**House Study Bill 658**

State Government: Nelson, Chair; Burnett and Jacobs.

**House Study Bill 659**

Education: Veenstra, Chair; Boddicker and Wise.

**House Study Bill 660**

Transportation: Nelson, Chair; Eddie and Huser.

**House Study Bill 661**

Agriculture: Teig, Chair; Frevert, Klemme, Koenigs and Welter.

**House Study Bill 663**

Local Government: Klemme, Chair; Arnold and Fallon.

**House Study Bill 664**

Local Government: Mertz, Chair; Vande Hoef and Welter.



**HOUSE STUDY BILL COMMITTEE ASSIGNMENTS****H.S.B. 665 Agriculture**

Relating to cooperatives organized under Code chapter 501.

**H.S.B. 666 Local Government**

Relating to condemnation of agricultural land for economic development purposes, providing for the Act's applicability, and providing an effective date.

**H.S.B. 667 Agriculture**

Relating to infectious and contagious diseases affecting livestock and providing penalties.

**H.S.B. 668 Transportation**

Relating to the regulation of implements of husbandry.

**H.S.B. 669 Ways and Means**

Relating to the extension of the reduced excise tax imposed on motor fuel containing ethanol.

**COMMITTEE RECOMMENDATIONS**

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

**ELIZABETH A. ISAACSON**  
Chief Clerk of the House

**COMMITTEE ON COMMERCE AND REGULATION**

**Committee Bill** (Formerly House Study Bill 613), relating to the number of bank offices which may be established by a bank within a municipal corporation or urban complex.

Fiscal Note is not required.

Recommended **Do Pass** February 19, 1998.

**COMMITTEE ON EDUCATION**

**Committee Bill** (Formerly House Study Bill 659), relating to para-educator licensing by the state board of educational examiners.

Fiscal Note is not required.

Committee Action: **Failed to Pass** February 19, 1998.

## COMMITTEE ON JUDICIARY

**Committee Bill** (Formerly House Study Bill 566), to amend the crime of burglary in the first degree to include commission of sexual abuse as a possible element of the offense.

Fiscal Note is not required.

Recommended **Do Pass** February 19, 1998.

**Committee Bill** (Formerly House Study Bill 567), relating to property of a debtor which is exempt from execution.

Fiscal Note is not required.

Recommended **Do Pass** February 19, 1998.

**Committee Bill** (Formerly House Study Bill 625), providing a procedure for the preservation of a mechanic's lien for materials or labor furnished to a subcontractor and providing for related matters.

Fiscal Note is not required.

Recommended **Do Pass** February 19, 1998.

## COMMITTEE ON NATURAL RESOURCES

**House File 223**, a bill for an act relating to the hunting area for persons with free deer hunting licenses and free wild turkey hunting licenses.

Fiscal Note is not required.

Recommended **Do Pass** February 19, 1998.

**House File 2029**, a bill for an act relating to forestry and rural development by establishing a revolving loan fund.

Fiscal Note is not required.

Recommended **Do Pass** February 19, 1998.

## COMMITTEE ON WAYS AND MEANS

**Committee Bill** (Formerly House File 2125), relating to permitting the display of new motor trucks by nonresident motor vehicle dealers at qualified events in this state, establishing a fee, and providing an effective date.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 19, 1998.

**Committee Bill** (Formerly House File 2217), allowing for a delayed filing time limit for purposes of applying for the homestead property tax credit or the military service property tax exemption, and amending the procedure for claiming a military service property tax exemption.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 19, 1998.

**Committee Bill** (Formerly House Study Bill 533), exempting sales made to and services performed for organ procurement organizations from the state sales, services, and use taxes.

Fiscal Note is not required.

Recommended **Do Pass** February 19, 1998.

#### AMENDMENTS FILED

H—8076	H.F.	2282	Millage of Scott
H—8077	H.F.	358	Dolecheck of Ringgold Lord of Dallas Falck of Fayette

On motion by Siegrist of Pottawattamie, the House adjourned at 9:55 a.m., until 9:00 a.m., Friday, February 20, 1998.

# JOURNAL OF THE HOUSE

Fortieth Calendar Day - Twenty-seventh Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Friday, February 20, 1998

The House met pursuant to adjournment at 9:00 a.m., Speaker Corbett in the chair.

Prayer was offered by Speaker Corbett.

The Journal of Thursday, February 19, 1998 was approved.

## INTRODUCTION OF BILLS

**House File 2369**, by committee on judiciary, a bill for an act relating to the human immunodeficiency virus including the testing of an alleged offender for the human immunodeficiency virus, the intentional transmission of the human immunodeficiency virus, making penalties applicable, establishing penalties, and providing for an affirmative defense.

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

**House File 2370**, by committee on state government, a bill for an act relating to regulatory duties under the purview of the Iowa department of public health concerning substance abuse treatment facilities, brain and spinal cord injuries and the advisory committee on brain injuries, the technical advisory committee for operators of radiation machines and users of radioactive materials, applicant requirements for funeral director licensure, cosmetology salon licenses, the council on chemically exposed infants and children, advertising prohibitions on licensed chiropractors, and county claims for payment of certain autopsy costs.

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

**House File 2371**, by Larson, a bill for an act relating to lobbying on behalf of a state agency or a political subdivision of the state, and making penalties applicable.

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

**House File 2372**, by Kreiman, a bill for an act requiring coverage by a third-party payor of health care costs for certain costs associated with telemedicine services.

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

**House File 2373**, by Brunkhorst, a bill for an act relating to exempting operators of motor vehicles from wearing seat belts while delivering newspapers.

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

**House File 2374**, by committee on ways and means, a bill for an act exempting sales made to and services performed for organ procurement organizations from the state sales, services, and use taxes.

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

**House File 2375**, by Sukup, a bill for an act creating an offense for operating while intoxicated for persons driving a motor vehicle after taking certain controlled substances, making penalties applicable, and making related changes.

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

**House File 2376**, by Reynolds-Knight, a bill for an act providing for continuing education requirements for certified nurse aides and certified medication aides.

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

**House File 2377**, by Brand, a bill for an act relating to the requirements to qualify for a wheelchair parking cone.

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

**House File 2378**, by Houser, a bill for an act relating to injunctions restraining the provision of child day care.

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

**House File 2379**, by Warnstadt, Whitead, Cataldo, Koenigs, and Shultz, a bill for an act relating to the appropriations of moneys from the rebuild Iowa infrastructure fund for payments related to bonds issued for vertical infrastructure projects by school districts, designating certain amounts of gambling revenues to be deposited into the rebuild Iowa infrastructure fund, designating certain federal appropriations for school infrastructure purposes, and providing an effective date.

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

**House File 2380**, by Houser, a bill for an act authorizing moneys recovered from persons who fraudulently obtained family investment program assistance to be used for expanded fraud and recoupment activities.

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

**House File 2381**, by Fallon, a bill for an act relating to the hours of employment of a person sixteen or seventeen years of age.

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

**House File 2382**, by Greig, a bill for an act relating to the identification of animals and providing penalties.

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

**House File 2383**, by Grundberg and Metcalf, a bill for an act providing school districts with additional taxing authority to fully fund the instructional support program.

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

**House File 2384**, by Fallon, a bill for an act establishing payment options associated with delinquent utility bills.

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

**House File 2385**, by Fallon, a bill for an act to require that persons under the age of eighteen must be attending a high school or have completed a high school education or the equivalent of a high school education in order to be eligible for a license or instruction permit to operate a motor vehicle.

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

**House File 2386**, by Heaton, a bill for an act relating to urban revitalization property tax exemptions and exemption schedules for certain real property and providing for the Act's applicability.

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

**House File 2387**, by committee on ways and means, a bill for an act allowing for a delayed filing time limit for purposes of applying for the homestead property tax credit or the military service property tax exemption, and amending the procedure for claiming a military service property tax exemption.

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

**House File 2388**, by Larkin, a bill for an act relating to the creation of a uniform inmate grievance system for tort claims, including civil rights violations.

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

**House File 2389**, by Teig and Arnold, a bill for an act providing for a school finance payment of an open enrollment state aid amount per pupil to an open enrollment receiving district, and providing an applicability provision.

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

**House File 2390**, by Ford, a bill for an act relating to a job training pilot project and making an appropriation.

Read first time and referred to committee on **economic development**.

**House File 2391**, by Jochum, a bill for an act authorizing the family investment program diversion subaccount to be used for loans to meet expenses relating to obtaining or maintaining employment.

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

**House File 2392**, by committee on ways and means, a bill for an act relating to permitting the display of new motor trucks by nonresident motor vehicle dealers at qualified events in this state, establishing a fee, and providing an effective date.

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

**House File 2393**, by Moreland, a bill for an act relating to the expansion of the jurisdiction of magistrates to include taking guilty pleas from persons charged with driving without a valid driver's license.

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

**House File 2394**, by Larson, a bill for an act providing for an immediate suspension of a driver's license of a person charged with homicide by vehicle.

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

#### SENATE MESSAGE CONSIDERED

**Senate File 2119**, by committee on agriculture, a bill for an act relating to the corn promotion board, by increasing the ceiling on the state assessment of corn subject to a special referendum and authorizing the receipt of rents, royalties, and license fees by the board.

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

**SPONSOR ADDED**  
(House File 2284)

Cormack of Webster requested to be added as a sponsor of House File 2284.

**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

- 1998\148 Tim Ebeling, Dubuque – For his biography of the Tuskegee Airmen.
- 1998\149 John Adelman, Dubuque – For his biography of the Tuskegee Airmen.
- 1998\150 Central Alternative High School, Dubuque – For their biography of the Tuskegee Airmen.
- 1998\151 Washington Junior High School Student Council, Dubuque – For their biography of the Tuskegee Airmen.

**HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENT**

**House Study Bill 666**

Local Government: Vande Hoef, Chair; Fallon and Huseman.

**HOUSE STUDY BILL COMMITTEE ASSIGNMENTS**

**H.S.B. 670 Natural Resources**

Relating to the taking of mussels from the waters of this state and providing an effective date.

**H.S.B. 671 Judiciary**

Concerning the number of supreme court justices and court of appeals judges, providing for support staff, and including a contingent effective date.

**H.S.B. 672 Appropriations**

Relating to and making appropriations to certain state departments, agencies, funds, and certain other entities, providing for regulatory authority, and other properly related matters.



## COMMITTEE RECOMMENDATIONS

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

ELIZABETH A. ISAACSON  
Chief Clerk of the House

## COMMITTEE ON ECONOMIC DEVELOPMENT

**House Concurrent Resolution 104**, a concurrent resolution providing for the establishment of a committee by the Legislative Council to conduct a study of economic development issues related to the distribution of goods.

Fiscal Note is not required.

Recommended **Do Pass and laid over under Rule 25** February 19, 1998.

**Committee Bill** (Formerly House File 2250), relating to eligible housing businesses qualifying for incentives and assistance in enterprise zones, providing additional incentives and assistance for approved eligible businesses located in an enterprise zone, and requiring consideration of building codes and zoning.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 19, 1998.

**Committee Bill** (Formerly House File 2265), relating to annual reports, audits, and board of director composition of nonprofit corporations created by or in association with the Iowa finance authority and providing effective dates.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 19, 1998.

## COMMITTEE ON HUMAN RESOURCES

**House File 530**, a bill for an act concerning assistive devices by requiring a warranty, and providing for replacement of assistive devices and consumer remedies.

Fiscal Note is not required.

Recommended **Do Pass** February 19, 1998.

**Committee Bill** (Formerly House Study Bill 608), relating to anatomical gifts by modifying certain qualification requirements for hospital reimbursement grants and requiring submission of an annual donation and compliance report.

Fiscal Note is not required.

Recommended **Do Pass** February 19, 1998.

**Committee Bill** (Formerly House Study Bill 630), relating to the removing or sale of war relics from a cemetery and providing penalties.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 19, 1998.

#### COMMITTEE ON LOCAL GOVERNMENT

**Committee Bill** (Formerly House Study Bill 574), providing for the expansion of the system of issuance of motor vehicle licenses by county treasurers.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 19, 1998.

**Committee Bill** (Formerly House Study Bill 611), to increase the penalties applicable to the hiring or employment of unauthorized aliens.

Fiscal Note is not required.

Recommended **Do Pass** February 19, 1998.

**Committee Bill** (Formerly House Study Bill 615), relating to the powers and duties of county treasurers and including an applicability date provision.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 19, 1998.

#### COMMITTEE ON TRANSPORTATION

**Committee Bill** (Formerly House File 2133), relating to mobile home dealers.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 19, 1998.

**Committee Bill** (Formerly House Study Bill 619), relating to motor vehicle damage disclosure statements.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 19, 1998.

**Committee Bill** (Formerly House Study Bill 636), relating to optometrists' reports to the department of transportation concerning a person's ability to operate a motor vehicle.

Fiscal Note is not required.

Recommended **Do Pass** February 19, 1998.

On motion by Cormack of Webster, the House adjourned at 9:10 a.m., until 1:00 p.m., Monday, February 23, 1998.

# JOURNAL OF THE HOUSE

Forty-third Calendar Day - Twenty-eighth Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Monday, February 23, 1998

The House met pursuant to adjournment at 1:04 p.m., Speaker Corbett in the chair.

Prayer was offered by Father Joseph Schneider, Catholic Parish Church, St. Ansgar.

The Journal of Friday, February 20, 1998 was approved.

## PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by the Grant Wood All City Drum Corps, directed by Slayton Thompson, Cedar Rapids, and the Marion High School Tobacco Free Students, Marion.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Ford of Polk and Bernau of Story on request of Schrader of Marion; Weigel of Chickasaw on request of Kreiman of Davis.

## INTRODUCTION OF BILLS

**House File 2395**, by committee on appropriations, a bill for an act relating to and making supplemental and other appropriations for the fiscal year beginning July 1, 1997, and providing an effective date.

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

**House File 2396**, by committee on agriculture, a bill for an act relating to the Iowa egg council and to an assessment on the sale of eggs for support of the council.

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

**House File 2397**, by Jacobs, a bill for an act relating to the conduct of elections in the state.

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

**House File 2398**, by Teig and Rayhons, a bill for an act relating to certain agricultural land located in an urban renewal area designated as an economic development area.

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

**House File 2399**, by Greiner, a bill for an act relating to the regulation of auctions and the licensing of auctioneers and other auction personnel and providing fees, penalties, and an appropriation.

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

**House File 2400**, by committee on judiciary, a bill for an act providing a procedure for the preservation of a mechanic's lien for materials or labor furnished to a subcontractor and providing for related matters.

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

**House File 2401**, by committee on commerce and regulation, a bill for an act relating to the number of bank offices which may be established by a bank within a municipal corporation or urban complex.

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

**House File 2402**, by committee on judiciary, a bill for an act to amend the crime of burglary in the first degree to include commission of sexual abuse as a possible element of the offense.

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

**House File 2403**, by committee on judiciary, a bill for an act relating to property of a debtor which is exempt from execution.

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

**House File 2404**, by Heaton, a bill for an act relating to underinsured or uninsured motor vehicle insurance coverage for damages to property.

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

**House File 2405**, by Heaton and Fallon, a bill for an act relating to urban renewal and urban revitalization areas, and certain property located in an urban renewal area, certification of urban renewal debt, and improvements related to urban renewal projects, and providing for the Act's applicability.

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

**House File 2406**, by Cormack, a bill for an act relating to limiting the use of cellular telephones while operating a motor vehicle and making a penalty applicable.

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

**House File 2407**, by Myers, a bill for an act relating to approved substance abuse programs for persons convicted of operating-while-intoxicated offenses.

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

### CONSIDERATION OF BILLS Regular Calendar

**House File 2211**, a bill for an act relating to the liability for and payment of medical costs and other expenses incurred by certain prisoners and escapees, was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 2211)

The ayes were, 92:

Arnold	Barry	Blodgett	Boddicker
Bogges	Bradley	Brauns	Brunkhorst
Bukta	Burnett	Carroll	Cataldo
Chapman	Chiodo	Churchill	Cohoon
Connors	Cormack	Dinkla	Dix
Doderer	Dotzler	Drake	Drees
Eddie	Falck	Fallon	Foege
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	Mundie	Murphy	Myers
Nelson	O'Brien	Osterhaus	Rants
Rayhons	Reynolds-Knight	Richardson	Scherrman
Schrader	Shoultz	Siegrist	Sukup
Taylor	Teig	Thomas	Thomson
Tyrrell	Van Fossen	Van Maanen	Vande Hoef
Veenstra	Warnstadt	Weidman	Welter
Whitead	Wise	Witt	Mr. Speaker Corbett

The nays were, none.

Absent or not voting, 8:

Bell	Bernau	Brand	Dolecheck
Ford	Grundberg	Moreland	Weigel

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

### IMMEDIATE MESSAGE

Siegrist of Pottawattamie asked and received unanimous consent that **House File 2211** be immediately messaged to the Senate.

**House File 2165**, a bill for an act relating to the state fire marshal, including the installation of automatic fire extinguishing systems in new construction, was taken up for consideration.

### SENATE FILE 2182 SUBSTITUTED FOR HOUSE FILE 2165

Bradley of Clinton asked and received unanimous consent to substitute Senate File 2182 for House File 2165.

**Senate File 2182**, a bill for an act relating to the state fire marshal, including the installation of automatic fire extinguishing systems in new construction, 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. 2182)

The ayes were, 92:

Arnold	Barry	Bell	Blodgett
Boddicker	Boggess	Bradley	Brand
Brauns	Brunkhorst	Bukta	Burnett
Carroll	Cataldo	Chapman	Chiodo
Churchill	Cohoon	Connors	Cormack
Dinkla	Dix	Doderer	Dotzler
Drake	Drees	Eddie	Falck
Fallon	Foege	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	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  
Whitead

Warnstadt  
Wise

Weidman  
Witt

Welter  
Mr. Speaker  
Corbett

The nays were, none.

Absent or not voting, 8:

Bernau  
Holveck

Dolecheck  
Moreland

Ford  
Taylor

Grundberg  
Weigel

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

#### HOUSE FILE 2165 WITHDRAWN

Bradley of Clinton asked and received unanimous consent to withdraw House File 2165 from further consideration by the House.

#### HOUSE FILE 2098 WITHDRAWN

Boddicker of Cedar asked and received unanimous consent to withdraw House File 2098 from further consideration by the House.

#### IMMEDIATE MESSAGE

Siegrist of Pottawattamie asked and received unanimous consent that **Senate File 2182** be immediately messaged to the Senate.

#### HOUSE FILE 2303 REREFERRED

The Speaker announced that House File 2303, previously referred to committee on **economic development** was rereferred to committee on **ways and means**.

#### SENATE FILE 2015 REREFERRED

The Speaker announced that Senate File 2015, previously referred to committee on **natural resources** was rereferred to committee on **local government**.

#### CERTIFICATES OF RECOGNITION

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

**ELIZABETH A. ISAACSON**  
Chief Clerk of the House

1998\152 Sarah Maahs, Ames – For receiving 2nd place in the 6th - 7th grade category in the "Write Women Back Into History" Essay Contest.

- 1998\153 Gerry Clinton, Guttenberg – For celebrating his 80th birthday.
- 1998\154 Amanda Jo Miller, Red Oak – For receiving 3rd place in the 8th - 9th grade category in the "Write Women Back Into History" Essay Contest.
- 1998\155 Anna and Louis Hugunin, Comanche – For celebrating their 50th wedding anniversary.
- 1998\156 Elizabeth and James Lind, Clinton – For celebrating their 50th wedding anniversary.
- 1998\157 Mary and William Hayton, Clinton – For celebrating their 50th wedding anniversary.
- 1998\158 Eva Harman, Plymouth – For celebrating her 100th birthday.
- 1998\159 Mrs. Agnes Bras, Sibley – For celebrating her 99th birthday.
- 1998\160 Mary Conley, Clinton – For celebrating her 100th birthday.
- 1998\161 Erdie Lillian Corbin, Sioux City – For celebrating her 80th birthday.
- 1998\162 Verna King, Indianola – For celebrating her 75th birthday.
- 1998\163 Norma Middleswart, Indianola – For celebrating her 80th birthday.
- 1998\164 Lucille Eye, Davenport – For celebrating her 90th birthday.
- 1998\165 Lester J. Consamus, Davenport – For celebrating his 90th birthday.
- 1998\166 Violet Hangartner, Postville – For celebrating her 80th birthday.
- 1998\167 Iva Cline, West Union – For celebrating her 88th birthday.
- 1998\168 Bishop Heelan Catholic High School Readers Theater Group, Sioux City – For receiving the Critics Choice for being the top performer in the state in 1998 for Readers Theater Group.
- 1998\169 Ritch Le Grand, Sioux City – For being elected Vice Chair and Executive Committee Member of the Real Estate Education Advisory Council at U.N.I.

#### SUBCOMMITTEE ASSIGNMENTS

##### House File 2334

Judiciary: Greiner, Chair; Kreiman and Lamberti.

##### House File 2373

Transportation: Weidman, Chair; Drees and Vande Hoef.



**House File 2377**

Transportation: Weidman, Chair; May and Nelson.

**House File 2382**

Agriculture: Greig, Chair; Boggess and Drees.

**House File 2386**

Local Government: Klemme, Chair; Richardson and Vande Hoef.

**House File 2394**

Transportation: Cormack, Chair; Brauns and Ford.

**House File 2397**

State Government: Jacobs, Chair; Houser, Jochum, Nelson and Whitead.

**House File 2405**

Local Government: Klemme, Chair; Richardson and Vande Hoef.

**Senate File 2015**

Local Government: Brauns, Chair; Mertz and Welter.

**Senate File 2085**

Transportation: Welter, Chair; Carroll and Huser.

**Senate File 2117**

Transportation: Weidman, Chair; Blodgett and Larkin.

**HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS****House Study Bill 665**

Agriculture: Meyer, Chair; Boggess and Mundie.

**House Study Bill 667**

Agriculture: Greiner, Chair; Frevert and Meyer.

**House Study Bill 671**

Judiciary: Lamberti, Chair; Dinkla and Kreiman.

**HOUSE STUDY BILL COMMITTEE ASSIGNMENTS****H.S.B. 673 State Government**

Establishing a state employee deferred compensation trust fund.

**H.S.B. 674 Agriculture**

Establishing an agricultural seed masters board, and providing for fees.

**H.S.B. 675 Agriculture**

Relating to drainage districts, by extending the period for financing repairs and improvements.

**H.S.B. 676 Commerce and Regulation**

Amending the Uniform Securities Act, by regulating persons involved in managing investments, providing for the administration of the securities bureau, providing fees, and providing for penalties.

**H.S.B. 677 Commerce and Regulation**

Relating to entities and subject matter under the regulatory authority of the regulated industries unit of the insurance division, including business opportunities, cemeteries, and cemetery merchandise, motor vehicle service contracts, preneed funeral merchandise and services, and residential service contracts, providing for fees, and establishing penalties.

**H.S.B. 678 Labor and Industrial Relations**

Relating to the confidentiality of certain records and reports held by the labor commissioner.

**H.S.B. 679 Judiciary**

Relating to real estate titles involving bankruptcy.

**COMMITTEE RECOMMENDATIONS**

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

ELIZABETH A. ISAACSON  
Chief Clerk of the House

**COMMITTEE ON EDUCATION**

Committee Bill (Formerly House Study Bill 590), relating to state aid to school districts for pupils enrolled in kindergarten.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 23, 1998.

COMMITTEE ON ENVIRONMENTAL PROTECTION

**Senate File 2184**, a bill for an act relating to the disposal of cement kiln dust at tonnage fee exempt solid waste disposal facilities.

Fiscal Note is not required.

Recommended **Do Pass** February 19, 1998.

**Committee Bill** (Formerly House File 2156), relating to solid waste tonnage fees, the allocation of taxes on solid waste collection, and disposal service and making appropriations.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 19, 1998.

AMENDMENTS FILED

H—8078	H.F.	223	Dotzler of Black Hawk
H—8079	H.F.	2282	Greig of Emmet
H—8080	H.F.	2339	Fallon of Polk
			Shoultz of Black Hawk
H—8081	S.F.	429	Mundie of Webster
H—8082	H.F.	2282	Thomas of Clayton
			Bell of Jasper
			Bukta of Clinton
			Chapman of Linn
			Connors of Polk
			Falck of Fayette
			Frevert of Palo Alto
			Huser of Polk
			Kreiman of Davis
			May of Worth
			Murphy of Dubuque
			O'Brien of Boone
			Richardson of Warren
			Shoultz of Black Hawk
			Warnstadt of Woodbury
			Whitead of Woodbury
			Wise of Lee
H—8083	S.F.	2119	Koenigs of Mitchell

On motion by Siegrist of Pottawattamie, the House adjourned at 1:35 p.m., until 8:45 a.m., Tuesday, February 24, 1998.

# JOURNAL OF THE HOUSE

Forty-fourth Calendar Day - Twenty-ninth Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Tuesday, February 24, 1998

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

Prayer was offered by Reverend Jack Gray, Calvary Christian Reformed Church, Orange City.

The Journal of Monday, February 23, 1998 was approved.

## INTRODUCTION OF BILLS

**House File 2408**, by committee on human resources, a bill for an act relating to anatomical gifts by modifying certain qualification requirements for hospital reimbursement grants and requiring submission of an annual donation and compliance report.

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

**House File 2409**, by committee on local government, a bill for an act to increase the penalties applicable to the hiring or employment of unauthorized aliens.

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

**House File 2410**, by committee on human resources, a bill for an act relating to the removing, sale, or purchase of war relics from a cemetery and providing penalties.

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

**House File 2411**, by committee on environmental protection, a bill for an act relating to solid waste tonnage fees, the allocation of taxes on solid waste collection, and disposal service and making appropriations.

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

**House File 2412**, by committee on transportation, a bill for an act relating to optometrists' reports to the department of transportation concerning a person's ability to operate a motor vehicle.

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

**House File 2413**, by committee on transportation, a bill for an act relating to motor vehicle damage disclosure statements.

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

**House File 2414**, by Jochum, a bill for an act providing for voluntary limitations of campaign expenditures and contributions for certain elective officers, providing for disclosure for candidates who do not elect to voluntarily limit campaign expenditures and contributions, providing for a tax credit for qualified contributions, and providing penalties and an effective date.

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

**House File 2415**, by Brauns, a bill for an act allowing school districts to enter joint agreements establishing one high school for two school districts and providing an effective date.

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

**House File 2416**, by Heaton, a bill for an act relating to the allocation of profits from the sale of alcoholic liquors.

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

**House File 2417**, by Brunkhorst, a bill for an act creating a library 2000 account in the state library fund and making an appropriation.

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

**House File 2418**, by Larkin and Cohoon, a bill for an act related to volunteerism and making related appropriations.

Read first time and referred to committee on **economic development**.

**House File 2419**, by committee on economic development, a bill for an act relating to eligible housing businesses qualifying for incentives and assistance in enterprise zones, providing additional incentives and assistance for approved eligible businesses located in an enterprise zone, and requiring consideration of building codes and zoning.

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

**House File 2420**, by Heaton, a bill for an act relating to the operation and regulation of managed care health services.

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

**House File 2421**, by Huser, a bill for an act establishing a unified publicly funded child day care assistance program administered by the department of human services.

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

**House File 2422**, by Reynolds-Knight, a bill for an act relating to an individual income tax credit for the costs of adding protective structures to tractors to prevent rollovers and providing effective and applicability date provisions.

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

**House File 2423**, by Connors, a bill for an act requiring airlines doing business in this state to make certain refunds for medically related reasons.

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

**House File 2424**, by committee on local government, a bill for an act providing for the expansion of the system of issuance of motor vehicle licenses by county treasurers.

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

#### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Weigel of Chickasaw, until his arrival, on request of Kreiman of Davis; O'Brien of Boone on request of Mertz of Kossuth.

#### CONSIDERATION OF BILLS

##### Regular Calendar

**House Joint Resolution 2004**, a joint resolution designating by name an official highest elevation in the State of Iowa, with report of committee recommending amendment and passage, was taken up for consideration.

Vande Hoef of Osceola offered the following amendment H-8043 filed by the committee on state government and moved its adoption:

H-8043

- 1 Amend House Joint Resolution 2004 as follows:
- 2 1. Title page 1, by inserting after line 18 the
- 3 following:
- 4 "WHEREAS, the State of Iowa has traditionally been

- 5 referred to as the-Hawkeye State, predating any  
 6 similar designation applied by the University of Iowa  
 7 to certain athletic teams; and”.

The committee amendment H-8043 was adopted.

Vande Hoef of Osceola moved that the joint resolution be read a last time now and placed upon its adoption which motion prevailed and the joint resolution was read a last time.

On the question “Shall the joint resolution be adopted and agreed to by the House?” (H.J.R. 2004)

The ayes were, 94:

Arnold	Barry	Bell	Bernau
Blodgett	Boddicker	Boggess	Bradley
Brauns	Brunkhorst	Bukta	Burnett
Carroll	Cataldo	Chapman	Chiodo
Churchill	Cphoon	Connors	Cormack
Dix	Doderer	Dolecheck	Dotzler
Drake	Drees	Eddie	Falck
Fallon	Foege	Frevert	Garman
Gipp	Greig	Greiner	Gries
Grundberg	Hahn	Hansen	Heaton
Holmes	Holveck	Houser	Huseman
Huser	Jacobs	Jenkins	Jochum
Kinzer	Klemme	Koenigs	Kreiman
Kremer	Lamberti	Larkin	Larson
Lord	Martin	Mascher	May
Mertz	Metcalf	Meyer	Millage
Moreland	Mundie	Murphy	Myers
Nelson	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	Mr. Speaker		
	Corbett		

The nays were, none.

Absent or not voting, 6:

Brand	Dinkla	Ford	O'Brien
Veenstra	Weigel		

The joint resolution having received a constitutional majority was declared to have been adopted and agreed to by the House, with the title amended.

**House File 2206**, a bill for an act relating to the creation of a dental hygiene committee within the board of dental examiners, with report of committee recommending passage, was taken up for consideration.

**SENATE FILE 2075 SUBSTITUTED FOR HOUSE FILE 2206**

Drake of Pottawattamie asked and received unanimous consent to substitute Senate File 2075 for House File 2206.

**Senate File 2075**, a bill for an act relating to the creation of a dental hygiene committee within the board of dental examiners, 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. 2075)

The ayes were, 94:

Arnold	Barry	Bell	Bernau
Blodgett	Boddicker	Boggett	Bradley
Brauns	Brunkhorst	Bukta	Burnett
Carroll	Cataldo	Chapman	Chiodo
Churchill	Cohon	Connors	Cormack
Dix	Doderer	Dolecheck	Dotzler
Drake	Drees	Eddie	Falck
Fallon	Foege	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	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	Warnstadt
Weidman	Welter	Whitead	Wise
Witt	Mr. Speaker		
	Corbett		

The nays were, none.



Absent or not voting, 6:

Brand  
Veenstra

Dinkla  
Weigel

Ford

O'Brien

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

### HOUSE FILE 2206 WITHDRAWN

Drake of Pottawattamie asked and received unanimous consent to withdraw House File 2206 from further consideration by the House.

### IMMEDIATE MESSAGES

Barry of Harrison asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Joint Resolution 2004** and **Senate File 2075**.

The House stood at ease at 9:15 a.m., until the fall of the gavel.

The House resumed session at 10:17 a.m., Speaker Corbett in the chair.

### Ways and Means Calendar

**House File 2282**, a bill for an act authorizing the imposition of a local option sales and services tax and use of certain federal funds for school infrastructure projects and the issuance of bonds, and providing an effective date, was taken up for consideration.

Greig of Emmet offered amendment H-8079 filed by him as follows:

H-8079

- 1 Amend House File 2282 as follows:
- 2 1. Page 1, line 30, by striking the words "a
- 3 majority" and inserting the following: "sixty
- 4 percent".
- 5 2. Page 1, line 32, by striking the word
- 6 "majority" and inserting the following: "sixty
- 7 percent".
- 8 3. Page 3, line 5, by striking the words "a
- 9 majority" and inserting the following: "sixty
- 10 percent".
- 11 4. Page 3, line 14, by striking the words "a
- 12 majority" and inserting the following: "sixty
- 13 percent".
- 14 5. Page 3, line 31, by striking the words "a
- 15 majority" and inserting the following: "sixty
- 16 percent".

Dix of Butler offered the following amendment H-8086, to amendment H-8079, filed by him from the floor and moved its adoption:

H-8086

1 Amend the amendment, H-8079, to House File 2282 as  
2 follows:

3 1. Page 1, by striking lines 2 through 16 and  
4 inserting the following:

5 " \_\_\_. Page 1, line 3, by striking the word  
6 "local" and inserting the following: "statewide".

7 \_\_\_ Page 1, line 4, by striking the words "a  
8 county" and inserting the following: "the state".

9 \_\_\_ Page 1, line 7, by inserting after the word  
10 "other" the following: "state or".

11 \_\_\_ Page 1, line 8, by inserting after the word  
12 "chapter" the following: "422 or".

13 \_\_\_ Page 1, line 11, by striking the word  
14 "Local" and inserting the following: "Statewide".

15 \_\_\_ Page 1, lines 11 and 12, by striking the  
16 words "a county" and inserting the following: "the  
17 state".

18 \_\_\_ Page 1, line 28, by striking the word  
19 "COUNTY" and inserting the following: "THE STATE".

20 \_\_\_ Page 1, by striking lines 29 through 33 and  
21 inserting the following:

22 "1. A statewide sales and services tax shall be  
23 imposed by the state only after an election at which  
24 at least sixty percent of those voting on the question  
25 favors imposition. A statewide sales and services tax  
26 approved by at least sixty percent vote shall apply to  
27 all incorporated and unincorporated areas of the  
28 state."

29 \_\_\_ Page 1, line 34, by striking the words "a  
30 county board of supervisors" and inserting the  
31 following: "the department of education".

32 \_\_\_ Page 1, line 35, by striking the word  
33 "local" and inserting the following: "statewide".

34 \_\_\_ Page 2, line 2, by striking the word  
35 "county" and inserting the following: "state".

36 \_\_\_ Page 2, line 3, by striking the word  
37 "county" and inserting the following: "state".

38 \_\_\_ Page 2, line 4, by striking the word "board"  
39 and inserting the following: "department".

40 \_\_\_ Page 2, line 5, by striking the word  
41 "county" and inserting the following: "state".

42 \_\_\_ Page 2, line 7, by striking the word  
43 "county" and inserting the following: "state".

44 \_\_\_ Page 2, line 8, by striking the word "local"  
45 and inserting the following: "statewide".

46 \_\_\_ Page 2, line 12, by striking the word  
47 "county" and inserting the following: "state".

48 \_\_\_\_ Page 2, lines 14 and 15, by striking the  
49 words "county, or by the county board of supervisors"  
50 and inserting the following: "state".

### Page 2

1 \_\_\_\_ Page 2, line 17, by striking the words  
2 "board of supervisors" and inserting the following:  
3 "department of education".  
4 \_\_\_\_ Page 2, line 18, by striking the words  
5 "county board of supervisors" and inserting the  
6 following: "department".  
7 \_\_\_\_ Page 2, line 19, by striking the word  
8 "county" and inserting the following: "state".  
9 \_\_\_\_ Page 2, line 20, by striking the word  
10 "local" and inserting the following: "statewide".  
11 \_\_\_\_ Page 2, line 24, by striking the word  
12 "county" and inserting the following: "state".  
13 \_\_\_\_ Page 2, line 25, by striking the word  
14 "local" and inserting the following: "statewide".  
15 \_\_\_\_ Page 2, line 26, by striking the word "or".  
16 \_\_\_\_ Page 2, by striking lines 27 and 28 and  
17 inserting the following: ". The election shall not  
18 be held".  
19 \_\_\_\_ Page 2, lines 34 and 35, by striking the  
20 words "county board of supervisors" and inserting the  
21 following: "department of education".  
22 \_\_\_\_ Page 3, line 14, by striking the words "a  
23 majority" and inserting the following: "at least  
24 sixty percent".  
25 \_\_\_\_ Page 3, line 16, by striking the words  
26 "county board of supervisors" and inserting the  
27 following: "department of education".  
28 \_\_\_\_ Page 3, line 19, by striking the word  
29 "county" and inserting the following: "state".  
30 \_\_\_\_ Page 3, line 23, by striking the word  
31 "county" and inserting the following: "state".  
32 \_\_\_\_ Page 3, line 24, by striking the words  
33 "local option" and inserting the following:  
34 "statewide".  
35 \_\_\_\_ Page 3, line 31, by striking the words "a  
36 majority" and inserting the following: "at least  
37 sixty percent".  
38 \_\_\_\_ Page 3, line 32, by striking the word  
39 "local" and inserting the following: "statewide".  
40 \_\_\_\_ Page 3, lines 34 and 35, by striking the  
41 words "county board of supervisors within the county"  
42 and inserting the following: "department of revenue  
43 and finance within the state".  
44 \_\_\_\_ Page 4, line 5, by striking the words  
45 "state, except" and inserting the following: "state."  
46 \_\_\_\_ Page 4, by striking lines 6 through 14.  
47 \_\_\_\_ Page 4, line 15, by striking the word

- 48 "county" and inserting the following: "state".  
 49 \_\_\_\_ Page 4, line 24, by striking the word  
 50 "local" and inserting the following: "statewide".

**Page 3**

- 1 \_\_\_\_ Page 4, by striking lines 26 through 32 and  
 2 inserting the following: "within the office of  
 3 treasurer of state in the name of each school  
 4 district."  
 5 \_\_\_\_ Page 5, by striking lines 15 and 16 and  
 6 inserting the following: "Tax receipts shall be".  
 7 \_\_\_\_ Page 5, line 18, by striking the word  
 8 "county".  
 9 \_\_\_\_ Page 5, line 21, by striking the word  
 10 "county" and inserting the following: "state".  
 11 \_\_\_\_ Page 5, by striking line 23 and inserting  
 12 the following: "state."  
 13 \_\_\_\_ Page 5, by striking lines 24 through 34.  
 14 \_\_\_\_ Page 5, line 35, by striking the word  
 15 "local" and inserting the following: "statewide".  
 16 \_\_\_\_ Page 6, by striking lines 11 through 14 and  
 17 inserting the following: "defined in section 422E.1,  
 18 subsection 3. The".  
 19 \_\_\_\_ Page 6, line 22, by striking the words  
 20 "local option" and inserting the following:  
 21 "statewide".  
 22 \_\_\_\_ Page 6, line 28, by striking the words  
 23 "local option" and inserting the following:  
 24 "statewide".  
 25 \_\_\_\_ Page 6, line 33, by striking the words  
 26 "local option" and inserting the following:  
 27 "statewide".  
 28 \_\_\_\_ Page 7, line 2, by striking the words "local  
 29 option" and inserting the following: "statewide".  
 30 \_\_\_\_ Title page, line 1, by striking the words  
 31 "local option" and inserting the following:  
 32 "statewide".

Amendment H-8086, to amendment H-8079, lost.

Greig of Emmet moved the adoption of amendment H-8079.

A non-record roll call was requested.

The ayes were 22, nays 46.

Amendment H-8079 lost.

Siegrist of Pottawattamie asked and received unanimous consent that House File 2282 be deferred and that the bill retain its place on the calendar.

## INTRODUCTION OF BILLS

**House File 2425**, by Fallon, a bill for an act relating to the provision of a dispute resolution process applicable to controversies and to final decisions in contested cases to which the department of human services is a party.

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

**House File 2426**, by Jenkins and Nelson, a bill for an act relating to the provision of water service and the compensation of a water district for facilities within the annexed territory of a city.

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

**House File 2427**, by Richardson, a bill for an act regarding commercial solicitations, by providing for the removal of identifying information from solicitation lists, providing for the release of public records, and providing penalties.

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

## EXPLANATION OF VOTE

I was necessarily absent from the House chamber on February 23, 1998. Had I been present, I would have voted "aye" on House File 2211 and Senate File 2182.

MORELAND of Wapello

## COMMUNICATIONS RECEIVED

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

### DEPARTMENT OF HUMAN RIGHTS

The 1998 update of the Iowa Criminal and Juvenile Justice Plan, pursuant to Chapter 216A.9, Code of Iowa.

### DEPARTMENT OF HUMAN SERVICES

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

- 1998\170 Margaret and Melvin Van Der Kamp, Newton – For celebrating their 50th wedding anniversary.
- 1998\171 Mable and Edward DeVries, Prairie City – For celebrating their 50th wedding anniversary.
- 1998\172 Mildred Bentley, Fairbank – For celebrating her 100th birthday.
- 1998\173 Dave Steinkamp, Winthrop – For being inducted into the Wrestling Hall of Fame.
- 1998\174 Jon Harrison, Maynard – For his 25 years of service to the Maynard Fire Department.
- 1998\175 Steve Milder, Maynard – For being named Class A Coach of the Year.
- 1998\176 Eric Behnke, Dubuque – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 1998\177 John Becker, Dubuque – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 1998\178 Nick Glab, Dubuque – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 1998\179 Dorothy and Melvin Barnett, Agency – For celebrating their 50th wedding anniversary.
- 1998\180 Lauren Rollins, Carson – For receiving a bronze Distinguished Finalist medallion from the Prudential Spirit of Community Awards.

#### SUBCOMMITTEE ASSIGNMENTS

##### House File 2255

Environmental Protection: Rants, Chair; Holveck and Van Fossen.

##### House File 2326

Human Resources: Barry, Chair; Brand and Houser.

##### House File 2332

Appropriations: Nelson, Chair; Brand and Meyer.

##### House File 2342

Appropriations: Millage, Chair; Sukup and Wise.

##### House File 2347

Appropriations: Grundberg, Chair; Meyer and Wise.

**House File 2348**

Human Resources: Houser, Chair; Carroll and Foege.

**House File 2350**

Human Resources: Veenstra, Chair; Fallon and Van Maanen.

**House File 2351**

Appropriations: Millage, Chair; Murphy and Sukup.

**House File 2355**

Environmental Protection: Bradley, Chair; Greiner and Shoultz.

**House File 2358**

Environmental Protection: Meyer, Chair; Boggess and Witt.

**House File 2378**

Human Resources: Houser, Chair; Carroll and Falck.

**House File 2379**

Appropriations: Millage, Chair; Koenigs and Sukup.

**House File 2380**

Human Resources: Houser, Chair; Boddicker and Ford.

**House File 2381**

Labor and Industrial Relations: Lamberti, Chair; Dix and Kinzer.

**House File 2409**

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

**House File 2425**

Human Resources: Fallon, Chair; Boddicker and Veenstra.

**Senate File 2185**

Environmental Protection: Jenkins, Chair; Teig and Thomas.

**HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS****House Study Bill 513**

Education: Gries, Chair; Foege and Rants.

**House Study Bill 669**

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

**House Study Bill 670**

Natural Resources: Hahn, Chair; Cormack and Dotzler.

**House Study Bill 673**

State Government: Nelson, Chair; Burnett, Connors, Gipp and Jacobs.

**House Study Bill 674**

Agriculture: Eddie, Chair; Greiner and May.

**House Study Bill 675**

Agriculture: Mundie, Chair; Eddie and Rayhons.

**House Study Bill 676**

Commerce and Regulation: Chapman, Chair; Dinkla and Holveck.

**House Study Bill 679**

Judiciary: Garman, Chair; Millage and Moreland.

**HOUSE STUDY BILL COMMITTEE ASSIGNMENTS****H.S.B. 680 State Government**

Providing for cochairpersons of the administrative rules review committee.

**H.S.B. 681 State Government**

Relating to public retirement systems, and providing effective, implementation, and applicability dates.

**H.S.B. 682 Commerce and Regulation**

Relating to the operation and regulation of certain insurance companies, miscellaneous provisions relating to small group health care coverage, and the elimination of countersigning resident agent provisions.

**H.S.B. 683 Human Resources**

Providing for a review of juvenile justice provisions involving child protection by the citizens' aide and providing an effective date.

**H.S.B. 684 Human Resources**

Applying requirements to group foster care placements.



## COMMITTEE RECOMMENDATIONS

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

ELIZABETH A. ISAACSON  
Chief Clerk of the House

### COMMITTEE ON AGRICULTURE

**House File 2317**, a bill for an act relating to drainage districts, by providing for the maintenance, repair, or replacement of improvements within drainage districts.

Fiscal Note is not required.

Recommended **Do Pass** February 23, 1998.

**House File 2382**, a bill for an act relating to the identification of animals and providing penalties.

Fiscal Note is not required.

Recommended **Do Pass** February 23, 1998.

**House Concurrent Resolution 107**, a concurrent resolution requesting that the United States government take all actions necessary in order to prevent further concentration and vertical integration in the livestock industry.

Fiscal Note is not required.

Recommended **Do Pass and laid over under Rule 25** February 23, 1998.

**Senate File 2174**, a bill for an act relating to agriculture by amending and eliminating provisions to reflect current practice, and transferring provisions.

Fiscal Note is not required.

Recommended **Do Pass** February 23, 1998.

**Committee Bill** (Formerly House Study Bill 642), relating to the regulation of commercial feed.

Fiscal Note is not required.

Recommended **Do Pass** February 23, 1998.

**Committee Bill** (Formerly House Study Bill 656), relating to the allocation of cost-share moneys as financial incentives to encourage summer construction of permanent soil and water conservation practices.

Fiscal Note is not required.

Recommended **Do Pass** February 23, 1998.

### COMMITTEE ON COMMERCE AND REGULATION

**House File 2189**, 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.

Fiscal Note is not required.

**Recommended Amend and Do Pass with amendment H-8088** February 19, 1998.

**Committee Bill** (Formerly House File 2363), relating to motor vehicle operator proof of financial responsibility and providing an effective date and for retroactive applicability.

Fiscal Note is not required.

**Recommended Amend and Do Pass** February 23, 1998.

**Committee Bill** (Formerly House Study Bill 546), establishing an electronic benefits transfer program in the department of human services.

Fiscal Note is not required.

**Recommended Amend and Do Pass** February 23, 1998.

**Committee Bill** (Formerly House Study Bill 579), relating to the operation and regulation of banks and making technical corrections.

Fiscal Note is not required.

**Recommended Amend and Do Pass** February 23, 1998.

**Committee Bill** (Formerly House Study Bill 616), relating to the regulation of physical exercise clubs.

Fiscal Note is not required.

**Recommended Do Pass** February 23, 1998.

**Committee Bill** (Formerly House Study Bill 651), relating to a reinsurer's liability.

Fiscal Note is not required.

**Recommended Amend and Do Pass** February 23, 1998.

#### COMMITTEE ON ECONOMIC DEVELOPMENT

**Committee Bill** (Formerly House File 2110), relating to the creation of a certified school to career program, providing refunds for certain wages paid to and amounts held in trust for individuals in the program, making an appropriation and including an effective and applicability date provision.

Fiscal Note is not required.

**Recommended Amend and Do Pass** February 23, 1998.

**Committee Bill** (Formerly House File 2229), relating to the entrepreneurs with disabilities program.

Fiscal Note is not required.

**Recommended Amend and Do Pass** February 23, 1998.

#### COMMITTEE ON STATE GOVERNMENT

**House File 2120**, a bill for an act prohibiting the use of self-service displays in

the offering for sale or sale of cigarettes or tobacco products, providing a penalty, and providing an effective date.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H-8093** February 23, 1998.

**House File 2271**, a bill for an act relating to obsolete and unnecessary provisions of the Code.

Fiscal Note is not required.

Recommended **Do Pass** February 23, 1998.

**House File 2275**, a bill for an act relating to health care providers including the application of records checks to additional providers and the recording and availability of the records of the facility inspections and providing for a repeal.

Fiscal Note is not required.

Recommended **Do Pass** February 23, 1998.

**Committee Bill** (Formerly House Study Bill 523), relating to the state registrar of voters.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 23, 1998.

#### AMENDMENTS FILED

H-8084	H.F.	2025	Chapman of Linn
H-8085	H.F.	2338	Lamberti of Polk
H-8087	S.F.	316	Brauns of Muscatine
H-8088	H.F.	2189	Committee on Commerce and Regulation
H-8089	H.F.	2282	Kreiman of Davis
H-8090	H.F.	2282	Kreiman of Davis
H-8091	H.F.	681	Jenkins of Black Hawk Falck of Fayette
H-8092	H.F.	2218	Nelson of Marshall
H-8093	H.F.	2120	Committee on State Government
H-8094	H.F.	681	Shoultz of Black Hawk
H-8095	H.F.	681	Bradley of Clinton Witt of Black Hawk
H-8096	H.F.	681	Shoultz of Black Hawk
H-8097	H.F.	681	Shoultz of Black Hawk
H-8098	H.F.	681	Holveck of Polk
H-8099	H.F.	681	Shoultz of Black Hawk
H-8100	H.F.	681	Holveck of Polk

H-8101	H.F.	681	Holveck of Polk
H-8102	H.F.	681	Mascher of Johnson
H-8103	H.F.	681	Holveck of Polk
H-8104	H.F.	681	Burnett of Story
H-8105	H.F.	681	Fallon of Polk
H-8106	H.F.	681	Shoultz of Black Hawk
H-8107	H.F.	681	Shoultz of Black Hawk
H-8108	H.F.	681	Holveck of Polk
H-8109	H.F.	681	Holveck of Polk
H-8110	H.F.	681	Shoultz of Black Hawk
H-8111	H.F.	681	Moreland of Wapello
H-8112	H.F.	681	Moreland of Wapello
H-8113	H.F.	681	Moreland of Wapello
H-8114	H.F.	681	Burnett of Story
H-8115	H.F.	681	Shoultz of Black Hawk
H-8116	H.F.	681	Mascher of Johnson

On motion by Siegrist of Pottawattamie, the House adjourned at 10:58 a.m., until 8:45 a.m., Wednesday, February 25, 1998.

# JOURNAL OF THE HOUSE

Forty-fifth Calendar Day - Thirtieth Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Wednesday, February 25, 1998

The House met pursuant to adjournment at 9:05 a.m., Speaker Corbett in the chair.

Prayer was offered by Father Peter Cade, Saint George Greek Orthodox Church, Des Moines.

The Journal of Tuesday, February 24, 1998 was approved.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

O'Brien of Boone on request of Mertz of Kossuth; Van Maanen of Marion on request of Carroll of Poweshiek.

## INTRODUCTION OF BILLS

**House File 2428**, by Thomson, a bill for an act relating to substance abuse assessment and treatment coordination and provision of drunk driving courses by state-licensed substance abuse agencies to convicted operating-while-intoxicated offenders, and making related changes.

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

**House File 2429**, by committee on commerce and regulation, a bill for an act relating to the regulation of physical exercise clubs.

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

**House File 2430**, by Grundberg, a bill for an act relating to state funding for education programs in juvenile detention facilities and providing an applicability date provision.

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

**House File 2431**, by Grundberg, Hansen, Barry, Blodgett, Vande Hoef, Sukup, Boggess, Drake, Greiner, Hahn, Heaton, Lamberti, Metcalf, Thomson, Nelson, Gipp, Cormack, Gries, Jacobs, and Jenkins, a bill for an act relating to an increase in the voter-approved community college facilities levy.

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

**House File 2432**, by Grundberg, a bill for an act relating to a state general aid appropriation distribution formula for community colleges.

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

**House File 2433**, by Warnstadt and Whitead, a bill for an act expanding the criminal code definition of serious injury to include certain injuries to children.

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

**House File 2434**, by Dotzler, a bill for an act relating to interest on rental deposits being held by landlords.

Read first time and referred to committee on **economic development**.

**House File 2435**, by committee on economic development, a bill for an act relating to the entrepreneurs with disabilities program.

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

**House File 2436**, by committee on state government, a bill for an act relating to the state registrar of voters.

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

**House File 2437**, by committee on education, a bill for an act relating to state aid to school districts for pupils enrolled in kindergarten.

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

**House File 2438**, by committee on agriculture, a bill for an act relating to the regulation of commercial feed.

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

**House File 2439**, by committee on agriculture, a bill for an act relating to the allocation of cost-share moneys as financial incentives to encourage summer construction of permanent soil and water conservation practices.

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

**House File 2440**, by committee on local government, a bill for an act relating to the powers and duties of county treasurers and including an applicability date provision.

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

**House File 2441**, by committee on agriculture, a bill for an act regulating bulk dry animal nutrient products, providing for fees and an appropriation, providing penalties, and providing for an effective date.

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

**House File 2442**, by Carroll, a bill for an act providing for the facsimile transmission of commitment orders, related factual findings, and acknowledgment of receipt of the order and findings, in substance abuse commitments, mental retardation commitments, and mental illness commitments; and related requirements.

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

**House File 2443**, by Nelson, a bill for an act relating to state workers' compensation coverage for students at a community college participating in school-to-work programs.

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

**House File 2444**, by committee on economic development, a bill for an act relating to annual reports, audits, and board of director composition of nonprofit corporations created by or in association with the Iowa finance authority and providing effective dates.

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

**House File 2445**, by Falck, a bill for an act making an appropriation to the city of Hazleton for repairs to a dam.

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

**House File 2446**, by Falck, a bill for an act relating to crime prevention by creating a local corrections infrastructure grant program, authorizing the use of bonding, making appropriations, imposing a surcharge on criminal fines and forfeitures, providing for mandatory wage assignment for certain delinquent fines, and providing an effective date.

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

**House File 2447**, by committee on transportation, a bill for an act relating to mobile home dealers.

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

**House File 2448**, by committee on commerce and regulation, a bill for an act relating to the operation and regulation of banks and making technical corrections.

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

**House File 2449**, by Houser, Grundberg, Boddicker, Heaton, Lord, Thomson, Barry, Veenstra, Brauns, Hansen, Osterhaus, Foege, Carroll, and Mertz, a bill for an act creating an Iowa empowerment board for managing state and community efforts involving community empowerment areas and providing effective dates.

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

### CONSIDERATION OF BILL Ways and Means Calendar

The House resumed consideration of **House File 2282**, a bill for an act authorizing the imposition of a local option sales and services tax and use of certain federal funds for school infrastructure projects and the issuance of bonds, and providing an effective date, previously deferred.

Millage of Scott offered amendment H-8076 filed by him as follows:

H-8076

- 1 Amend House File 2282 as follows:
- 2 1. Page 7, line 4, by striking the word "SAFETY".
- 3 2. Page 7, line 12, by striking the word "safety".
- 4 3. By striking page 7, line 13 through page 8,
- 5 line 20, and inserting the following:
- 6 "2. The funds shall be allocated to school
- 7 districts throughout the state on a per pupil basis,
- 8 in the proportion that the basic enrollment of a
- 9 school district bears to the sum of the basic
- 10 enrollments of all school districts in the state for
- 11 the budget year. The funds shall be utilized for
- 12 school infrastructure purposes as defined in section
- 13 422E.1, including the payment or retirement of
- 14 outstanding bonds previously issued for school
- 15 infrastructure purposes."

Kreiman of Davis offered the following amendment H-8089, to amendment H-8076, filed by him and moved its adoption:

H-8089

- 1 Amend the amendment, H-8076, to House File 2282 as
- 2 follows:
- 3 1. Page 1, by striking line 15 and inserting the
- 4 following: "infrastructure purposes.
- 5 3. If federal rules or regulations are adopted
- 6 relating to the distribution or utilization of funds
- 7 allocated to the state department of education
- 8 pursuant to this section which are inconsistent with



9 the provisions of this section, the state department  
10 of education shall adopt rules to comply with the  
11 requirements of the federal rules or regulations.”

Carroll of Poweshiek in the chair at 9:15 a.m.

Amendment H-8089, to amendment H-8076, was adopted.

Millage of Scott moved the adoption of amendment H-8076, as amended.

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

On the question “Shall amendment H-8076 be adopted?” (H.F. 2282)

The ayes were, 25:

Blodgett	Bradley	Brauns	Brunkhorst
Doderer	Dolecheck	Drake	Eddie
Garman	Greig	Hahn	Houser
Klemme	Kremer	Lamberti	Larson
Lord	Meyer	Millage	Rayhons
Tyrrell	Vande Hoef	Veenstra	Weidman
Welter			

The nays were, 71:

Arnold	Barry	Bell	Bernau
Boddicker	Bogges	Brand	Bukta
Burnett	Cataldo	Chapman	Chiodo
Churchill	Cohoon	Connors	Corbett, Spkr.
Cormack	Dinkla	Dix	Dotzler
Drees	Falck	Fallon	Foege
Ford	Frevert	Gipp	Greiner
Gries	Grundberg	Hansen	Heaton
Holmes	Holveck	Huseman	Huser
Jacobs	Jenkins	Jochum	Kinzer
Koenigs	Kreiman	Larkin	Martin
Mascher	May	Mertz	Metcalf
Moreland	Mundie	Murphy	Myers
Nelson	Osterhaus	Rants	Reynolds-Knight
Richardson	Scherrman	Schrader	Shoultz
Siegrist	Sukup	Taylor	Teig
Thomas	Warnstadt	Weigel	Whitead
Wise	Witt	Carroll, Presiding	

Absent or not voting, 4:

O'Brien	Thomson	Van Fossen	Van Maanen
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Amendment H-8076, as amended, lost.

Richardson of Warren offered the following amendment H-8071 filed by Richardson, et al., and moved its adoption:

H-8071

1 Amend House File 2282 as follows:

2 1. Page 8, by inserting after line 20 the  
3 following:

4 "6. In addition to the funds available in  
5 subsection 1, there shall be appropriated from the  
6 general fund of the state to the state department of  
7 education for the school infrastructure safety fund,  
8 for each fiscal year of the ten-year period beginning  
9 July 1, 1998, the sum of twenty million dollars to be  
10 utilized for school infrastructure needs. The moneys  
11 appropriated shall be allocated to school districts  
12 throughout the state on a per pupil basis, in the  
13 proportion that the basic enrollment of a district  
14 bears to the sum of the basic enrollments of all  
15 school districts in the state for the budget year, and  
16 shall be utilized for school infrastructure purposes  
17 as defined in section 422E.1, or for additional school  
18 infrastructure improvements relating to fire and  
19 personal safety.

20 The department of management shall allocate to each  
21 school district the amount calculated pursuant to this  
22 section in one payment on or about October 15  
23 annually, taking into consideration the relative  
24 budget and cash position of the state resources. By  
25 October 1 annually, prior to the receipt of funds,  
26 school districts shall submit to the department of  
27 education a school infrastructure progress report.  
28 The report shall provide adequate assurance that the  
29 school district has developed or is developing a  
30 school infrastructure plan containing an analysis of  
31 school district infrastructure needs, priorities, and  
32 an estimated timetable for completion of  
33 infrastructure projects or allocation of funds  
34 received by the school district pursuant to this  
35 subsection.

36 The school infrastructure progress report shall be  
37 in addition to the written plan to remedy fire or  
38 safety defects required in subsection 3. Moneys  
39 received under this subsection shall not be commingled  
40 with state aid payments made under section 257.16 to a  
41 school district, and shall be accounted for by the  
42 local school district separately from state aid  
43 payments. Payments made to school districts are  
44 miscellaneous income for purposes of chapter 257 or  
45 are considered encumbered. Each local school district  
46 shall maintain a separate listing within its budget  
47 for payments received and expenditures made pursuant

48 to this subsection. Moneys received under this  
 49 subsection shall not be used for payment of any  
 50 collective bargaining agreement or arbitrator's

Page 2

- 1 decision negotiated or awarded under chapter 20."
- 2 2. Title page, line 3, by inserting after the
- 3 word "bonds," the following: "making an
- 4 appropriation,".

Roll call was requested by Schrader of Marion and Taylor of Linn.

Rule 75 was invoked.

On the question "Shall amendment H-8071 be adopted?" (H.F. 2282)

The ayes were, 49:

Arnold	Bell	Bernau	Brand
Brunkhorst	Bukta	Burnett	Cataldo
Chapman	Chiodo	Cphoon	Connors
Doderer	Dotzler	Drees	Falck
Fallon	Foege	Ford	Frevert
Greig	Holveck	Huser	Jochum
Kinzer	Koenigs	Kreiman	Larkin
Mascher	May	Mertz	Meyer
Moreland	Mundie	Murphy	Myers
Osterhaus	Reynolds-Knight	Richardson	Scherrman
Schrader	Shoultz	Taylor	Thomas
Warnstadt	Weigel	Whitead	Wise
Witt			

The nays were, 49:

Barry	Blodgett	Boddicker	Bogges
Bradley	Brauns	Churchill	Corbett, Spkr.
Cormack	Dinkla	Dix	Dolecheck
Drake	Eddie	Garman	Gipp
Greiner	Gries	Grundberg	Hahn
Hansen	Heaton	Holmes	Houser
Huseman	Jacobs	Jenkins	Klemme
Kremer	Lamberti	Larson	Lord
Martin	Metcalf	Millage	Nelson
Rants	Rayhons	Siegrist	Sukup
Teig	Thomson	Tyrrell	Van Fossen
Vande Hoef	Veenstra	Weidman	Welter
Carroll, Presiding			

Absent or not voting, 2:

O'Brien                      Van Maanen

Amendment H-8071 lost.

Falck of Fayette asked and received unanimous consent that amendment H-8072 be deferred.

Falck of Fayette asked and received unanimous consent that amendment H-8073 be deferred.

Thomas of Clayton offered amendment H-8082 filed by Thomas, et al., as follows:

H-8082

1 Amend House File 2282 as follows:  
2 1. Page 8, by inserting after line 20 the  
3 following:  
4 "Sec. \_\_\_\_ Section 298.2, Code Supplement 1997, is  
5 amended by adding the following new subsection:  
6 NEW SUBSECTION. 7. There is appropriated annually  
7 from the general fund of the state to the department  
8 of management for the school budget year beginning  
9 July 1, 1998, and succeeding budget years, an amount  
10 sufficient to equalize the regular physical plant and  
11 equipment levy across all school districts having  
12 imposed the regular levy at the rate of ninety-two  
13 dollars and fifty cents per pupil. The funds  
14 appropriated shall be allocated as follows:  
15 a. For each school district which has imposed the  
16 regular physical plant and equipment levy pursuant to  
17 this section for the budget year, the department of  
18 management shall, by April 15 of the base year,  
19 determine whether, and the amount by which, the  
20 regular physical plant and equipment levy property tax  
21 revenue generated in the school district for the  
22 budget year falls below the amount of ninety-two  
23 dollars and fifty cents per pupil. In making this  
24 determination, the department shall utilize the most  
25 recent figures available for the district's valuation  
26 of taxable property and the actual enrollment  
27 certified to the department by the department of  
28 education for the base year.  
29 b. If it is determined that the property tax  
30 revenue generated by the regular physical plant and  
31 equipment levy for a school district is less than  
32 ninety-two dollars and fifty cents per pupil, the  
33 department of management shall deposit, for each  
34 school district experiencing a shortfall, an amount  
35 equal to the difference between the amount of revenue  
36 generated by the school district pursuant to the  
37 regular physical plant and equipment levy and the  
38 figure of ninety-two dollars and fifty cents per  
39 pupil, to the credit of the district in the physical

40 plant and equipment levy fund by September 15 of the  
 41 budget year. Amounts credited shall be added to the  
 42 revenue generated from the regular and, if applicable,  
 43 voter-approved physical plant and equipment levies as  
 44 provided in this section and expended as provided in  
 45 section 298.3."

46 2. Title page, line 1, by inserting after the  
 47 word "Act" the following: "relating to the funds  
 48 available to school districts for infrastructure  
 49 needs,".

50 3. Title page, line 3, by inserting after the

## Page 2

- 1 word "bonds," the following: "providing for the  
 2 equalization of the regular physical plant and  
 3 equipment levy, making an appropriation,".  
 4 4. By renumbering as necessary.

Schrader of Marion offered the following amendment H-8117, to amendment H-8082, filed by him from the floor and moved its adoption:

### H-8117

- 1 Amend the amendment, H-8082, to House File 2282, as  
 2 follows:  
 3 1. Page 1, by striking line 45 and inserting the  
 4 following: "section 298.3.  
 5 Sec. \_\_\_\_ Section 298.2, Code Supplement 1997, is  
 6 amended by adding the following new subsection:  
 7 NEW SUBSECTION. 8. For a school district which  
 8 has not imposed the regular physical plant and  
 9 equipment levy, or has not imposed the levy at the  
 10 thirty-three cent maximum level, there is appropriated  
 11 annually from the general fund of the state to the  
 12 department of management for the school budget year  
 13 beginning July 1, 1998, and succeeding budget years,  
 14 an amount equal to the difference between the ninety-  
 15 two dollar and fifty cents per pupil rate applied in  
 16 subsection 7 and the amount which would have been  
 17 received by a school district if it had imposed the  
 18 regular physical plant and equipment levy at the  
 19 thirty-three cent maximum level. The funds  
 20 appropriated shall be allocated as follows:  
 21 a. The department of management shall determine,  
 22 by April 15 of the base year, the amount of regular  
 23 physical plant and equipment levy property tax revenue  
 24 which would have been generated in a school district  
 25 if the district had imposed the levy at the maximum  
 26 thirty-three cent rate. In making this determination,  
 27 the department shall utilize the most recent figures  
 28 available for the district's valuation of taxable

29 property and the actual enrollment certified to the  
30 department by the department of education for the base  
31 year.

32 b. The department shall deposit, for each school  
33 district either not imposing the levy, or imposing the  
34 levy at a rate generating revenue below the ninety-two  
35 dollars and fifty cents per pupil level, the amount  
36 determined pursuant to this subsection to the credit  
37 of the district in the physical plant and equipment  
38 levy fund by September 15 of the budget year."

Amendment H-8117, to amendment H-8082, was adopted.

Thomas of Clayton moved the adoption of amendment H-8082, as amended.

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

Rule 75 was invoked.

On the question "Shall amendment H-8082, as amended, be adopted?" (H.F. 2282)

The ayes were, 46:

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

The nays were, 51:

Barry	Blodgett	Boddicker	Bogges
Bradley	Brauns	Brunkhorst	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	Larson
Lord	Martin	Metcalf	Meyer
Millage	Nelson	Rants	Rayhons
Siegrist	Sukup	Teig	Thomson

Tyrrell  
Weidman

Van Fossen  
Welter

Vande Hoef  
Carroll,  
Presiding

Veenstra

Absent or not voting, 3:

Lamberti

O'Brien

Van Maanen

Amendment H-8082 lost.

Kreiman of Davis offered the following amendment H-8090 filed by him and moved its adoption:

H-8090

- 1 Amend House File 2282 as follows:
- 2 1. Page 8, by inserting after line 20 the
- 3 following:
- 4 "6. If federal rules or regulations are adopted
- 5 relating to the distribution or utilization of funds
- 6 allocated to the state department of education
- 7 pursuant to this section which are inconsistent with
- 8 the provisions of this section, the state department
- 9 of education shall adopt rules to comply with the
- 10 requirements of the federal rules or regulations."

Amendment H-8090 was adopted.

Falck of Fayette asked and received unanimous consent to withdraw amendment H-8072 filed by him on February 18, 1998.

Falck of Fayette asked and received unanimous consent to withdraw amendment H-8073 filed by him on February 18, 1998.

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

On the question "Shall the bill pass?" (H.F. 2282)

The ayes were, 59:

Barry  
Bogges  
Cataldo  
Corbett, Spkr.  
Drees  
Ford  
Gries  
Huseman  
Lamberti  
Mascher  
Mundie

Bell  
Bradley  
Chiodo  
Cormack  
Eddie  
Frevert  
Grundberg  
Jacobs  
Larkin  
May  
Murphy

Blodgett  
Brauns  
Churchill  
Dinkla  
Fallon  
Gipp  
Hansen  
Jenkins  
Larson  
Metcalf  
Nelson

Boddicker  
Bukta  
Connors  
Drake  
Foege  
Greiner  
Holmes  
Jochum  
Lord  
Moreland  
Osterhaus

Rants	Scherrman	Schrader	Siegrist
Sukup	Taylor	Teig	Thomas
Thomson	Tyrrell	Warnstadt	Weigel
Welter	Whitead	Carroll, Presiding	

The nays were, 39:

Arnold	Bernau	Brand	Brunkhorst
Burnett	Chapman	Cohoon	Dix
Doderer	Dolecheck	Dotzler	Falck
Garman	Greig	Hahn	Heaton
Holveck	Houser	Huser	Kinzer
Klemme	Koenigs	Kreiman	Kremer
Martin	Mertz	Meyer	Millage
Myers	Rayhons	Reynolds-Knight	Richardson
Shoultz	Van Fossen	Vande Hoef	Veenstra
Weidman	Wise	Witt	

Absent or not voting, 2:

O'Brien                      Van Maanen

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

#### IMMEDIATE MESSAGE

Siegrist of Pottawattamie asked and received unanimous consent that **House File 2282** be immediately messaged to the Senate.

#### INTRODUCTION OF BILLS

**House File 2450**, by Warnstadt, a bill for an act relating to practitioner preparation programs and the successful completion of coursework on technology and the implementation of technology into the classroom.

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

**House File 2451**, by Warnstadt, a bill for an act authorizing the department of human services to pay housing costs to the provider directly on behalf of an applicant or participant in the family investment program.

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

**House File 2452**, by Larkin and Heaton, a bill for an act relating to a tonnage fee exemption for certain solid waste disposal facilities.

Read first time and referred to committee on **environmental protection**.



**House File 2453**, by Hansen, a bill for an act relating to assaults on off-duty peace officers providing private duty security.

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

**House File 2454**, by committee on commerce and regulation, a bill for an act relating to motor vehicle operator proof of financial responsibility and providing an effective date and for retroactive applicability.

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

**House File 2455**, by committee on human resources, a bill for an act relating to involvement of federal military installations with child abuse assessments.

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

#### MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on February 18, 1998, amended and passed the following bill in which the concurrence of the House is asked:

House File 299, a bill for an act concerning drug and alcohol testing of private sector employees and prospective employees and providing remedies and an effective date.

MARY PAT GUNDERSON, Secretary

#### HOUSE FILE 2419 REFERRED

The Speaker announced that House File 2419, previously placed on the **calendar** was referred to committee on **ways and means**.

#### EXPLANATION OF VOTE

I was necessarily absent from the House chamber on February 23 and 24, 1998. Had I been present, I would have voted "aye" on House Joint Resolution 2004, House File 2211 and Senate Files 2075 and 2182.

WEIGEL of Chickasaw

#### BILL ENROLLED, SIGNED AND SENT TO GOVERNOR

The Chief Clerk of the House submitted the following report:

Mr. Speaker: The Chief Clerk of the House respectfully reports that the following bill has been examined and found correctly enrolled, signed by the Speaker

of the House and the President of the Senate, and presented to the Governor for his approval on this 25th day of February, 1998: House File 2002.

ELIZABETH A. ISAACSON  
Chief Clerk of the House

Report adopted.

### PRESENTATION OF VISITORS

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

Sixty-five students from Vinton-Shellsburg High School, Vinton, accompanied by Mike Timmermans and Sheryl Stulken. By Brand of Tama.

Fifty eighth grade students from Callanan Middle School, Des Moines, accompanied by Mr. Rasmussen. By Ford of Polk.

### 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

1998\181 Slayton Thompson, Ms. Cox, and Ms. Goodlet of Grant Wood Elementary School – For leading the exceptional performance of Grant Wood Elementary School students in the Pledge of Allegiance, and for their rendition of God Bless America, including the use of sign language, a drum routine and a choreographed flag dance.

### SUBCOMMITTEE ASSIGNMENTS

#### House File 2241

Local Government: Fallon, Chair; Arnold and Dix.

#### House File 2417

Appropriations: Grundberg, Chair; Meyer and Warnstadt.

#### House File 2445

Appropriations: Millage, Chair; Sukup and Warnstadt.

### HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS

#### House Study Bill 673 Reassigned

State Government: Jacobs, Chair; Gipp and Larkin.

**House Study Bill 678**

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

**House Study Bill 680**

State Government: Gipp, Chair; Martin and Taylor.

**House Study Bill 681**

State Government: Martin, Chair; Connors, Drake, Gipp and Larkin.

**House Study Bill 682**

Commerce and Regulation: Sukup, Chair; Metcalf and Wise.

**House Study Bill 683**

Human Resources: Boddicker, Chair; Murphy and Veenstra.

**House Study Bill 684**

Human Resources: Boddicker, Chair; Foege and Veenstra.

**HOUSE STUDY BILL COMMITTEE ASSIGNMENTS****H.S.B. 685 Commerce and Regulation**

Establishing the lowaccess system and providing for an appropriation.

**H.S.B. 686 State Government**

Relating to employment background checks by care facilities and services, creating a single contact repository, and making appropriations.

**H.S.B. 687 Ways and Means**

Limiting the amount of the residential property tax rollback and including an applicability date provision.

**H.S.B. 688 Ways and Means**

A joint resolution proposing an amendment to the Constitution of the State of Iowa relating to protection of taxpayers' rights by limiting the growth rate of taxes, revenue, and spending of the state government and by increasing the people's control over taxes, revenue, and spending of the state government.

**H.S.B. 689 Judiciary**

Relating to the operation of the lottery, providing for multi-jurisdictional agreements, and providing a penalty for the theft or redemption of stolen lottery tickets.

## COMMITTEE RECOMMENDATIONS

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

ELIZABETH A. ISAACSON  
Chief Clerk of the House

## COMMITTEE ON COMMERCE AND REGULATION

**House File 2208**, a bill for an act relating to debt collection by excluding a financial institution and its employees from the definition of debt collector.

Fiscal Note is not required.

Recommended **Do Pass** February 24, 1998.

**Committee Bill** (Formerly House File 2249), providing for connection to the Iowa communications network by the quad cities graduate center.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 24, 1998.

**Committee Bill** (Formerly House Study Bill 545), relating to the time for review of the reorganization of a public utility by the utilities board and providing an effective date.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 24, 1998.

**Committee Bill** (Formerly House Study Bill 650), relating to electronic commerce security, and providing penalties.

Fiscal Note is not required.

Recommended **Do Pass** February 24, 1998.

## COMMITTEE ON EDUCATION

**Committee Bill** (Formerly House Study Bill 513), establishing an early childhood education imperatives program and making an appropriation.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 24, 1998.

## COMMITTEE ON ENVIRONMENTAL PROTECTION

**House Concurrent Resolution 109**, a concurrent resolution establishing a committee to study and make recommendations concerning the management of solid waste and recycling.

Fiscal Note is not required.

Recommended **Do Pass and laid over under Rule 25** February 24, 1998.

**Committee Bill** (Formerly House Study Bill 638), relating to the administration of the insurance account of the comprehensive petroleum underground storage

tank fund, creating an underground storage tank insurance board, an underground storage tank insurance fund, and transferring assets and liabilities of the insurance account of the comprehensive petroleum underground storage tank fund.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 24, 1998.

#### COMMITTEE ON HUMAN RESOURCES

**House File 2186**, a bill for an act requiring the continued placement of a child with a foster parent who is a prospective adoptive parent for the child during a termination of parental rights proceeding.

Fiscal Note is not required.

Recommended **Do Pass** February 24, 1998.

**Committee Bill** (Formerly House Study Bill 596), relating to involvement of federal military installations with child abuse assessments.

Fiscal Note is not required.

Recommended **Do Pass** February 24, 1998.

#### COMMITTEE ON JUDICIARY

**House File 667**, a bill for an act relating to the Iowa administrative procedure Act and providing an effective and applicability date.

Fiscal Note is not required.

Recommended **Do Pass** February 24, 1998.

**Committee Bill** (Formerly House Study Bill 509), providing for mediation in disputes involving agricultural producers.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 24, 1998.

**Committee Bill** (Formerly House Study Bill 561), providing for victim rights, providing for penalties, and an effective date.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 24, 1998.

**Committee Bill** (Formerly House Study Bill 564), establishing a civil cause of action on behalf of the state to recover, from manufacturers of tobacco products, medical assistance payments made by the state due to injury, disease, or disability caused by the use of tobacco by the recipients of medical assistance, providing for a jury trial, making related changes, and providing for severability.

Fiscal Note is not required.

Recommended **Do Pass** February 24, 1998.

**Committee Bill** (Formerly House Study Bill 624), relating to the fines applicable to the sale of alcohol to minors and providing an effective date.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 24, 1998.

**Committee Bill** (Formerly House Study Bill 649), changing the designation of the judiciary in the Code from the judicial department to the judicial branch.

Fiscal Note is not required.

Recommended **Do Pass** February 24, 1998.

**Committee Bill** (Formerly House File 664), concerning compliance with the terms of an employee pension plan and providing a penalty.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 24, 1998.

**Committee Bill** (Formerly House Study Bill 671), concerning the number of supreme court justices and court of appeals judges, providing for support staff, and including a contingent effective date.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 24, 1998.

#### COMMITTEE ON LABOR AND INDUSTRIAL RELATIONS

**Committee Bill** (Formerly House File 289), providing for drug testing of public safety employees and making penalties applicable.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 24, 1998.

**Committee Bill** (Formerly House Study Bill 578), relating to workers' compensation by changing the name of the division and personnel responsible, providing for the commencement of compensation during a healing period, and providing for reporting requirements.

Fiscal Note is not required.

Recommended **Do Pass** February 24, 1998.

#### COMMITTEE ON LOCAL GOVERNMENT

**House File 2035**, a bill for an act relating to suspension of payment of property taxes for certain persons receiving government assistance and providing an applicability date.

Fiscal Note is not required.

Recommended **Do Pass** February 24, 1998.

**House File 2175**, a bill for an act relating to the creation of, and annexation of property to, a sanitary sewer district.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H-8118** February 24, 1998.

**House File 2281**, a bill for an act providing for the recording of certain residential real estate contracts, providing a penalty, and providing for the Act's applicability.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H-8122** February 24, 1998.

**Committee Bill** (Formerly House Study Bill 612), relating to fines imposed for violations of city ordinances or city infractions.

Fiscal Note is not required.

Recommended **Do Pass** February 24, 1998.

**Committee Bill** (Formerly House Study Bill 646), relating to public notice of annexation applications.

Fiscal Note is not required.

Recommended **Do Pass** February 24, 1998.

**Committee Bill** (Formerly House Study Bill 657), relating to the standard uniforms of sheriffs and deputy sheriffs.

Fiscal Note is not required.

Recommended **Do Pass** February 24, 1998.

#### COMMITTEE ON TRANSPORTATION

**House File 2394**, a bill for an act providing for an immediate suspension of a driver's license of a person charged with homicide by vehicle.

Fiscal Note is not required.

Recommended **Do Pass** February 24, 1998.

**Committee Bill** (Formerly House Study Bill 617), relating to motor trucks, including weight requirements and transportation of hazardous materials, and providing an effective date.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 24, 1998.

**Committee Bill** (Formerly House Study Bill 660), relating to certain criminal acts committed on or against the property of railway corporations and providing and applying penalties.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 24, 1998.

#### AMENDMENTS FILED

H—8118	H.F.	2175	Committee on Local Government
H—8119	H.F.	299	Senate Amendment

H—8120	H.F.	223	Brauns of Muscatine
H—8121	H.F.	2416	Heaton of Henry
H—8122	H.F.	2281	Committee on Local Government

On motion by Siegrist of Pottawattamie, the House adjourned at 12:10 p.m., until 8:45 a.m., Thursday, February 26, 1998.



# JOURNAL OF THE HOUSE

Forty-sixth Calendar Day - Thirty-first Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Thursday, February 26, 1998

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

Prayer was offered by Reverend Larry Wagner, Baptist Church, Bonaparte.

The Journal of Wednesday, February 25, 1998 was approved.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Van Maanen of Marion on request of Siegrist of Pottawattamie.

## INTRODUCTION OF BILLS

**House File 2456**, by committee on judiciary, a bill for an act changing the designation of the judiciary in the Code from the judicial department to the judicial branch.

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

**House File 2457**, by committee on judiciary, a bill for an act establishing a civil cause of action on behalf of the state to recover, from manufacturers of tobacco products, medical assistance payments made by the state due to injury, disease, or disability caused by the use of tobacco by the recipients of medical assistance, providing for a jury trial, making related changes, and providing for severability.

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

**House File 2458**, by committee on education, a bill for an act establishing an early childhood education imperatives program and making an appropriation.

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

**House File 2459**, by committee on economic development, a bill for an act relating to the creation of a certified school to career program, providing refunds for certain wages paid to and amounts held in trust for individuals in the program, making an appropriation and including an effective and applicability date provision.

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

**House File 2460**, by Doderer, Murphy, and Reynolds-Knight, a bill for an act relating to the licensing of certified professional midwives, establishing the board of professional midwife examiners, and prohibiting the use of the title certified professional midwife without a license.

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

**House File 2461**, by Vande Hoef, a bill for an act relating to use of the revitalize Iowa's sound economy fund for highway access to projects related to value-added agriculture.

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

**House File 2462**, by Jacobs, Brunkhorst, Mascher, Wise, Cataldo, Drake, Hahn, Mertz, Kremer, Barry, and May, a bill for an act relating to the election of a local exchange carrier to be price-regulated and providing an effective date.

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

**House File 2463**, by Schrader, Osterhaus, Foege, Bell, Bernau, Brand, Bukta, Burnett, Cataldo, Chapman, Chiodo, Cohoon, Connors, Doderer, Dotzler, Drees, Falck, Fallon, Ford, Frevert, Holveck, Huser, Jochum, Kinzer, Koenigs, Kreiman, Larkin, Mascher, May, Mertz, Moreland, Mundie, Murphy, Myers, O'Brien, Reynolds-Knight, Richardson, Scherrman, Shoultz, Taylor, Thomas, Warnstadt, Weigel, Whitead, Wise, and Witt, a bill for an act relating to review of and liability for certain health care treatment decisions.

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

**House File 2464**, by Warnstadt and Whitead, a bill for an act relating to insurance coverage for motor vehicles in this state and providing penalties.

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

**House File 2465**, by committee on labor and industrial relations, a bill for an act relating to workers' compensation by changing the name of the division and personnel responsible, providing for the commencement of compensation during a healing period, and providing for reporting requirements.

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

**House File 2466**, by committee on local government, a bill for an act relating to public notice of annexation applications.

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

**House File 2467**, by committee on local government, a bill for an act relating to the standard uniforms of sheriffs and deputy sheriffs.

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

**House File 2468**, by committee on commerce and regulation, a bill for an act establishing an electronic benefits transfer program in the department of human services.

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

**House File 2469**, by committee on commerce and regulation, a bill for an act relating to a reinsurer's liability.

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

**House File 2470**, by committee on labor and industrial relations, a bill for an act providing for drug testing of public safety employees.

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

**House File 2471**, by committee on judiciary, a bill for an act concerning the number of supreme court justices and court of appeals judges, and including a contingent effective date.

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

**House File 2472**, by committee on local government, a bill for an act relating to fines imposed for violations of city ordinances or city infractions and providing an effective date.

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

**House File 2473**, by committee on judiciary, a bill for an act providing for mediation in disputes involving agricultural producers.

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

**House File 2474**, by committee on commerce and regulation, a bill for an act relating to electronic commerce security, and providing penalties.

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

## CONSIDERATION OF BILLS

### Regular Calendar

**House File 2169**, a bill for an act raising the limit on the amount of assets subject to a conservatorship in cases where a private nonprofit corporation serves as conservator, with report of committee recommending passage, was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 2169)

The ayes were, 96:

Arnold	Barry	Bell	Bernau
Blodgett	Boddicker	Bogges	Bradley
Brand	Brauns	Brunkhorst	Bukta
Burnett	Carroll	Cataldo	Chapman
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
Tyrrell	Van Fossen	Vande Hoef	Veenstra
Warnstadt	Weidman	Weigel	Welter
Whitead	Wise	Witt	Mr. Speaker Corbett

The nays were, none.

Absent or not voting, 4:

Chiodo	Dinkla	Thomson	Van Maanen
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

## Appropriations Calendar

**House File 2218**, 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, was taken up for consideration.

Nelson of Marshall offered the following amendment H-8092 filed by her and moved its adoption:

H-8092

1 Amend House File 2218 as follows:

2 1. Page 15, by inserting after line 22 the

3 following:

4 "3. If the amount of moneys received from the  
5 federal government for a specific grant number  
6 specified in this Act is less than the amount  
7 appropriated, the amount appropriated shall be reduced  
8 accordingly. An annual report listing any such  
9 appropriation reduction shall be submitted to the  
10 fiscal committee of the legislative council."

11 2. Page 16, by inserting after line 3 the  
12 following:

13 "4. If the amount of moneys received from the  
14 federal government for a specific grant number  
15 specified in this Act exceeds the amount appropriated,  
16 the excess amount is appropriated for the purpose  
17 designated in the specific grant's appropriation. An  
18 annual report listing any such excess appropriations  
19 shall be submitted to the fiscal committee of the  
20 legislative council."

21 3. Page 26, line 10, by striking the words

22 "GOVERNOR'S ALLIANCE ON SUBSTANCE ABUSE" and inserting  
23 the following: "DRUG ENFORCEMENT AND ABUSE PREVENTION  
24 COORDINATOR".

25 4. Page 26, line 14, by striking the words

26 "governor's alliance on substance abuse" and inserting  
27 the following: "office of the governor for the drug  
28 enforcement and abuse prevention coordinator".

Amendment H-8092 was adopted.

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

On the question "Shall the bill pass?" (H.F. 2218)

The ayes were, 96:

Arnold	Barry	Bell	Bernau
Blodgett	Boddicker	Boguess	Bradley
Brand	Brauns	Brunkhorst	Bukta
Burnett	Carroll	Cataldo	Chapman
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
Tyrrell	Van Fossen	Vande Hoef	Veenstra
Warnstadt	Weidman	Weigel	Welter
Whitead	Wise	Witt	Mr. Speaker Corbett

The nays were, none.

Absent or not voting, 4:

Chiodo	Dinkla	Thomson	Van Maanen
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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 2169 and 2218.**

**House File 681**, a bill for an act creating an environmental audit privilege and providing penalties, was taken up for consideration.

Siegrist of Pottawattamie asked and received unanimous consent to defer House File 681 and retain its place on the Special Order Calendar.

## HOUSE FILE 2431 REREFERRED

The Speaker announced that House File 2431, previously referred to committee on **education** was rereferred to committee on **ways and means**.

## EXPLANATION OF VOTE

I was necessarily absent from the House chamber on February 26, 1998. Had I been present, I would have voted "aye" on House Files 2169 and 2218.

CHIODO of Polk

## BILL SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on February 26, 1998, he approved and transmitted to the Secretary of State the following bill:

Senate File 2121, an act regulating veterinary practice and procedures, by providing for the treatment of horses, and providing an effective date.

## PRESENTATION OF VISITORS

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

Twenty-six eighth grade students from Callanan Middle School, Des Moines, accompanied by Mr. Rasmussen. By Ford of Polk.

## COMMUNICATION RECEIVED

The following communication was received and filed in the office of the Chief Clerk:

DEPARTMENT OF AGRICULTURE AND LAND STEWARDSHIP  
Office of Renewable Fuels and Co-Products

The Semi-Annual Report, March 1, 1998, pursuant to Chapter 159.15, 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

1998\182 Elmer Wright, Indianola - For celebrating his 80th birthday.

- 1998\183 Elizabeth Reicks, Turkey Valley Community School – For winning 1st place in the 8th-9th grade category in the “Write Women Back Into History” Essay Contest.
- 1998\184 Sharon Haselhoff, Des Moines – For receiving Iowa State University’s Sex Equity Award from the Carrie Chapman Catt Center.
- 1998\185 Melvin A. Stabenow, Waterloo – For his service to the people of Iowa, by donating 40 gallons of blood, an all time record for the city of Waterloo.
- 1998\186 Todd Young, Hinton – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 1998\187 Calvin and Thelma Johnsen, Logan – For celebrating their 50th wedding anniversary.

#### SUBCOMMITTEE ASSIGNMENTS

##### House File 2434

Economic Development: Drake, Chair; Barry and Dotzler.

##### House File 2443

Labor and Industrial Relations: Barry, Chair; Metcalf and Taylor.

##### House File 2449

Local Government: Houser, Chair; Myers and Vande Hoef.

##### House File 2452

Environmental Protection: Gipp, Chair; Bradley and Burnett.

#### HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS

##### House Study Bill 685

Commerce and Regulation: Jacobs, Chair; Koenigs and Sukup.

##### House Study Bill 686

State Government: Martin, Chair; Burnett and Jacobs.

##### House Study Bill 687

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



**House Study Bill 688**

Ways and Means: Larson, Chair; Dix, Myers, Richardson and Van Fossen.

**House Study Bill 689**

Judiciary: Lamberti, Chair; Chapman and Sukup.

**HOUSE STUDY BILL COMMITTEE ASSIGNMENTS****H.S.B. 690 Judiciary**

Relating to the uniform principal and interest Act.

**H.S.B. 691 Judiciary**

Relating to issuance of mortgage release certificates for certain mortgages.

**COMMITTEE RECOMMENDATIONS**

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

**ELIZABETH A. ISAACSON**  
Chief Clerk of the House

**COMMITTEE ON AGRICULTURE**

**Committee Bill** (Formerly House Study Bill 661), regulating animal feeding operations and making penalties applicable and providing an effective date.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 25, 1998.

**Committee Bill** (Formerly House Study Bill 665), relating to cooperatives organized under Code chapter 501.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 25, 1998.

**COMMITTEE ON APPROPRIATIONS**

**Committee Bill** (Formerly House Study Bill 643), relating to and making transportation and other infrastructure-related appropriations to the state department of transportation and other state agencies, 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, and making statutory changes relating to appropriations.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 25, 1998.

**Committee Bill** (Formerly House Study Bill 672), 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** February 25, 1998.

#### COMMITTEE ON EDUCATION

**Committee Bill** (Formerly House Study Bill 592), establishing a building blocks of success grant program.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 25, 1998.

**Committee Bill** (Formerly House Study Bill 593), relating to the establishment of a national board certification award and making an appropriation.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 25, 1998.

#### COMMITTEE ON JUDICIARY

**Committee Bill** (Formerly House File 351), to prohibit criminal or juvenile justice agencies from requesting polygraph tests from sexual abuse victims or witnesses as a precondition to an investigation.

Fiscal Note is not required.

Recommended **Do Pass** February 26, 1998.

**Committee Bill** (Formerly House File 663), relating to the disposition of property forfeited to the state.

Fiscal Note is not required.

Recommended **Do Pass** February 26, 1998.

**Committee Bill** (Formerly House File 2025), relating to confidentiality in the mediation process.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 25, 1998.

**Committee Bill** (Formerly House File 2060), relating to the criminal penalties applicable to certain offenses, by increasing and adding penalties for certain drug offenses and increasing the penalty applicable to the crime of voluntary absence from custody.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 26, 1998.

**Committee Bill** (Formerly House File 2334), relating to certain crimes against persons, by permitting the retention as criminal history data of acquittals, dismissals, or adjudications based on mental condition if the charge involved injury to another, by providing for the collection and dissemination of information on the

offense of stalking, by providing for the application of enhanced stalking penalties for persons who are the subject of certain restraining or protective orders, and providing for the issuance of a no-contact order against persons accused of stalking.

Fiscal Note is required.

Recommended **Do Pass** February 25, 1998.

**Committee Bill** (Formerly House Study Bill 623), to repeal the future repeal of the interception of communications chapter.

Fiscal Note is not required.

Recommended **Do Pass** February 25, 1998.

**Committee Bill** (Formerly House Study Bill 679), relating to real estate titles involving bankruptcy.

Fiscal Note is not required.

Recommended **Do Pass** February 25, 1998.

**Committee Bill** (Formerly House Study Bill 689), relating to the operation of the lottery, providing for multi-jurisdictional agreements, and providing a penalty for the theft or redemption of stolen lottery tickets.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 26, 1998.

#### COMMITTEE ON STATE GOVERNMENT

**House File 2101**, a bill for an act relating to gambling by imposing a moratorium on the number and types of gambling games and slot machines authorized in this state and on new licenses to conduct gambling on excursion gambling boats, and by limiting the location of new excursion gambling boat operations.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H-8127** February 25, 1998.

**House Concurrent Resolution 111**, a concurrent resolution designating March 1998 as Iowa Women's History Month.

Fiscal Note is not required.

Recommended **Do Pass and laid over under Rule 25** February 25, 1998.

**Committee Bill** (Formerly House File 2397), relating to the conduct of elections in the state.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 25, 1998.

**Committee Bill** (Formerly House Study Bill 599), relating to amusement ride rider safety and providing a penalty.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 25, 1998.

**Committee Bill** (Formerly House Study Bill 658), concerning nonsubstantive gender-related provisions in the Code.

Fiscal Note is not required.

Recommended **Do Pass** February 25, 1998.

**Committee Bill** (Formerly House Study Bill 673), establishing a state employee deferred compensation trust fund.

Fiscal Note is not required.

Recommended **Do Pass** February 25, 1998.

**Committee Bill** (Formerly House Study Bill 680), providing for cochairpersons of the administrative rules review committee.

Fiscal Note is not required.

Recommended **Do Pass** February 25, 1998.

**Committee Bill** (Formerly House Study Bill 681), relating to public retirement systems, and providing effective, implementation, and applicability dates.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 25, 1998.

**Committee Bill** (Formerly House Study Bill 686), relating to employment background checks by care facilities and services, creating a single contact repository, and making appropriations.

Fiscal Note is not required.

Recommended **Do Pass** February 25, 1998.

**COMMITTEE ON WAYS AND MEANS**

**Committee Bill** (Formerly House Study Bill 637), relating to the individual income tax by eliminating the taxation of certain capital gains and providing special treatment of gains from the sales of businesses to descendants, increasing the amount of pension income excluded, increasing certain personal exemption tax credits, and increasing and expanding the tuition and textbook tax credit, exempting sales and services to privately owned or operated hospitals from the sales, services, and use taxes, and relating to the income eligibility requirements for the homestead property tax credit, mobile home tax credit, or reimbursement for rent constituting property taxes paid, and including effective and prospective and retroactive applicability date provisions.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 26, 1998.

**AMENDMENTS FILED**

H—8124	H.F.	2437	Rants of Woodbury
H—8125	H.F.	2395	Millage of Scott
H—8126	S.F.	2052	Rants of Woodbury
H—8127	H.F.	2101	Committee on State Government
H—8128	H.F.	2395	Larkin of Lee
H—8129	H.F.	2395	Falck of Fayette
			Chapman of Linn
			Dotzler of Black Hawk
			Huser of Polk
			Larkin of Lee
			Moreland of Wapello
			Osterhaus of Jackson
			Schrader of Marion
			Taylor of Linn
			Weigel of Chickasaw
			Whitead of Woodbury
			Wise of Lee
H—8130	H.F.	2395	Murphy of Dubuque
H—8131	H.F.	2395	Huser of Polk
H—8132	H.F.	2395	Osterhaus of Jackson
			Murphy of Dubuque
			Foege of Linn
			Jochum of Dubuque

On motion by Siegrist of Pottawattamie, the House adjourned at 9:32 a.m., until 9:00 a.m., Friday, February 27, 1998.

# JOURNAL OF THE HOUSE

Forty-seventh Calendar Day - Thirty-second Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Friday, February 27, 1998

The House met pursuant to adjournment at 9:00 a.m., Speaker Corbett in the chair.

Prayer was offered by Betty Soener, Confidential Secretary to Chief Clerk.

The Journal of Thursday, February 26, 1998 was approved.

## INTRODUCTION OF BILLS

**House File 2475**, by committee on judiciary, a bill for an act relating to certain crimes against persons, by permitting the retention as criminal history data of acquittals, dismissals, or adjudications based on mental condition if the charge involved injury to another, by providing for the collection and dissemination of information on the offense of stalking, by providing for the application of enhanced stalking penalties for persons who are the subject of certain restraining or protective orders, and providing for the issuance of a no-contact order against persons accused of stalking.

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

**House File 2476**, by committee on commerce and regulation, a bill for an act providing for connection to the Iowa communications network by the quad cities graduate center.

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

**House File 2477**, by committee on judiciary, a bill for an act concerning compliance with the terms of an employee pension plan and providing a penalty.

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

**House File 2478**, by committee on judiciary, a bill for an act relating to confidentiality in the mediation process.

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

**House File 2479**, by committee on judiciary, a bill for an act relating to real estate titles involving bankruptcy.

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

**House File 2480**, by committee on judiciary, a bill for an act to repeal the future repeal of the interception of communications chapter.

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

**House File 2481**, by committee on commerce and regulation, a bill for an act relating to the time for review of the reorganization of a public utility by the utilities board and providing an effective date.

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

**House File 2482**, by committee on transportation, a bill for an act relating to certain criminal acts committed on or against the property of railway corporations and providing and applying penalties.

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

**House File 2483**, by committee on state government, a bill for an act relating to employment background checks by care facilities and services, creating a single contact repository, and making appropriations.

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

**House File 2484**, by Greig, a bill for an act relating to the taxation of certain credit unions at the same rate and in the same manner as other financial institutions doing business in Iowa and including an applicability date provision.

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

**House File 2485**, by Warnstadt, a bill for an act relating to an individual income tax deduction for expenses incurred for marital counseling and providing a retroactive applicability date.

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

**House File 2486**, by committee on judiciary, a bill for an act to prohibit criminal or juvenile justice agencies from requesting polygraph tests from sexual abuse victims or witnesses as a precondition to an investigation.

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

**House File 2487**, by committee on judiciary, a bill for an act relating to the fines and penalties applicable to the sale of alcohol to minors and providing an effective date.

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

**House File 2488**, by committee on state government, a bill for an act providing for cochairpersons of the administrative rules review committee.

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

**House File 2489**, by committee on state government, a bill for an act establishing a state employee deferred compensation trust fund.

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

**House File 2490**, by committee on environmental protection, a bill for an act relating to the administration of the insurance account of the comprehensive petroleum underground storage tank fund, creating an underground storage tank insurance board, an underground storage tank insurance fund, and transferring assets and liabilities of the insurance account of the comprehensive petroleum underground storage tank fund.

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

**House File 2491**, by committee on state government, a bill for an act relating to amusement ride rider safety, providing a penalty, and providing an effective date.

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

**House File 2492**, by committee on agriculture, a bill for an act relating to drainage districts, by extending the period for financing repairs and improvements.

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

**House File 2493**, by committee on state government, a bill for an act concerning nonsubstantive gender-related provisions in the Code.

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

**House File 2494**, by committee on agriculture, a bill for an act regulating animal feeding operations and making penalties applicable and providing an effective date.

Read first time and placed on the **special order calendar for Tuesday, March 10, 1998**.



## HOUSE STUDY BILL COMMITTEE ASSIGNMENT

**H.S.B. 692 Ways and Means**

Relating to the replacement of property tax on property associated with electricity and natural gas with excise taxes associated with electricity and natural gas, establishing a statewide property tax on property associated with electricity and natural gas, providing for a special utility property tax levy or tax credit, providing for the Act's retroactive applicability, providing an effective date, and providing penalties.

## COMMITTEE RECOMMENDATIONS

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

**ELIZABETH A. ISAACSON**  
Chief Clerk of the House

## COMMITTEE ON ENVIRONMENTAL PROTECTION

**Committee Bill** (Formerly House Study Bill 575), relating to waste tires and tire-derived fuels.

Fiscal Note is not required.

**Recommended Amend and Do Pass** February 26, 1998.

## COMMITTEE ON LABOR AND INDUSTRIAL RELATIONS

**House File 2443**, a bill for an act relating to state workers' compensation coverage for students at a community college participating in school-to-work programs.

Fiscal Note is not required.

**Recommended Do Pass** February 26, 1998.

**Committee Bill** (Formerly House Study Bill 570), 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 to include the imposition of an employer surcharge, and providing an effective date.

Fiscal Note is required.

**Recommended Amend and Do Pass** February 26, 1998.

## COMMITTEE ON LOCAL GOVERNMENT

**House File 2232**, a bill for an act relating to rural improvement zones.

Fiscal Note is not required.

**Recommended Amend and Do Pass with amendment H-8140** February 26, 1998.

**House File 2386**, a bill for an act relating to urban revitalization property tax exemptions and exemption schedules for certain real property and providing for the Act's applicability.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H-8141** February 26, 1998.

Pursuant to **Rule 31.7**, **House File 2386** was referred to the committee on ways and means.

**Committee Bill** (Formerly House Study Bill 553), relating to county vital statistics by providing for the issuance of marriage licenses and eliminating the fee for county birth registrations.

Fiscal Note is not required.

Recommended **Do Pass** February 26, 1998.

**Committee Bill** (Formerly House Study Bill 663), relating to the statewide notification center and providing for alternative staff and the information requirements associated with the notice of an excavation.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 26, 1998.

**Committee Bill** (Formerly House Study Bill 666), relating to condemnation of agricultural land for economic development purposes, providing for the Act's applicability, and providing an effective date.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 26, 1998.

#### COMMITTEE ON NATURAL RESOURCES

**House File 2290**, a bill for an act relating to the civil damages and penalties for the illegal taking of antlered deer.

Fiscal Note is not required.

Recommended **Do Pass** February 26, 1998.

**House File 2341**, a bill for an act relating to state park user permits and providing a penalty and an effective date.

Fiscal Note is not required.

Recommended **Failed to Pass** February 26, 1998.

**Committee Bill** (Formerly House Study Bill 555), relating to the designation and protection of tracts of deep loess soil deposits and formation of this state.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 26, 1998.

**Committee Bill** (Formerly House Study Bill 670), relating to the taking of mussels from the waters of this state and providing an effective date.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 26, 1998.

COMMITTEE ON TRANSPORTATION

**Committee Bill** (Formerly House File 2256), specifying lighting equipment and other features for snowplows, regulating snowplow operations, and making penalties applicable.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 26, 1998.

**Committee Bill** (Formerly House Study Bill 576), establishing a graduated driver's license for young drivers, making penalties applicable, and including an applicability provision and an effective date.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 26, 1998.

AMENDMENTS FILED

H—8133	H.F.	2395	Huser of Polk Lamberti of Polk
H—8134	H.F.	2395	Huser of Polk
H—8135	H.F.	2395	Taylor of Linn
H—8136	H.F.	2395	Taylor of Linn
H—8137	H.F.	2440	Fallon of Polk
H—8138	H.F.	2440	Fallon of Polk
H—8139	S.F.	2052	Rants of Woodbury
H—8140	H.F.	2232	Committee on Local Government
H—8141	H.F.	2386	Committee on Local Government
H—8142	H.F.	2395	Warnstadt of Woodbury

On motion by Gipp of Winneshiek, the House adjourned at 9:07 a.m., until 1:00 p.m., Monday, March 2, 1998.

# JOURNAL OF THE HOUSE

Fiftieth Calendar Day - Thirty-third Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Monday, March 2, 1998

The House met pursuant to adjournment at 1:10 p.m., Speaker pro tempore Van Maanen of Marion in the chair.

Prayer was offered by Reverend Joseph Green, First Assembly of God Church, Council Bluffs.

The Journal of Friday, February 27, 1998 was approved.

## PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Reverend Joseph Green, Council Bluffs.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Drake of Pottawattamie, until his arrival, on request of Siegrist of Pottawattamie.

## INTRODUCTION OF BILLS

**House File 2495**, by committee on state government, a bill for an act relating to the conduct of elections in the state.

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

**House File 2496**, by committee on state government, a bill for an act relating to public retirement systems, and providing effective, implementation, and applicability dates.

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

**House File 2497**, by committee on agriculture, a bill for an act relating to cooperatives organized under Code chapter 501.

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

## HOUSE FILE 2365 WITHDRAWN

Doderer of Johnson asked and received unanimous consent to withdraw House File 2365 from further consideration by the House.

## SPECIAL PRESENTATION

Mascher of Johnson presented to the House Kurt Seelman who is

from Bamburg, Germany. He was accompanied by Coleen Chipman and Harry Seelman. The House rose and expressed its welcome.

## CONSIDERATION OF BILLS

### Regular Calendar

**House File 530**, a bill for an act concerning assistive devices by requiring a warranty, and providing for replacement of assistive devices and consumer remedies, with report of committee recommending passage was taken up for consideration.

Witt of Black Hawk offered the following amendment H-8027 filed by him and Boddicker of Cedar and moved its adoption:

H-8027

- 1 Amend House File 530 as follows:
- 2 1. By striking everything after the enacting
- 3 clause and inserting the following:
- 4 "Section 1. NEW SECTION. 216E.1 DEFINITIONS.
- 5 As used in this chapter, unless the context
- 6 otherwise provides:
- 7 1. "Assistive device" means any item, piece of
- 8 equipment, or product system which is purchased, or
- 9 whose transfer is accepted in this state, and which is
- 10 used to increase, maintain, or improve the functional
- 11 capabilities of individuals with disabilities
- 12 concerning a major life activity as defined in section
- 13 225C.46. "Assistive device" does not mean any medical
- 14 device, surgical device, or organ implanted or
- 15 transplanted into or attached directly to an
- 16 individual. "Assistive device" does not mean any
- 17 device for which a certificate of title is issued by
- 18 the state department of transportation but does mean
- 19 any item, piece of equipment, or product system
- 20 otherwise meeting the definition of "assistive device"
- 21 that is incorporated, attached, or included as a
- 22 modification in or to such a certificated device.
- 23 2. "Assistive device dealer" means a person who is
- 24 in the business of selling assistive devices.
- 25 3. "Assistive device lessor" means a person who
- 26 leases assistive devices to consumers, or who holds
- 27 the lessor's rights, under a written lease.
- 28 4. "Collateral costs" means expenses incurred by a
- 29 consumer in connection with the repair of a
- 30 nonconformity, including the cost of shipping, sales
- 31 tax, and of obtaining an alternative assistive device.
- 32 5. "Consumer" means any one of the following:
- 33 a. The purchaser of an assistive device, if the
- 34 assistive device was purchased from an assistive
- 35 device dealer or manufacturer for purposes other than

36 resale.

37 b. A person to whom the assistive device is  
38 transferred for purposes other than resale, if the  
39 transfer occurs before the expiration of an express  
40 warranty applicable to the assistive device.

41 c. A person who may enforce the warranty.

42 d. A person who leases an assistive device from an  
43 assistive device lessor under a written lease.

44 6. "Demonstrator" means an assistive device used  
45 primarily for the purpose of demonstration to the  
46 public.

47 7. "Early termination costs" means any expense or  
48 obligation that an assistive device lessor incurs as a  
49 result of both the termination of a written lease  
50 before the termination date set forth in the lease and

Page 2

1 the return of an assistive device to the manufacturer.  
2 "Early termination cost" includes a penalty for  
3 prepayment under a finance arrangement.

4 8. "Early termination savings" means any expense  
5 or obligation that an assistive device lessor avoids  
6 as a result of both the termination of a written lease  
7 before the termination date set forth in the lease and  
8 the return of an assistive device to a manufacturer  
9 which shall include an interest charge that the  
10 assistive device lessor would have paid to finance the  
11 assistive device or, if the assistive device lessor  
12 does not finance the assistive device, the difference  
13 between the total payments remaining for the period of  
14 the lease term remaining after the early termination  
15 and the present value of those remaining payments at  
16 the date of the early termination.

17 9. "Loaner" means an assistive device, provided  
18 free of charge to the consumer, for use by the  
19 consumer, that need not be new or be identical to, or  
20 have functional capabilities equal to or greater than,  
21 those of the original assistive device, but that meets  
22 all of the following conditions:

23 a. The loaner is in good working order.

24 b. The loaner performs, at a minimum, the most  
25 essential functions of the original assistive device,  
26 in light of the disabilities of the consumer.

27 c. Any differences between the loaner and the  
28 original assistive device do not create a threat to  
29 the consumer's health or safety.

30 10. "Manufacturer" means a person who manufactures  
31 or assembles assistive devices and agents of that  
32 person, including an importer, a distributor, a  
33 factory branch, distributor branch, and any warrantors  
34 of the assistive device, but does not include an  
35 assistive device dealer or assistive device lessor.

36 11. "Nonconformity" means any defect, malfunction,  
37 or condition which substantially impairs the use,  
38 value, or safety of an assistive device or any of its  
39 component parts, but does not include a condition,  
40 defect, or malfunction that is the result of abuse,  
41 neglect, or unauthorized modification or alteration of  
42 the assistive device by the consumer.

43 12. "Reasonable attempt to repair" means any of  
44 the following occurring within the terms of an express  
45 warranty applicable to a new assistive device or  
46 within one year after first delivery of the assistive  
47 device to a consumer, whichever is sooner:

48 a. The manufacturer, assistive device lessor, or  
49 any of the manufacturer's authorized assistive device  
50 dealers accept return of the new assistive device for

### Page 3

1 repair at least two times.

2 b. The manufacturer, assistive device lessor, or  
3 any of the manufacturer's authorized assistive device  
4 dealers place the assistive device out of service for  
5 an aggregate of at least thirty cumulative days  
6 because of warranty nonconformities.

### 7 Sec. 2. NEW SECTION. 216E.2 EXPRESS WARRANTIES.

8 1. A manufacturer or assistive device lessor who  
9 sells or leases an assistive device to a consumer,  
10 either directly or through an assistive device dealer,  
11 shall furnish the consumer with an express warranty  
12 for the assistive device, warranting the assistive  
13 device to be free of any nonconformity. The duration  
14 of the express warranty shall be not less than one  
15 year after first delivery of the assistive device to  
16 the consumer. If a manufacturer fails to furnish an  
17 express warranty as required by this section, the  
18 assistive device shall be covered by an express  
19 warranty as if the manufacturer had furnished an  
20 express warranty to the consumer as required by this  
21 section.

22 2. An express warranty does not take effect until  
23 the consumer takes possession of the new assistive  
24 device.

### 25 Sec. 3. NEW SECTION. 216E.3 ASSISTIVE DEVICE 26 REPLACEMENT OR REFUND.

27 1. If an assistive device does not conform to an  
28 applicable express warranty and the consumer reports  
29 the nonconformity to the manufacturer, the assistive  
30 device lessor, or any of the manufacturer's authorized  
31 assistive device dealers, and makes the assistive  
32 device available for repair before one year after  
33 first delivery of the device to the consumer or within  
34 the period of the express warranty if the warranty is  
35 longer than one year, a reasonable attempt to repair

36 the nonconformity shall be made.

37 2. If, after a reasonable attempt to repair, the  
38 nonconformity is not repaired, the manufacturer shall  
39 carry out the requirements of either paragraph "a" or  
40 "b" upon the request of a consumer.

41 a. The manufacturer shall provide for a refund by  
42 doing one of the following:

43 (1) If the assistive device was purchased by the  
44 consumer, accept return of the assistive device and  
45 refund to the consumer and to any holder of perfected  
46 security interest in the consumer's assistive device,  
47 as the holder's interest may appear, the full purchase  
48 price plus any finance charge paid by the consumer at  
49 the point of sale and collateral costs, less a  
50 reasonable allowance for use.

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1 (2) If the assistive device was leased by the  
2 consumer, accept return of the assistive device,  
3 refund to the assistive device lessor and to any  
4 holder of a perfected security interest in the  
5 assistive device, as the holder's interest may appear,  
6 the current value of the written lease and refund to  
7 the consumer the amount that the consumer paid under  
8 the written lease plus any collateral costs, less a  
9 reasonable allowance for use. The manufacturer shall  
10 have a cause of action against the dealer or lessor  
11 for reimbursement of any amount that the manufacturer  
12 pays to a consumer which exceeds the net price  
13 received by the manufacturer for the assistive device.

14 b. The manufacturer shall provide a comparable new  
15 assistive device or offer a refund to the consumer if  
16 the consumer does any one of the following:

17 (1) Offers to transfer possession of the assistive  
18 device to the manufacturer. No later than thirty days  
19 after that offer, the manufacturer shall provide the  
20 consumer with the comparable new assistive device or a  
21 refund. When the manufacturer provides the new  
22 assistive device or refund, the consumer shall return  
23 the assistive device having the nonconformity to the  
24 manufacturer, along with any endorsements necessary to  
25 transfer legal possession to the manufacturer.

26 (2) Offers to return the assistive device to the  
27 manufacturer. No later than thirty days after the  
28 offer, the manufacturer shall provide a refund to the  
29 consumer. When the manufacturer provides a refund,  
30 the consumer shall return the assistive device having  
31 the nonconformity to the manufacturer.

32 (3) Offers to transfer possession of a leased  
33 assistive device to the manufacturer. No later than  
34 thirty days after the offer, the manufacturer shall  
35 provide a refund to the assistive device lessor. When



36 the manufacturer provides the refund, the assistive  
37 device lessor shall provide to the manufacturer any  
38 endorsements necessary to transfer legal possession to  
39 the manufacturer.

40 3. Under the provisions of this section, the  
41 current value of the written lease equals the total  
42 amount for which that lease obligates the consumer  
43 during the period of the lease remaining after its  
44 early termination, plus the assistive device lessor's  
45 early termination costs and the value of the assistive  
46 device at the lease expiration date if the lease sets  
47 forth that value, less the assistive device lessor's  
48 early termination savings.

49 4. Under the provisions of this section, a  
50 reasonable allowance for use shall not exceed the

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1 amount obtained by multiplying the total amount for  
2 which the written lease obligates the consumer by a  
3 fraction, the denominator of which is one thousand  
4 eight hundred twenty-five and the numerator of which  
5 is the number of days that the consumer used the  
6 assistive device before first reporting the  
7 nonconformity to the manufacturer, assistive device  
8 lessor, or assistive device dealer.

9 5. A person shall not enforce a lease against a  
10 consumer after the consumer receives a refund.

11 Sec. 4. NEW SECTION. 216E.4 MANUFACTURER'S DUTY  
12 TO PROVIDE REIMBURSEMENT OR A LOANER FOR TEMPORARY  
13 REPLACEMENT OF ASSISTIVE DEVICES - PENALTIES.

14 1. Whenever an assistive device covered by a  
15 manufacturer's express warranty is tendered by a  
16 consumer to the dealer from whom the assistive device  
17 was purchased or exchanged for the repair of any  
18 defect, malfunction, or nonconformity to which the  
19 warranty is applicable, the manufacturer shall provide  
20 the consumer, at the consumer's choice, for the  
21 duration of the repair period, either a rental  
22 assistive device reimbursement of up to twenty dollars  
23 per day, or a loaner, without cost to the consumer, if  
24 a loaner is reasonably available or obtainable by the  
25 manufacturer, assistive device lessor, or assistive  
26 device dealer, if any of the following applies:

27 a. The repair period exceeds ten working days,  
28 including the day on which the device is tendered to  
29 the manufacturer or an assistive device dealer  
30 designated by the manufacturer for repairs. If the  
31 assistive device dealer does not tender the assistive  
32 device to the manufacturer in a timely enough manner  
33 for the manufacturer to make the repairs within ten  
34 days, the manufacturer shall have a cause of action  
35 against the assistive device dealer for reimbursement

36 of any penalties that the manufacturer must pay.  
37 b. The nonconformity is the same for which the  
38 assistive device has been tendered to the assistive  
39 device dealer for repair on at least two previous  
40 occasions.

41 2. The provisions of this section regarding a  
42 manufacturer's duty shall apply for the period of the  
43 applicable express warranty, or until the date any  
44 repair required by the warranty is completed and the  
45 assistive device is returned to the consumer with the  
46 nonconformity eliminated, whichever is later, even if  
47 the assistive device is returned after the end of the  
48 warranty period.

49 Sec. 5. NEW SECTION. 216E.5 NONCONFORMITY  
50 DISCLOSURE REQUIREMENT.

Page 6

1 An assistive device returned by a consumer or  
2 assistive device lessor in this state or any other  
3 state for nonconformity shall not be sold or leased  
4 again in this state unless full written disclosure of  
5 the reason for return is made to any prospective buyer  
6 or lessee by the manufacturer, assistive device  
7 dealer, or assistive device lessor.

8 Sec. 6. NEW SECTION. 216E.6 REMEDIES.

9 1. This chapter shall not limit rights or remedies  
10 available to a consumer under any other law.

11 2. Any waiver of rights by a consumer under this  
12 chapter is void.

13 3. In addition to pursuing any other remedy, a  
14 consumer may bring an action to recover any damages  
15 caused by a violation of this chapter. The court  
16 shall award a consumer who prevails in such an action  
17 no more than three times the amount of any pecuniary  
18 loss, together with costs and reasonable attorney  
19 fees, and any equitable relief that the court  
20 determines is appropriate.

21 Sec. 7. NEW SECTION. 216E.7 EXEMPTIONS.

22 This chapter does not apply to a hearing aid sold,  
23 leased, or transferred to a consumer by an audiologist  
24 licensed under chapter 147, or a hearing aid dealer  
25 licensed under chapter 154A, if the audiologist or  
26 dealer provides either an express warranty for the  
27 hearing aid or provides for service and replacement of  
28 the hearing aid."

Amendment H-8027 was adopted, placing out of order amendments  
H-1238 and H-1220 filed by Brunkhorst of Bremer on March 18, 1997.

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

## On the question "Shall the bill pass?" (H.F. 530)

The ayes were, 93:

Arnold	Barry	Bell	Bernau
Blodgett	Boddicker	Bogges	Brand
Brauns	Brunkhorst	Bukta	Burnett
Cataldo	Chiodo	Churchill	Cohoon
Connors	Corbett, Spkr.	Cormack	Dinkla
Dix	Doderer	Dolecheck	Dotzler
Drees	Eddie	Falck	Fallon
Foege	Prevert	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	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, 7:

Bradley	Carroll	Chapman	Drake
Ford	Holveck	Moreland	

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

**House File 2331**, a bill for an act relating to utility cost reviews associated with a rate-regulated public utility's procurement of natural gas or fuel for use in generating electricity, was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 2331)

The ayes were, 93:

Arnold	Barry	Bell	Bernau
Blodgett	Boddicker	Bogges	Brand
Brauns	Brunkhorst	Bukta	Burnett
Cataldo	Chiodo	Churchill	Cohoon
Connors	Corbett, Spkr.	Cormack	Dinkla
Dix	Doderer	Dolecheck	Dotzler
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	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, 7:

Bradley	Carroll	Chapman	Drake
Ford	Holveck	Moreland	

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

#### IMMEDIATE MESSAGES

Siegrist of Pottawattamie asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Files 530 and 2331.**

On motion by Siegrist of Pottawattamie, the House was recessed at 1:30 p.m., until 2:30 p.m.

#### AFTERNOON SESSION

The House reconvened at 2:35 p.m., Speaker Corbett in the chair.

## CONSIDERATION OF BILLS

### Ways and Means Calendar

**House File 2392**, a bill for an act relating to permitting the display of new motor trucks by nonresident motor vehicle dealers at qualified events in this state, establishing a fee, and providing an effective date, was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 2392)

The ayes were, 91:

Arnold	Barry	Bell	Bernau
Blodgett	Boddicker	Bogges	Bradley
Brand	Brauns	Brunkhorst	Bukta
Burnett	Cataldo	Chiodo	Churchill
Cohon	Connors	Cormack	Dinkla
Dix	Doderer	Dolecheck	Dotzler
Drees	Eddie	Falck	Fallon
Foege	Frevert	Garman	Gipp
Greig	Greiner	Gries	Grundberg
Hahn	Heaton	Holmes	Houser
Huseman	Huser	Jacobs	Jenkins
Jochum	Kinzer	Klemme	Koenigs
Kreiman	Kremer	Lamberti	Larkin
Larson	Lord	Martin	May
Mertz	Metcalf	Millage	Mundie
Murphy	Myers	Nelson	O'Brien
Osterhaus	Rants	Rayhons	Reynolds-Knight
Richardson	Scherrman	Schrader	Shoultz
Siegrist	Sukup	Taylor	Teig
Thomas	Thomson	Tyrrell	Van Fossen
Van Maanen	Vande Hoef	Veenstra	Warnstadt
Weidman	Weigel	Welter	Whitead
Wise	Witt	Mr. Speaker	
		Corbett	

The nays were, none.

Absent or not voting, 9:

Carroll	Chapman	Drake	Ford
Hansen	Holveck	Mascher	Meyer
Moreland			

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

## IMMEDIATE MESSAGE

Siegrist of Pottawattamie asked and received unanimous consent that **House File 2392** be immediately messaged to the Senate.

## Appropriations Calendar

**House File 2395**, a bill for an act relating to and making supplemental and other appropriations for the fiscal year beginning July 1, 1997, and providing an effective date, 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 4:00 p.m., Speaker Corbett in the chair.

Larkin of Lee asked and received unanimous consent that amendment H-8128 be deferred.

Huser of Polk offered the following amendment H-8133 filed by her and Lamberti of Polk:

H-8133

- 1 Amend House File 2395 as follows:
- 2 1. Page 2, line 2, by inserting after the word
- 3 "prisoners" the following: "provided the lease
- 4 negotiated with the private corporation shall be in
- 5 accordance with section 904.809 and, if the property
- 6 is totally or partially exempt from property taxation,
- 7 the lease shall require the private corporation to
- 8 make payments in lieu of property taxes to the
- 9 applicable local government in an amount equal to the
- 10 amount of tax moneys that would be collected for that
- 11 local government if the property was not exempt".

Lamberti of Polk offered the following amendment H-8147, to amendment H-8133, filed by him and Huser of Polk from the floor and moved its adoption:

H-8147

- 1 Amend the amendment, H-8133, to House File 2395, as
- 2 follows:
- 3 1. Page 1, line 3, by inserting after the word
- 4 "lease" the following: "or contract".
- 5 2. Page 1, by striking line 7, and inserting the
- 6 following: "the terms of the lease or contract shall
- 7 require the private corporation or the department to".
- 8 3. Page 1, line 9, by inserting after the word
- 9 "amount" the following: "determined by the department
- 10 based upon criteria which shall include, but is not

11 limited to, the investment amount required of the  
12 private corporation to use the building space, up to a  
13 maximum amount which is".  
14 4. Page 1, line 11, by inserting after the word  
15 "exempt" the following: ", and provided further that  
16 at least twenty-one calendar days prior to the signing  
17 of any lease for the building space or a contract for  
18 the use of prisoner labor in the building space, the  
19 department shall notify the chairpersons and ranking  
20 members of the general assembly's joint appropriations  
21 subcommittee on the justice system of the name of the  
22 person entering into the lease or contract and the  
23 terms of the lease or contract".

Amendment H-8147, to amendment H-8133, was adopted.

Huser of Polk moved the adoption of amendment H-8133, as amended.

Amendment H-8133, as amended, lost.

Huser of Polk offered the following amendment H-8134 filed by her and moved its adoption:

H-8134

1 Amend House File 2395 as follows:  
2 1. Page 2, line 2, by inserting after the word  
3 "prisoners" the following: ", provided that at least  
4 twenty-one calendar days prior to the signing of any  
5 lease for the building space or a contract for use of  
6 prisoner labor in the building space, the department  
7 shall notify the chairpersons and ranking members of  
8 the general assembly's joint appropriations  
9 subcommittee on the justice system of the name of the  
10 person entering into the lease or contract, the number  
11 of prisoners to be employed, and the hourly wage  
12 allowances to be paid".

Amendment H-8134 lost.

Taylor of Linn offered the following amendment H-8135 filed by him and moved its adoption:

H-8135

1 Amend House File 2395 as follows:  
2 1. Page 2, line 2, by inserting after the word  
3 "prisoners" the following: ", provided that any  
4 shortfall in budgeted revenues to be recouped by a  
5 correctional facility from inmate work earnings shall  
6 not be covered by failing to fill authorized  
7 correctional officer positions".

Sukup of Franklin in the chair at 4:38 p.m.

Roll call was requested by Taylor of Linn and Falck of Fayette.

Rule 75 was invoked.

On the question "Shall amendment H-8135 be adopted?" (H.F. 2395)

The ayes were, 47:

Bell	Bernau	Boddicker	Brand
Bukta	Burnett	Cataldo	Chiodo
Cohoon	Connors	Doderer	Dotzler
Drees	Falck	Fallon	Foege
Ford	Frevert	Garman	Heaton
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, 50:

Arnold	Barry	Blodgett	Boggess
Bradley	Brauns	Brunkhorst	Churchill
Corbett, Spkr.	Cormack	Dinkla	Dix
Dolecheck	Drake	Eddie	Gipp
Greig	Greiner	Gries	Grundberg
Hahn	Hansen	Holmes	Houser
Huseman	Jacobs	Jenkins	Klemme
Kremer	Lamberti	Larson	Lord
Martin	Metcalf	Meyer	Millage
Nelson	Rants	Rayhons	Siegrist
Teig	Thomson	Tyrrell	Van Fossen
Van Maanen	Vande Hoef	Veenstra	Weidman
Welter	Sukup, Presiding		

Absent or not voting, 3:

Carroll	Chapman	Moreland
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Amendment H-8135 lost.

Taylor of Linn asked and received unanimous consent that amendment H-8136 be deferred.

Huser of Polk asked and received unanimous consent to withdraw amendment H-8142 filed by Warnstadt of Woodbury on February 27, 1998.



Murphy of Dubuque offered the following amendment H-8130 filed by him and moved its adoption:

H-8130

- 1 Amend House File 2395 as follows:
- 2 1. By striking page 1, line 31, through page 2,
- 3 line 7.
- 4 2. By renumbering as necessary.

Roll call was requested by Siegrist of Pottawattamie and Van Fossen of Scott.

On the question "Shall amendment H-8130 be adopted?" (H.F. 2395)

The ayes were, 42:

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

The nays were, 54:

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

Absent or not voting, 4:

Carroll	Cataldo	Chapman	Moreland
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Amendment H-8130 lost.

Falck of Fayette offered the following amendment H-8129 filed by Falck, et al.:

H-8129

- 1 Amend House File 2395 as follows:
- 2 1. Page 2, line 17, by striking the figure
- 3 "616,000" and inserting the following: "900,000".

Jacobs of Polk offered the following amendment H-8148, to amendment H-8129, filed by her from the floor and moved its adoption:

H-8148

- 1 Amend the amendment, H-8129, to House File 2395 as
- 2 follows:
- 3 1. Page 1, line 3, by striking the figure
- 4 "900,000" and inserting the following: "720,000".

Amendment H-8148, to amendment H-8129, was adopted.

Falck of Fayette asked and received unanimous consent that amendment H-8129, as amended, be deferred.

Osterhaus of Jackson offered the following amendment H-8132 filed by Osterhaus, et al., and moved its adoption:

H-8132

- 1 Amend House File 2395 as follows:
- 2 1. Page 2, by inserting after line 32 the
- 3 following:
- 4 "Sec. \_\_\_\_ CHILD HEALTH CARE PROGRAM. There is
- 5 appropriated from the general fund of the state to the
- 6 department of human services for the fiscal year
- 7 beginning July 1, 1997, and ending June 30, 1998, the
- 8 following amount, or so much thereof as is necessary,
- 9 to be used for the purpose designated:

10 For outreach and other costs for implementation of  
11 the child health care program, including salaries,  
12 support, maintenance, miscellaneous purposes, and for  
13 not more than the following full-time equivalent  
14 positions:

15 .....	\$	500,000
16 .....	FTEs	6.00

17 Notwithstanding section 8.33, moneys appropriated  
18 in this section which remain unexpended or unobligated  
19 at the close of the fiscal year shall not revert to  
20 the general fund of the state but shall remain  
21 available for expenditure for the purpose designated  
22 in the succeeding fiscal year."

- 23 2. By renumbering as necessary.

Roll call was requested by Murphy of Dubuque and Doderer of Johnson.

On the question "Shall amendment H-8132 be adopted?" (H.F. 2395)

The ayes were, 44:

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	Mertz	Mundie
Murphy	Myers	O'Brien	Osterhaus
Reynolds-Knight	Richardson	Scherrman	Schrader
Shoultz	Taylor	Thomas	Warnstadt
Weigel	Whitead	Wise	Witt

The nays were, 54:

Arnold	Barry	Blodgett	Boddicker
Boguess	Bradley	Brauns	Brunkhorst
Carroll	Churchill	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
Teig	Thomson	Tyrrell	Van Fossen
Van Maanen	Vande Hoef	Veenstra	Weidman
Welter	Sukup, Presiding		

Absent or not voting, 2:

Chapman                      Moreland

Amendment H-8132 lost.

Millage of Scott offered the following amendment H-8125 filed by him and moved its adoption:

H-8125

- 1 Amend House File 2395 as follows:
- 2 1. Page 3, by inserting after line 17 the
- 3 following:
- 4 "Sec. \_\_. JUDICIAL DEPARTMENT. There is

5 appropriated from the rebuild Iowa infrastructure fund  
 6 to the judicial department for the fiscal year  
 7 beginning July 1, 1997, and ending June 30, 1998, the  
 8 following amount, or so much thereof as is necessary,  
 9 to be used for the purpose designated:  
 10 For design and development of a new judicial  
 11 building:  
 12 ..... \$ 1,700,000  
 13 Notwithstanding section 8.33, unencumbered or  
 14 unobligated funds remaining on June 30, 2000, from the  
 15 funds appropriated in this section shall revert to the  
 16 rebuild Iowa infrastructure fund on August 31, 2000.”  
 17 2. By renumbering as necessary.

Amendment H-8125 was adopted.

Huser of Polk asked and received unanimous consent to withdraw amendment H-8131 filed by her on February 26, 1998.

Larkin of Lee offered amendment H-8128 filed by him as follows:

H-8128

1 Amend House File 2395 as follows:  
 2 1. Page 2, line 2, by inserting after the word  
 3 “prisoners” the following: “, provided that any  
 4 requirement applicable to the general population of a  
 5 correctional facility, including but not limited to a  
 6 general lock down, shall apply without exception to  
 7 the prisoners working in these buildings and in other  
 8 work programs employing prisoners”.

Larkin of Lee offered the following amendment H-8150, to amend- ment H-8128, filed by him from the floor and moved its adoption:

H-8150

1 Amend the amendment, H-8128, to House File 2395, as  
 2 follows:  
 3 1. Page 1, line 8, by inserting after the word  
 4 “prisoners” the following: “under section 904.809”.

Amendment H-8150, to amendment H-8128, was adopted.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Connors of Polk on request of Bell of Jasper.

Larkin of Lee moved the adoption of amendment H-8128, as amended.

A non-record roll call was requested.

The ayes were 46, nays 48.

Amendment H-8128, as amended, lost.

Taylor of Linn asked and received unanimous consent to withdraw amendment H-8136 filed by him on February 28, 1998.

On motion by Falck of Fayette, amendment H-8129, as amended, previously deferred, was adopted.

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

On the question "Shall the bill pass?" (H.F. 2395)

The ayes were, 55:

Arnold	Barry	Blodgett	Boddicker
Boggess	Bradley	Brauns	Brunkhorst
Carroll	Churchill	Corbett, Spkr.	Cormack
Dinkla	Doderer	Dolecheck	Drake
Eddie	Gipp	Greig	Greiner
Gries	Hahn	Hansen	Heaton
Holmes	Houser	Huseman	Jacobs
Jenkins	Klemme	Kreiman	Kremer
Lamberti	Larson	Lord	Martin
Metcalf	Meyer	Millage	Mundie
Myers	Nelson	Rants	Rayhons
Siegrist	Teig	Thomson	Tyrrell
Van Fossen	Van Maanen	Vande Hoef	Veenstra
Weidman	Welter	Sukup, Presiding	

The nays were, 41:

Bell	Bernau	Brand	Bukta
Burnett	Cataldo	Chiodo	Cohoon
Dix	Dotzler	Drees	Falck
Fallon	Foege	Ford	Frevert
Garman	Holveck	Huser	Jochum
Kinzer	Koenigs	Larkin	Mascher
May	Mertz	Murphy	O'Brien
Osterhaus	Reynolds-Knight	Richardson	Scherrman
Schrader	Shoultz	Taylor	Thomas
Warnstadt	Weigel	Whitead	Wise
Witt			

Absent or not voting, 4:

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

## IMMEDIATE MESSAGE

Siegrist of Pottawattamie asked and received unanimous consent that **House File 2395** be immediately messaged to the Senate.

## INTRODUCTION OF BILLS

**House File 2498**, by committee on appropriations, a bill for an act relating to and making appropriations to certain state departments, agencies, funds, and certain other entities, providing for regulatory authority, and other properly related matters.

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

**House File 2499**, by committee on appropriations, a bill for an act relating to and making transportation and other infrastructure-related appropriations to the state department of transportation and other state agencies, including allocation and use of moneys from the general fund of the state, road use tax fund, primary road fund, and the motorcycle rider education fund, providing for the nonreversion of certain moneys, and making statutory changes relating to appropriations.

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

**House File 2500**, by committee on education, a bill for an act establishing a school ready children grant program to be administered by community empowerment area boards and the Iowa empowerment board, making an appropriation, and providing an effective date.

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

**House File 2501**, by committee on education, a bill for an act relating to teachers' contracts and certification by the national board for professional teaching standards, creating a beginning teacher induction program, providing for the Act's applicability, and making appropriations.

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

**House File 2502**, by committee on local government, a bill for an act relating to the statewide notification center and providing for alternative staff and the information requirements associated with the notice of an excavation.

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

**House File 2503**, by committee on local government, a bill for an act relating to county vital statistics by providing for the issuance of

marriage licenses and eliminating the fee for county birth registrations.

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

**House File 2504**, by committee on judiciary, a bill for an act relating to the criminal penalties applicable to certain offenses, by increasing and adding penalties for certain drug offenses and increasing the penalty applicable to the crime of voluntary absence from custody.

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

**House File 2505**, by committee on human resources, a bill for an act relating to hepatitis type B immunizations of children and providing an applicability provision and an effective date.

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

#### MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 2, 1998, passed the following bill in which the concurrence of the House is asked:

Senate File 2109, a bill for an act relating to mobile home dealers.

Also: That the Senate has on March 2, 1998, passed the following bill in which the concurrence of the House is asked:

Senate File 2225, a bill for an act to legalize the proceedings of the board of directors of the Sigourney Community School District to sell certain school district property and providing effective and retroactive applicability dates.

Also: That the Senate has on March 2, 1998, passed the following bill in which the concurrence of the House is asked:

Senate File 2226, a bill for an act to extend the jurisdiction of the juvenile court to include adoption and termination of parental rights proceedings.

Also: That the Senate has on March 2, 1998, passed the following bill in which the concurrence of the House is asked:

Senate File 2235, a bill for an act concerning judicial administration.

Also: That the Senate has on March 2, 1998, passed the following bill in which the concurrence of the House is asked:

Senate File 2267, a bill for an act concerning the release of information by the department of transportation to investigators in the department of inspections and appeals.

MARY PAT GUNDERSON, Secretary

## HOUSE FILE 2125 WITHDRAWN

Warnstadt of Woodbury asked and received unanimous consent to withdraw House File 2125 from further consideration by the House.

## SENATE FILE 2189 PASSED ON FILE

The Speaker announced that Senate File 2189, previously referred to committee on **commerce and regulation** was **passed on file**.

## SPECIAL PRESENTATION

Siegrist of Pottawattamie presented to the House the Honorable Sue Mullins former representative from Kossuth County.

## EXPLANATION OF VOTE

I was necessarily absent from the House chamber on March 2, 1998. Had I been present, I would have voted "aye" on House Files 530 and 2331.

DRAKE of Pottawattamie

## BILLS SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on February 27, 1998, he approved and transmitted to the Secretary of State the following bill:

House File 2002, an act to provide that persons convicted of attempted murder serve at least eighty-five percent of the sentence imposed and providing an effective date.

Also: That on March 2, 1998, he approved and transmitted to the Secretary of State the following bill:

Senate File 2182, an act relating to the state fire marshal, including the installation of automatic fire extinguishing systems in new construction.

## PROOF OF PUBLICATION

(Senate File 2225)

Published copy of Senate File 2225 and verified proof of publication of said bill in the Sigourney News-Review, a weekly newspaper printed and published in Keokuk County, Iowa on April 23, 1997, was filed with the Chief Clerk of the House prior to the time said bill was placed on passage in the House.

## SUBCOMMITTEE ASSIGNMENTS

### Senate Joint Resolution 9

State Government: Jochum, Chair; Bradley and Nelson.



**Senate File 466**

Judiciary: Sukup, Chair; Boddicker and Moreland.

**Senate File 2136**

Judiciary: Kremer, Chair; Moreland and Sukup.

**HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENT****House Study Bill 692**

Ways and Means: Rants, Chair; Bernau, Dix, Larson and Weigel.

**HOUSE STUDY BILL COMMITTEE ASSIGNMENTS****H.S.B. 693 Appropriations**

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, and the state board of regents, providing related statutory changes, and providing an effective date.

**H.S.B. 694 Appropriations**

Relating to state financial management by providing that lottery revenues be transferred to the general fund of the state and changing the date for calculating additional enrollment because of special education under the state school aid program.

**H.S.B. 695 Appropriations**

Relating to the compensation and benefits for public officials and employees, providing for related matters, and making appropriations.

**COMMITTEE RECOMMENDATIONS**

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

**ELIZABETH A. ISAACSON**  
Chief Clerk of the House

**COMMITTEE ON COMMERCE AND REGULATION**

**Committee Bill (Formerly House File 2368), establishing a healthy and well kids in Iowa (HAWK-I) program to provide health insurance to eligible children.**

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 26, 1998.

**Committee Bill** (Formerly House Study Bill 685), establishing the Iowaccess system and providing for an appropriation.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 26, 1998.

#### COMMITTEE ON HUMAN RESOURCES

**House File 2251**, a bill for an act relating to public health by providing for the regulation of body piercing and providing a penalty.

Fiscal Note is not required.

Recommended **Do Pass** February 26, 1998.

**House File 2348**, a bill for an act relating to institutions and facilities administered by the department of human services and to similar and related services.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H-8149** February 26, 1998.

**House File 2350**, a bill for an act relating to the voluntary admission and release of persons suffering from dementia or a dementia-related illness to inpatient psychiatric treatment.

Fiscal Note is not required.

Recommended **Do Pass** February 26, 1998.

**House File 2425**, a bill for an act relating to the provision of a dispute resolution process applicable to controversies and to final decisions in contested cases to which the department of human services is a party.

Fiscal Note is not required.

Recommended **Do Pass** February 26, 1998.

**Committee Bill** (Formerly House Study Bill 559), relating to hepatitis type B immunizations of children and providing an applicability provision and an effective date.

Fiscal Note is not required.

Recommended **Do Pass** February 26, 1998.

**Committee Bill** (Formerly House Study Bill 610), providing for mandatory licensure for marital and family therapists and mental health counselors, establishing transition provisions, removing frequency requirements regarding board of behavioral science examiners' meetings, and providing an effective date.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 26, 1998.

**Committee Bill** (Formerly House Study Bill 652), relating to medical assistance including transfer of assets, interest on medical assistance debt, and probate procedures relative to medical assistance debt.

Fiscal Note is not required.

Recommended **Do Pass** February 26, 1998.

**Committee Bill** (Formerly House Study Bill 683), providing for a review of juvenile justice provisions involving child protection by the citizens' aide and providing an effective date.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 26, 1998.

#### COMMITTEE ON JUDICIARY

**House File 663**, a bill for an act relating to the disposition of property forfeited to the state.

Fiscal Note is not required.

Recommended **Do Pass** February 26, 1998.

#### COMMITTEE ON LOCAL GOVERNMENT

**Committee Bill** (Formerly House File 2346), creating an indemnity fund for county mental health, mental retardation, and developmental disabilities service costs, making appropriations, and providing an effective date.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 26, 1998.

**Committee Bill** (Formerly House File 2367), relating to mental health, developmental disability, and substance abuse service provisions involving medical assistance reimbursement and legal settlement for age-related requirements of county management plans, and including an applicability provision and an effective date.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 26, 1998.

**Committee Bill** (Formerly House File 2449), creating an Iowa empowerment board for managing state and community efforts involving community empowerment areas and providing effective dates.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 26, 1998.

#### AMENDMENTS FILED

H—8143	H.F.	299	Wise of Lee
H—8144	H.F.	223	Myers of Johnson
H—8145	H.F.	2005	O'Brien of Boone
H—8146	H.F.	2335	Greiner of Washington

H—8149	H.F.	2348	Committee on Human Resources
H—8151	H.F.	2101	O'Brien of Boone
H—8152	H.F.	2494	Wise of Lee
			Falck of Fayette
			May of Worth
			O'Brien of Boone
			Thomas of Clayton
H—8153	H.C.R.	15	Gries of Crawford
			Wise of Lee
H—8154	H.F.	2444	Holveck of Polk
			Boggess of Taylor
			Churchill of Polk
H—8155	H.F.	2101	Chiodo of Polk
H—8156	H.F.	2340	Doderer of Johnson
			Grundberg of Polk

On motion by Siegrist of Pottawattamie, the House adjourned at 6:33 p.m., until 8:45 a.m., Tuesday, March 3, 1998.

# JOURNAL OF THE HOUSE

Fifty-first Calendar Day - Thirty-fourth Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Tuesday, March 3, 1998

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

Prayer was offered by Father John McLaughlin, Holy Trinity Roman Catholic Church, Des Moines.

The Journal of Monday, March 2, 1998 was approved.

## INTRODUCTION OF BILLS

**House File 2506**, by committee on natural resources, a bill for an act relating to the taking of mussels from the waters of this state and providing an effective date.

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

**House File 2507**, by committee on local government, a bill for an act creating an Iowa empowerment board for managing state and community efforts involving community empowerment areas and providing effective dates.

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

**House File 2508**, by committee on local government, a bill for an act relating to condemnation of agricultural land for economic development purposes, providing for the Act's applicability, and providing an effective date.

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

**House File 2509**, by committee on human resources, a bill for an act relating to medical assistance including transfer of assets, interest on medical assistance debt, and probate procedures relative to medical assistance debt.

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

**House File 2510**, by committee on natural resources, a bill for an act requesting an interim study conference of the loess hills areas of this state.

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

**House File 2511**, by committee on environmental protection, a bill for an act relating to waste tires and tire-derived fuels.

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

**House File 2512**, by committee on judiciary, a bill for an act to provide a penalty for the theft or redemption of stolen lottery tickets.

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

**House File 2513**, by committee on ways and means, a bill for an act relating to the individual income tax by eliminating the taxation of certain capital gains and providing special treatment of gains from the sales of businesses to descendants, increasing the amount of pension income excluded, increasing certain personal exemption tax credits, and increasing and expanding the tuition and textbook tax credit, exempting sales and services to certain nonprofit hospitals from the sales, services, and use taxes, and relating to the income eligibility requirements for the homestead property tax credit, mobile home tax credit, or reimbursement for rent constituting property taxes paid, and including effective and prospective and retroactive applicability date provisions.

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

**House File 2514**, by committee on transportation, a bill for an act relating to motor vehicle operation and motor vehicles, carriers and motor trucks, and penalties and hazardous materials, including weight requirements and transportation of hazardous materials, and providing an effective date.

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

**House File 2515**, by committee on labor and industrial relations, a bill for an act relating to workers' compensation by repealing the second injury compensation Act, eliminating the second injury fund, providing for the resolution of claims against the fund to include the imposition of an employer surcharge, providing for employee compensation for certain subsequent injuries, and providing an effective date.

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

**House File 2516**, by committee on human resources, a bill for an act providing for mandatory licensure for marital and family therapists and mental health counselors, establishing transition provisions, removing frequency requirements regarding board of behavioral science examiners' meetings, and providing an effective date.

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

**House File 2517**, by committee on commerce and regulation, a bill for an act establishing a healthy and well kids in Iowa (HAWK-I) program to provide health insurance to eligible children.

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

**House File 2518**, by committee on human resources, a bill for an act providing for monitoring and review of state officials, employees, and judicial compliance with requirements under law and providing an effective date.

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

#### SENATE MESSAGES CONSIDERED

**Senate File 2225**, by committee on judiciary, a bill for an act to legalize the proceedings of the board of directors of the Sigourney Community School District to sell certain school district property and providing effective and retroactive applicability dates.

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

**Senate File 2226**, by committee on judiciary, a bill for an act to extend the jurisdiction of the juvenile court to include adoption and termination of parental rights proceedings.

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

**Senate File 2235**, by committee on judiciary, a bill for an act concerning judicial administration.

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

On motion by Siegrist of Pottawattamie, the House was recessed at 8:53 a.m., until 10:30 a.m.

#### LATE MORNING SESSION

The House reconvened at 10:35 a.m., Speaker pro tempore Van Maanen of Marion in the chair.

#### QUORUM CALL

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

#### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Veenstra of Sioux on request of Speaker Corbett; Chapman of Linn on request of Jochum of Dubuque.

### INTRODUCTION OF BILLS

**House File 2519**, by committee on local government, a bill for an act relating to county mental health, mental retardation, and developmental disabilities service funding, allocating an appropriation, and providing effective dates.

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

**House File 2520**, by committee on local government, a bill for an act relating to mental health, developmental disability, and substance abuse service and payment provisions, providing a penalty, and including an applicability provision and an effective date.

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

**House File 2521**, by committee on transportation, a bill for an act specifying lighting equipment for snowplows, regulating snowplow operations, and making penalties applicable.

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

### MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 2, 1998, adopted the following resolution in which the concurrence of the House is asked:

Senate Concurrent Resolution 106, a concurrent resolution designating March 1998 as Iowa Women's History Month.

Also: That the Senate has on March 3, 1998, passed the following bill in which the concurrence of the House is asked:

Senate File 347, a bill for an act relating to the disposal of public nuisances seized by the department of natural resources.

Also: That the Senate has on March 3, 1998, passed the following bill in which the concurrence of the House is asked:

Senate File 2259, a bill for an act relating to search warrant applications.

Also: That the Senate has on March 3, 1998, passed the following bill in which the concurrence of the House is asked:

Senate File 2310, a bill for an act relating to professional engineering licensure requirements for applicants with certain educational qualifications.

Also: That the Senate has on March 3, 1998, passed the following bill in which the concurrence of the House is asked:



Senate File 2338, a bill for an act relating to the entities responsible for assisting in international adoptions.

Also: That the Senate has on March 2, 1998, passed the following bill in which the concurrence of the House is asked:

Senate File 2366, a bill for an act relating to the licensing and employment of practitioners and the school districts employing them, making appropriations, and including retroactive applicability and effective date provisions.

MARY PAT GUNDERSON, Secretary

### SENATE MESSAGES CONSIDERED

**Senate File 2109**, by Borlaug, a bill for an act relating to mobile home dealers.

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

**Senate File 2267**, by committee on state government, a bill for an act concerning the release of information by the department of transportation to governmental employees.

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

### CONSIDERATION OF BILLS Ways and Means Calendar

**House File 2374**, a bill for an act exempting sales made to and services performed for organ procurement organizations from the state sales, services, and use taxes, was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 2374)

The ayes were, 97:

Arnold	Barry	Bell	Bernau
Blodgett	Boddicker	Boggess	Bradley
Brand	Brauns	Brunkhorst	Bukta
Burnett	Carroll	Cataldo	Churchill
Cohoon	Connors	Corbett, Spkr.	Cormack
Dinkla	Dix	Doderer	Dolecheck
Dotzler	Drake	Drees	Eddie
Falck	Fallon	Foege	Ford
Frevert	Garman	Gipp	Greig
Greiner	Gries	Grundberg	Hahn
Hansen	Heaton	Holmes	Holveck
Houser	Huseman	Huser	Jacobs

Jenkins	Jochum	Kinzer	Klemme
Koenigs	Kreiman	Kremer	Lamberti
Larkin	Larson	Lord	Martin
Mascher	May	Mertz	Metcalf
Meyer	Millage	Moreland	Mundie
Murphy	Myers	Nelson	O'Brien
Osterhaus	Rants	Rayhons	Reynolds-Knight
Richardson	Scherrman	Schrader	Shoultz
Siegrist	Sukup	Taylor	Teig
Thomas	Thomson	Tyrrell	Van Fossen
Vande Hoef	Warnstadt	Weidman	Weigel
Welter	Whitead	Wise	Witt
Van Maanen, Presiding			

The nays were, none.

Absent or not voting, 3:

Chapman                      Chiodo                      Veenstra

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

### Regular Calendar

**House File 2444**, a bill for an act relating to annual reports, audits, and board of director composition of nonprofit corporations created by or in association with the Iowa finance authority and providing effective dates, was taken up for consideration.

Holveck of Polk offered the following amendment H-8154 filed by Holveck, et al., and moved its adoption:

H-8154

- 1 Amend House File 2444 as follows:
- 2 1. Page 1, line 8, by inserting after the word
- 3 "two" the following: "nonvoting ex-officio".
- 4 2. Page 1, line 18, by inserting after the word
- 5 "assisted," the following: "project fees received,".
- 6 3. Page 1, line 27, by inserting after the word
- 7 "members." the following: "The information submitted
- 8 pursuant to this paragraph shall include the
- 9 compensation received, including salary and benefits,
- 10 received by each employee and board member."

Amendment H-8154 was adopted.

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

On the question "Shall the bill pass?" (H.F. 2444)

The ayes were, 96:

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

The nays were, none.

Absent or not voting, 4:

Chapman	Chiodo	Heaton	Veenstra
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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 2374 and 2444.**

Speaker Corbett in the chair at 10:56 a.m.

### Special Order Calendar

**House File 681**, a bill for an act creating an environmental audit privilege and providing penalties, with report of committee recommending amendment and passage, was taken up for consideration.

The House stood at ease at 11:08 a.m., until the fall of the gavel.

The House resumed session at 12:00 p.m., Speaker pro tempore Van Maanen of Marion in the chair.

On motion by Siegrist of Pottawattamie, the House was recessed at 12:02 p.m., until 1:00 p.m.

#### AFTERNOON SESSION

The House reconvened at 1:00 p.m., Speaker pro tempore Van Maanen of Marion in the chair.

Gipp of Winneshiek asked and received unanimous consent that House File 681 be temporarily deferred and that the bill retain its place on the calendar.

#### ADOPTION OF SENATE CONCURRENT RESOLUTION 106

Gipp of Winneshiek asked and received unanimous consent for the immediate consideration of Senate Concurrent Resolution 106, a concurrent resolution designating March 1998 as Iowa Women's History Month.

Holveck of Polk moved the adoption of the resolution.

The motion prevailed and the resolution was adopted.

#### SPECIAL PRESENTATION

In celebration of "March Women's History Month", the Iowa Commission on the Status of Women, the Iowa Department of Education and the State Historical Society of Iowa has sponsored a "Write Women Back Into History" essay contest. Holveck of Polk and Grundberg of Polk presented the following winners of the contest:

##### Sixth and Seventh Grade Category

First Place — Jessica Moser, St. Mary School, Guttenberg.

Second Place — Sarah Maahs, Ames Middle School, Ames.

Third Place — Andrea Roberts, Parnell Elementary School, Parnell.

##### Eighth and Ninth Grade Category

First Place — Elizabeth Reicks, Turkey Valley Community School, Jackson Junction.

Second Place — Stephanie Gallegos, IKM Middle School, Irwin.

Third Place — Amanda Jo Miller, Red Oak Community High School, Red Oak.

Best Essay on a Woman in a Nontraditional Career Award

Heidi Hanel, Marion High School, Marion.

Best Essays on Women in Science and Engineering

First Place — Melinda Padley, Linn-Mar High School, Marion.

Second Place — Meghan Minner, Roland-Story Middle School, Story City.

Edith Rose Murphy Sackett Award on the  
Best Essay on a Woman Volunteer

Craig Winger, Jefferson Junior High School, Dubuque.

HOUSE CONCURRENT RESOLUTION 111 WITHDRAWN

Grundberg of Polk asked and received unanimous consent to withdraw House Concurrent Resolution 111 from further consideration by the House.

CONSIDERATION OF BILLS

Regular Calendar

**House File 2336**, a bill for an act relating to the assumption of risk by and liability of forcible felons and persons aiding and abetting in the commission of forcible felonies for damages resulting from the offenders' criminal conduct, was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 2336)

The ayes were, 93:

Arnold	Barry	Bell	Bernau
Blodgett	Boddicker	Bogges	Bradley
Brauns	Brunkhorst	Bukta	Burnett
Carroll	Cataldo	Chiodo	Churchill
Cohoon	Connors	Corbett, Spkr.	Cormack
Dinkla	Dix	Doderer	Dolecheck
Dotzler	Drake	Drees	Eddie
Falck	Foege	Frevert	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	Rayhons	Reynolds-Knight	Richardson
Scherrman	Schrader	Shoultz	Siegrist
Sukup	Taylor	Teig	Thomas
Thomson	Tyrrell	Van Fossen	Vande Hoef
Veenstra	Warnstadt	Weidman	Weigel
Welter	Whitead	Wise	Witt
Van Maanen, Presiding			

The nays were, 1:

Fallon

Absent or not voting, 6:

Brand	Chapman	Ford	Garman
Holveck	Rants		

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

### HOUSE FILE 2030 WITHDRAWN

Lamberti of Polk asked and received unanimous consent to withdraw House File 2030 from further consideration by the House.

### IMMEDIATE MESSAGE

Siegrist of Pottawattamie asked and received unanimous consent that **House File 2336** be immediately messaged to the Senate.

**House File 2340**, a bill for an act relating to the inclusion of dentists in the volunteer health care provider program, was taken up for consideration.

Doderer of Johnson offered the following amendment H-8156 filed by her and Grundberg of Polk and moved its adoption:

H-8156

- 1 Amend House File 2340 as follows:
- 2 1. Page 1, by inserting after line 28 the
- 3 following:
- 4 "Sec. \_\_\_\_ Section 135.24, subsection 2, Code
- 5 1997, is amended by adding the following new
- 6 paragraph:
- 7 NEW PARAGRAPH. c. Identification of the medical

- 8 services to be provided under the program. The  
 9 medical services provided shall include obstetrical  
 10 and gynecological medical services."  
 11 2. Title page, line 1, by inserting after the  
 12 word "dentists" the following: "and certain other  
 13 medical specialists".  
 14 3. By renumbering as necessary.

Amendment H-8156 was adopted.

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

On the question "Shall the bill pass?" (H.F. 2340)

The ayes were, 95:

Arnold	Barry	Bell	Bernau
Blodgett	Boddicker	Boguess	Bradley
Brand	Brauns	Brunkhorst	Bukta
Burnett	Carroll	Cataldo	Chiodo
Churchill	Cohon	Connors	Corbett, Spkr.
Cormack	Dinkla	Dix	Doderer
Dolecheck	Dotzler	Drake	Drees
Eddie	Falck	Fallon	Foege
Frevert	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
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, 5:

Chapman	Ford	Garman	Holveck
Moreland			

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

## IMMEDIATE MESSAGE

Siegrist of Pottawattamie asked and received unanimous consent that **House File 2340** be immediately messaged to the Senate.

## Special Order Calendar

The House resumed consideration of **House File 681**, a bill for an act creating an environmental audit privilege and providing penalties, temporarily deferred.

Bradley of Clinton offered amendment H-8054 filed by the committee on environmental protection as follows:

H-8054

1 Amend House File 681 as follows:

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

4 "Section 1. NEW SECTION. 455J.1 TITLE.

5 This chapter shall be known and cited as the  
6 "Environmental Audit Privilege and Immunity Act".

7 Sec. 2. NEW SECTION. 455J.2 DEFINITIONS.

8 As used in this chapter, unless the context  
9 otherwise requires:

10 1. "Department" means the department of natural  
11 resources created under section 455A.2.

12 2. "Environmental audit" means a voluntary  
13 evaluation of a facility or operation, of an activity  
14 at a facility or operation, or of an environmental  
15 management system at a facility or operation, which is  
16 regulated under local, state, or federal environmental  
17 laws, rules, ordinances, or permits, conducted by an  
18 owner or operator, an employee of the owner or  
19 operator, or an independent contractor that is  
20 designed to identify historical or current  
21 noncompliance, discover environmental contamination or  
22 hazards, remedy noncompliance or improve compliance  
23 with environmental laws, or improve an environmental  
24 management system. Once initiated, an environmental  
25 audit shall be completed within a reasonable time not  
26 to exceed six months unless an extension is approved  
27 by the governmental entity with regulatory authority  
28 over the regulated facility or operation based on  
29 reasonable grounds.

30 3. "Environmental audit report" means a document  
31 or set of documents generated as a result of an  
32 environmental audit. An "environmental audit report"  
33 includes supporting information which may include, but  
34 is not limited to, the report document itself,  
35 observations, samples, analytical results, exhibits,  
36 findings, opinions, suggestions, recommendations,



37 conclusions, drafts, memoranda, drawings, photographs,  
38 computer-generated or electronically recorded  
39 information, maps, charts, graphs, surveys,  
40 implementation plans, interviews, discussions,  
41 correspondence, and communications related to the  
42 environmental audit, if the supporting information and  
43 documents are generated and developed for the primary  
44 purpose and in the course of or as a result of  
45 conducting an environmental audit. An "environmental  
46 audit report" may include any of the following  
47 components:  
48 a. A report prepared by the person conducting the  
49 environmental audit, which may include the scope of  
50 the environmental audit, the information gained in the

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1 environmental audit, conclusions, recommendations,  
2 exhibits, and appendices.  
3 b. Memoranda and documents analyzing portions or  
4 all of the report and discussing implementation  
5 issues.  
6 c. An implementation plan which addresses  
7 correcting past noncompliance, improving current  
8 compliance or an environmental management system, or  
9 preventing future noncompliance.

10 d. Periodic updates documenting progress in  
11 completing the implementation plan.

12 4. "Inquiring party" means any party appearing  
13 before a court or a presiding officer in an  
14 administrative proceeding seeking to review or obtain  
15 an in camera review of an environmental audit report.

16 5. "Owner or operator" means the person or entity  
17 who caused the environmental audit to be undertaken.

18 6. "Privilege" means the privilege provided to an  
19 environmental audit report as provided in this  
20 chapter.

21 Sec. 3. NEW SECTION. 455J.3 PRIVILEGE.

22 1. An environmental audit report is privileged and  
23 confidential and is not discoverable or admissible as  
24 evidence in any civil or administrative proceeding,  
25 except as otherwise provided in this chapter. The  
26 environmental audit report shall be labeled  
27 "ENVIRONMENTAL AUDIT REPORT: PRIVILEGED DOCUMENT", or  
28 labeled with words of similar import. Failure to  
29 label each document does not constitute a waiver of  
30 the environmental audit privilege or create a  
31 presumption that the privilege does or does not apply.

32 2. A person shall not be compelled to testify or  
33 produce a document related to an environmental audit  
34 in any of the following circumstances:

35 a. If the testimony or document discloses any  
36 component listed in section 455J.2, subsection 3, that

37 was made as part of the preparation of an  
38 environmental audit report and that is addressed in a  
39 privileged part of an environmental audit report.  
40 b. If the person is any of the following:  
41 (1) A person who conducted any portion of the  
42 environmental audit but did not personally observe the  
43 physical events of an environmental violation.  
44 (2) A person to whom the results of the  
45 environmental audit report are disclosed under section  
46 455J.4, subsection 2.  
47 (3) A custodian of the environmental audit report.  
48 3. A person who conducts or participates in the  
49 preparation of an environmental audit report and who  
50 has observed physical events of an environmental

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1 violation may testify about those events but shall not  
2 be compelled to testify about or produce documents  
3 related to the preparation of or any privileged part  
4 of an environmental audit or any component listed in  
5 section 455J.2, subsection 3.  
6 4. An employee of a state agency or other  
7 governmental employee shall not request, review, or  
8 otherwise use an environmental audit report during an  
9 agency inspection of a regulated facility or  
10 operation, or an activity of a regulated facility or  
11 operation.  
12 5. A party asserting the privilege under this  
13 section has the burden of establishing the  
14 applicability of the privilege.  
15 6. The privilege provided in this section is in  
16 addition to the privilege provided to assistance  
17 programs pursuant to section 455B.484A.  
18 Sec. 4. NEW SECTION. 455J.4 WAIVER OF PRIVILEGE  
19 - DISCLOSURE.  
20 1. The privilege described in section 455J.3 shall  
21 not apply to the extent that the privilege is  
22 expressly waived by the owner or operator who prepared  
23 the environmental audit report or caused the report to  
24 be prepared.  
25 2. Disclosure of an environmental audit report or  
26 any information generated by an environmental audit  
27 does not waive the privilege established in section  
28 455J.3 if the disclosure meets any of the following  
29 criteria:  
30 a. The disclosure is made to address or correct a  
31 matter raised by the environmental audit and the  
32 disclosure is made to any of the following:  
33 (1) A person employed by the owner or operator,  
34 including temporary and contract employees.  
35 (2) A legal representative of the owner or  
36 operator.

37 (3) An officer or director of the regulated  
38 facility or operation or a partner of the owner or  
39 operator.

40 (4) An independent contractor retained by the  
41 owner or operator.

42 b. The disclosure is made under the terms of a  
43 confidentiality agreement between the owner or  
44 operator of the audited facility or operation and any  
45 of the following:

46 (1) A partner or potential partner of the owner or  
47 operator of the facility or operation.

48 (2) A transferee or potential transferee of the  
49 facility or operation.

50 (3) A lender or potential lender for the facility

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1 or operation.

2 (4) A governmental official or agency of this  
3 state.

4 (5) A person or entity engaged in the business of  
5 insuring, underwriting, or indemnifying the facility  
6 or operation.

7 3. A party to a confidentiality agreement  
8 described in subsection 2, paragraph "b", who violates  
9 that agreement is liable for damages caused by the  
10 disclosure and for any other penalties stipulated in  
11 the confidentiality agreement.

12 4. Information that is disclosed under subsection  
13 2, paragraph "b", subparagraph (4), is confidential  
14 and is not subject to disclosure under chapter 22. A  
15 governmental entity, governmental employee, or  
16 governmental official who discloses information in  
17 violation of this subsection is subject to any penalty  
18 provided in chapter 22.

19 5. The protections provided by federal or state  
20 law shall be afforded to individuals who disclose  
21 information to law enforcement authorities.

22 Sec. 5. NEW SECTION. 455J.5 REQUIRED DISCLOSURE.

23 1. A court or a presiding officer in an  
24 administrative hearing may require disclosure of a  
25 portion of an environmental audit report in a civil or  
26 administrative proceeding if the court or presiding  
27 officer affirmatively determines, after an in camera  
28 review, that any of the following exists:

29 a. The privilege is asserted for a fraudulent  
30 purpose.

31 b. The portion of the environmental audit report  
32 is not subject to the privilege under section 455J.6.

33 c. The portion of the environmental audit report  
34 shows evidence of noncompliance with a local, state,  
35 or federal environmental or other law, rule,  
36 ordinance, or permit condition and appropriate efforts

37 to achieve compliance with the law or ordinance were  
38 not promptly initiated and pursued with reasonable  
39 diligence after discovery of noncompliance.

40 2. A party seeking disclosure under this section  
41 has the burden of proving that subsection 1 applies.

42 3. A decision of a presiding officer in an  
43 administrative hearing under subsection 1 may be  
44 directly appealed to the district court without  
45 disclosure of the environmental audit report to any  
46 person unless so ordered by the court.

47 4. A determination of a court under this section  
48 is subject to interlocutory appeal to an appropriate  
49 appellate court.

50 Sec. 6. NEW SECTION. 455J.6 MATERIALS NOT

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1 PRIVILEGED.

2 1. The privilege described in this chapter does  
3 not apply to any of the following:

4 a. A document, communication, datum, report, or  
5 other information required by a regulatory agency to  
6 be collected, developed, retained, or reported under a  
7 local, state, or federal environmental law, rule,  
8 ordinance, or permit condition.

9 b. Information obtained by observation, sampling,  
10 or monitoring by a regulatory agency or a regulatory  
11 agency's authorized designee.

12 c. Information obtained from a source not involved  
13 in the preparation of the environmental audit report.

14 2. This section does not limit the right of a  
15 person to agree to conduct an environmental audit and  
16 disclose an environmental audit report.

17 Sec. 7. NEW SECTION. 455J.7 REVIEW OF PRIVILEGED  
18 DOCUMENTS.

19 1. If an environmental audit report is obtained,  
20 reviewed, or used in a criminal proceeding, the  
21 administrative and civil evidentiary privilege  
22 established in this chapter is not waived or made  
23 inapplicable for any purpose other than for the  
24 criminal proceeding.

25 2. Notwithstanding the privilege established in  
26 this chapter, a regulatory agency may review  
27 information in an environmental audit report that is  
28 required to be collected, developed, retained, or  
29 reported under a specific local, state, or federal  
30 law, rule, ordinance, or permit condition, but such  
31 review does not waive or make the administrative and  
32 civil evidentiary privilege inapplicable. A  
33 regulatory agency shall not adopt a rule or impose a  
34 condition that circumvents the purpose of this  
35 chapter.

36 3. If information is required to be made available

37 to the public by operation of a specific local, state,  
38 or federal law, rule, ordinance, or permit condition,  
39 the governmental authority shall notify the person  
40 claiming the privilege of the potential for public  
41 disclosure prior to obtaining such information under  
42 subsection 1 or 2.

43 4. If privileged information is disclosed under  
44 subsection 2 or 3, on the motion of a party, a court  
45 or the presiding officer in an administrative hearing  
46 shall suppress evidence offered in any civil or  
47 administrative proceeding that arises or is derived  
48 from review, disclosure, or use of information  
49 obtained under this section if the review, disclosure,  
50 or use is not authorized under section 455J.6. A

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1 party having received information under subsection 2  
2 or 3 has the burden of proving that the evidence  
3 offered did not arise and was not derived from the  
4 review of privileged information.

### 5 Sec. 8. NEW SECTION. 455J.8 VOLUNTARY DISCLOSURE 6 OF ENVIRONMENTAL VIOLATION – IMMUNITY.

7 1. An owner or operator is eligible for immunity  
8 under this section from the time the department  
9 receives official notification from the owner or  
10 operator of a scheduled environmental audit. An owner  
11 or operator is immune from any administrative or civil  
12 penalty associated with the issues disclosed if the  
13 owner or operator makes a prompt voluntary disclosure  
14 to the department regarding an environmental violation  
15 which is discovered through the environmental audit.  
16 The owner or operator shall provide a timetable for  
17 submitting a remediation schedule to the department  
18 and information supporting the claim that the  
19 disclosure is voluntary at the time that the  
20 disclosure is made to the department. The owner or  
21 operator creates a rebuttable presumption that the  
22 disclosure is voluntary by providing such information  
23 at the time of disclosure. To rebut the presumption  
24 that a disclosure is voluntary, the department or  
25 other party has the burden of proving that the  
26 disclosure was not voluntary. Immunity is not  
27 provided if the violations of local, state, or federal  
28 environmental law, rule, ordinance, or permit  
29 condition are intentional or if the violations of  
30 local, state, or federal law, rule, ordinance, or  
31 permit condition resulted in substantial actual injury  
32 or imminent and substantial risk of injury to persons,  
33 property, or the environment.

34 2. The disclosure of information is voluntary if  
35 all of the following circumstances exist:

36 a. The disclosure arises out of an environmental

37 audit and relates to privileged information as  
38 provided in section 455J.3.  
39 b. The person making the disclosure uses  
40 reasonable efforts to pursue compliance and corrects  
41 the noncompliance within a reasonable period of time  
42 after completion of the environmental audit in  
43 accordance with a remediation schedule approved by the  
44 department. If evidence shows that the noncompliance  
45 is due to the failure to obtain a permit, reasonable  
46 effort may be demonstrated by the submittal of a  
47 complete permit application within a reasonable time.  
48 Disclosure of information required to be reported by  
49 local, state, or federal law, rule, ordinance, or  
50 permit condition is not considered to be voluntary

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1 disclosure and the immunity provisions in this section  
2 are not applicable.  
3 c. Environmental violations are identified in an  
4 environmental audit report and disclosed before there  
5 is notice of a citizen suit or a legal complaint by a  
6 third party.  
7 d. Environmental violations are identified in an  
8 environmental audit report and disclosed before the  
9 environmental violations are reported by any person  
10 not involved in conducting the environmental audit or  
11 to whom the environmental audit report was disclosed.  
12 3. If an owner or operator has not provided the  
13 department with notification of a scheduled  
14 environmental audit prior to performing the audit, a  
15 disclosure of information is voluntary if the  
16 environmental violations are identified in an  
17 environmental audit report and disclosed by certified  
18 mail to the proper regulatory agency that has  
19 jurisdiction over the disclosed violation prior to the  
20 agency's commencement of an investigation.  
21 4. If a person is required to make a disclosure  
22 relating to a specific issue under a specific permit  
23 condition or under an order issued by the department,  
24 the disclosure is not voluntary with respect to that  
25 issue.  
26 5. Except as provided in this section, this  
27 section does not impair the authority of the proper  
28 regulatory agency to require a technical or remedial  
29 action or to order injunctive relief.  
30 6. Upon application to the department, the time  
31 period within which a noncompliance item is corrected  
32 under subsection 2 may be extended if it is not  
33 practical to correct the noncompliance within the  
34 reasonable period of time initially approved by the  
35 department. The department shall not unreasonably  
36 withhold the grant of an extension. If the department

37 denies an extension, the department shall provide the  
38 requesting party with a written explanation of the  
39 reasons for the denial. A request for de novo review  
40 of the department's decision may be made to the  
41 appropriate court.

42 7. Immunity provided under this section from  
43 administrative or civil penalties does not apply under  
44 any of the following circumstances:

45 a. If an owner or operator of the facility or  
46 operation has been found in a civil or administrative  
47 proceeding to have committed serious violations in  
48 this state that constitute a pattern of continuous or  
49 repeated violations of environmental laws,  
50 administrative rules, permit conditions, settlement

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1 agreements, or orders on consent, final orders, or  
2 judicial orders and that were due to separate and  
3 distinct events giving rise to the violations within  
4 the three-year period prior to the date of disclosure,  
5 or if under another provision of law an owner or  
6 operator of a facility or operation is subject to  
7 classification as a repeat or habitual violator.

8 b. If a violation of an environmental law,  
9 administrative rule, permit condition, settlement  
10 agreement, or order on consent, final order, or  
11 judicial order results in a substantial economic  
12 benefit which gives the violator a clear advantage  
13 over its business competitors.

14 8. In cases where the conditions of a voluntary  
15 disclosure are not met but a good faith effort was  
16 made to voluntarily disclose and resolve a violation  
17 detected in an environmental audit, the state and  
18 local regulatory authorities shall consider the nature  
19 and extent of any good faith effort in deciding the  
20 appropriate enforcement response and shall consider  
21 reducing any administrative or civil penalties based  
22 on mitigating factors showing that one or more of the  
23 conditions for voluntary disclosure have been met.

24 9. The immunity provided by this section does not  
25 abrogate the responsibility of a person as provided by  
26 applicable law to correct the violation, conduct  
27 necessary remediation, or respond to third-party  
28 actions.

29 Sec. 9. NEW SECTION. 455J.9 ABROGATION OF OTHER  
30 PRIVILEGES.

31 This chapter shall not limit, waive, or abrogate  
32 the scope or nature of any statutory or common-law  
33 privilege, including the work product doctrine and the  
34 attorney-client privilege.

35 Sec. 10. NEW SECTION. 455J.10 ENVIRONMENTAL  
36 AUDITOR TRAINING PROGRAM.

37 A training program for and standards for  
38 certification of environmental auditors shall be  
39 developed jointly by the Iowa waste reduction center  
40 and the department. The training program shall be  
41 administered by the Iowa waste reduction center. The  
42 program shall provide training on the proper conduct  
43 of an environmental audit; local, state, and federal  
44 environmental ordinances, rules, and laws that apply  
45 to businesses in this state; and the environmental  
46 audit laws in this state. The program shall be made  
47 available to small and large business owners and  
48 operators, consulting engineers, regulatory personnel,  
49 and citizens through the community college system. A  
50 fee may be assessed for participation in the program.

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1 Upon completion of the training program, program  
2 participants may elect to be tested by the department  
3 for certification as an environmental auditor for the  
4 purposes of this chapter.

5 Sec. 11. NEW SECTION. 455J.11 SUMMARY.

6 On or before December 1 of each year, the  
7 department shall make available a summary of the  
8 number of environmental audit notices received, the  
9 violations, and the remediation status of the  
10 violations reported pursuant to this chapter during  
11 the preceding fiscal year.

12 Sec. 12. NEW SECTION. 455J.12 RULEMAKING.

13 The department may adopt rules pursuant to chapter  
14 17A necessary to administer this chapter.

15 Sec. 13. NEW SECTION. 455J.13 COSTS.

16 The necessary costs incurred by the department  
17 under this chapter shall be funded from appropriations  
18 made to the department from the general fund of the  
19 state."

20 2. Title page, by striking lines 1 and 2 and  
21 inserting the following: "An Act creating an  
22 environmental audit privilege and immunity, and an  
23 environmental auditor training program, and providing  
24 penalties."

Shultz of Black Hawk offered the following amendment H-8094,  
to the committee amendment H-8054, filed by him and moved its adop-  
tion:

H-8094

1 Amend the amendment, H-8054, to House File 681 as  
2 follows:

3 1. Page 1, line 6, by striking the words  
4 "Privilege and".

5 2. By striking page 2, line 18, through page 6,



- 6 line 4.  
 7 3. Page 6, by striking lines 37 and 38 and  
 8 inserting the following: "audit."  
 9 4. Page 9, by striking line 19 and inserting the  
 10 following: "state."  
 11 Sec. \_\_. NEW SECTION. 455J.14 CONSTRUCTION.  
 12 This chapter shall not be construed to confer  
 13 immunity from liability in any private civil legal,  
 14 action."  
 15 5. Page 9, line 22, by striking the words  
 16 "privilege and".  
 17 6. By renumbering as necessary.

Roll call was requested by Schrader of Marion and Shoultz of Black Hawk.

On the question "Shall amendment H-8094, to the committee amendment H-8054, be adopted?" (H.F. 681)

The ayes were, 41:

Bell	Bernau	Brand	Bukta
Burnett	Cataldo	Cohoon	Connors
Doderer	Dotzler	Drees	Falck
Fallon	Foege	Ford	Frevert
Huser	Jochum	Kinzer	Koenigs
Larkin	Mascher	May	Mertz
Moreland	Mundie	Murphy	Myers
O'Brien	Osterhaus	Reynolds-Knight	Richardson
Scherrman	Schrader	Shoultz	Taylor
Vande Hoef	Warnstadt	Weigel	Whitead
Wise			

The nays were, 54:

Arnold	Barry	Blodgett	Boddicker
Bogess	Bradley	Brauns	Brunkhorst
Carroll	Chiodo	Churchill	Corbett, Spkr.
Cormack	Dinkla	Dix	Dolecheck
Eddie	Gipp	Greig	Greiner
Gries	Grundberg	Hahn	Hansen
Heaton	Holmes	Huseman	Jacobs
Jenkins	Klemme	Kreiman	Kremer
Lamberti	Larson	Lord	Martin
Metcalf	Meyer	Millage	Nelson
Rants	Rayhons	Siegrist	Sukup
Teig	Thomas	Thomson	Tyrrell
Van Fossen	Veenstra	Weidman	Welter
Witt	Van Maanen, Presiding		

Absent or not voting, 5:

Chapman  
Houser

Drake

Garman

Holveck

Amendment H-8094 lost.

Bradley of Clinton offered the following amendment H-8095, to the committee amendment H-8054, filed by him and Witt of Black Hawk and moved its adoption:

H-8095

1 Amend the amendment, H-8054, to House File 681 as  
2 follows:

3 1. Page 1, line 11, by inserting after the figure  
4 "455A.2" the following: "or its delegated authority".

5 2. Page 1, line 16, by striking the words "local,  
6 state," and inserting the following: "state".

7 3. Page 1, line 17, by striking the words  
8 "ordinances, or permits" and inserting the following:  
9 "or permit conditions".

10 4. Page 1, line 21, by inserting after the word  
11 "noncompliance" the following: "with environmental  
12 laws, rules, ordinances, or permit conditions".

13 5. Page 1, line 24, by striking the word  
14 "initiated" and inserting the following:

15 "notification is given to the department".

16 6. Page 1, lines 27 and 28, by striking the words  
17 "governmental entity with regulatory authority over  
18 the regulated facility or operation" and inserting the  
19 following: "department".

20 7. Page 1, line 31, by striking the words  
21 "generated as a result of" and inserting the  
22 following: "generated and developed for the primary  
23 purpose and in the course of or as a result of  
24 conducting".

25 8. Page 1, by striking lines 42 through 45 and  
26 inserting the following: "environmental audit. An  
27 "environmental".

28 9. Page 2, line 22, by inserting after the word  
29 "report" the following: "conducted after the  
30 effective date of this Act".

31 10. Page 2, line 32, by inserting after the word  
32 "testify" the following: "in regard to".

33 11. Page 2, line 33, by striking the words  
34 "related to" and inserting the following: "included  
35 in".

36 12. Page 4, by inserting after line 21 the  
37 following:

38 "6. The provisions of this chapter shall not  
39 abrogate the protections provided by federal and state  
40 law regarding confidentiality and trade secrets."

41 13. Page 4, line 34, by striking the words

42 "local, state," and inserting the following: "state".  
43 14. Page 4, line 36, by striking the word  
44 "ordinance,".  
45 15. Page 4, by inserting after line 39 the  
46 following:  
47 "d. The portion of the environmental audit report  
48 shows clear and convincing evidence of substantial  
49 actual personal injury, which information is not  
50 otherwise available."

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1 16. Page 4, by inserting after line 49 the  
2 following:  
3 "5. If a court finds that a person claiming  
4 privilege under this chapter intentionally claimed the  
5 privilege for information the person knew was  
6 unprotected as provided in section 455J.6, the person  
7 is subject to a fine not to exceed one thousand  
8 dollars.  
9 6. Privilege provided in this chapter does not  
10 apply if an owner or operator of the facility or  
11 operation has been found in a civil or administrative  
12 proceeding to have committed serious violations in  
13 this state that constitute a pattern of continuous or  
14 repeated violations of environmental laws,  
15 administrative rules, or permit conditions, that were  
16 due to separate and distinct events giving rise to the  
17 violations within the three-year period prior to the  
18 date of disclosure."  
19 17. Page 5, line 7, by striking the words "local,  
20 state," and inserting the following: "state".  
21 18. Page 5, line 8, by striking the word  
22 "ordinance,".  
23 19. Page 5, line 29, by striking the words  
24 "local, state," and inserting the following: "state".  
25 20. Page 5, line 30, by striking the word  
26 "ordinance,".  
27 21. Page 5, line 32, by inserting after the word  
28 "inapplicable" the following: "to the remainder of  
29 the report".  
30 22. Page 5, line 37, by striking the words  
31 "local, state," and inserting the following: "state".  
32 23. Page 5, line 38, by striking the word  
33 "ordinance,".  
34 24. Page 6, lines 16 and 17, by striking the  
35 words "a timetable for submitting".  
36 25. Page 6, line 17, by inserting after the word  
37 "department" the following: "as specified by rule".  
38 26. Page 6, line 27, by striking the words  
39 "local, state," and inserting the following: "state".  
40 27. Page 6, line 28, by striking the word  
41 "ordinance,".

- 42 28. Page 6, line 30, by striking the words  
43 "local, state," and inserting the following: "state".  
44 29. Page 6, line 30, by striking the word  
45 "ordinance,".  
46 30. Page 6, line 49, by striking the words  
47 "local, state," and inserting the following: "state".  
48 31. Page 6, line 49, by striking the word  
49 "ordinance,".  
50 32. Page 7, line 31, by striking the words "a

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- 1 noncompliance item" and inserting the following: "the  
2 disclosed violation".  
3 33. By striking page 7, line 50, through page 8,  
4 line 2, and inserting the following: "administrative  
5 rules, and permit conditions and that were due to  
6 separate and".  
7 34. Page 8, line 4, by striking the word  
8 "disclosure," and inserting the following:  
9 "disclosure."  
10 35. Page 8, by striking lines 5 through 7.  
11 36. Page 8, lines 17 and 18, by striking the  
12 words "and local".  
13 37. Page 8, line 26, by inserting after the word  
14 "law" the following: "to report a violation,".  
15 38. Page 8, line 28, by inserting after the word  
16 "actions." the following: "This chapter shall not be  
17 construed to confer immunity from liability in any  
18 private civil action except those actions brought  
19 pursuant to section 455B.111."  
20 39. By renumbering, relettering, and  
21 redesignating as necessary.

Amendment H-8095 was adopted, placing out of order amendment H-8097, to the committee amendment H-8054, filed by Shoultz of Black Hawk on February 24, 1998.

Mascher of Johnson offered the following amendment H-8104, to the committee amendment H-8054, filed by Burnett of Story and moved its adoption:

H-8104

- 1 Amend the amendment, H-8054, to House File 681, as  
2 follows:  
3 1. Page 1, by striking lines 12 through 29 and  
4 inserting the following:  
5 "2. "Environmental audit" means a systematic,  
6 documented, and objective review conducted by an  
7 environmental auditor certified by the board of  
8 environmental auditor certifications for a regulated

9 entity of one or more facility operations and  
 10 practices related to compliance with one or more  
 11 environmental requirements and, if deficiencies are  
 12 found, a plan for corrective action. The final audit  
 13 document must be designated as an "audit report" and  
 14 must include the date of the final written report of  
 15 findings for the audit. Once initiated, an audit  
 16 shall be completed within a reasonable time, not to  
 17 exceed six months unless a written request for an  
 18 extension is approved by the director of the  
 19 department based on a showing of reasonable grounds.  
 20 An audit shall not be deemed to be initiated until the  
 21 certified environmental auditor has actively begun the  
 22 evaluation of environmental compliance."  
 23 2. By renumbering as necessary.

Speaker Corbett in the chair at 2:27 p.m.

Amendment H-8104 lost.

Fallon of Polk asked and received unanimous consent that amendment H-8105, to the committee amendment H-8054, be deferred.

Mascher of Johnson asked and received unanimous consent that amendment H-8116, to the committee amendment H-8054, be deferred.

Shoultz of Black Hawk offered the following amendment H-8107, to the committee amendment H-8054, filed by him and moved its adoption:

H-8107

1 Amend the amendment, H-8054, to House File 681 as  
 2 follows:  
 3 1. Page 3, by inserting after line 17 the  
 4 following:  
 5 "7. A person who asserts the privilege under this  
 6 section with the intent to deceive or injure a person  
 7 or to conceal any wrongdoing is guilty of a fraudulent  
 8 practice."

Amendment H-8107 lost.

Schrader of Marion asked and received unanimous consent that amendment H-8108, to the committee amendment H-8054, be deferred.

Shoultz of Black Hawk offered the following amendment H-8106, to the committee amendment H-8054, filed by him and moved its adoption:

H-8106

1 Amend the amendment, H-8054, to House File 681, as

2 follows:

- 3 1. Page 3, line 25, by striking the word  
 4 "Disclosure" and inserting the following: "Any  
 5 violation of an environmental law, rule, ordinance, or  
 6 permit condition which is discovered during an  
 7 environmental audit shall be reported to the  
 8 department within thirty days of the discovery of the  
 9 violation. The failure to report a violation in a  
 10 timely manner shall result in the waiver of any  
 11 privilege and confidentiality rights granted in  
 12 section 455J.3. However, disclosure".

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

On the question "Shall amendment H-8106, to the committee amendment H-8054, be adopted?" (H.F. 681)

The ayes were, 41:

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

The nays were, 54:

Arnold	Barry	Blodgett	Boddicker
Bogges	Bradley	Brauns	Brunkhorst
Carroll	Chapman	Churchill	Cormack
Dix	Dolecheck	Drake	Eddie
Gipp	Greig	Greiner	Gries
Hahn	Hansen	Heaton	Holmes
Houser	Huseman	Jacobs	Jenkins
Klemme	Kremer	Lamberti	Larson
Lord	Martin	May	Metcalf
Meyer	Millage	Nelson	Rants
Rayhons	Siegrist	Sukup	Teig
Thomas	Thomson	Tyrrrell	Van Maanen
Vande Hoef	Veenstra	Weidman	Welter
Witt	Mr. Speaker		
	Corbett		

Absent or not voting, 5:

Dinkla	Doderer	Garman	Grundberg
Van Fossen			

Amendment H-8106 lost.

Shoultz of Black Hawk offered the following amendment H-8096, to the committee amendment H-8054, filed by him and moved its adoption:

H-8096

- 1 Amend the amendment, H-8054, to House File 681, as
- 2 follows:
- 3 1. Page 4, by striking lines 7 through 11.
- 4 2. By renumbering as necessary.

Roll call was requested by Shoultz of Black Hawk and Schrader of Marion.

On the question "Shall amendment H-8096, to the committee amendment H-8054, be adopted?" (H.F. 681)

The ayes were, 35:

Bernau	Brand	Bukta	Burnett
Chiodo	Cohoon	Cornors	Doderer
Dotzler	Drees	Falck	Fallon
Ford	Frevert	Holveck	Huser
Jochum	Kinzer	Koenigs	Larkin
Mascher	Moreland	Mundie	Murphy
Myers	Osterhaus	Reynolds-Knight	Scherrman
Schrader	Shoultz	Taylor	Warnstadt
Weigel	Whitead	Wise	

The nays were, 61:

Arnold	Barry	Bell	Blodgett
Boddicker	Boguess	Bradley	Brauns
Brunkhorst	Carroll	Cataldo	Chapman
Churchill	Cormack	Dix	Dolecheck
Drake	Eddie	Gipp	Greig
Greiner	Gries	Grundberg	Hahn
Hansen	Heaton	Holmes	Huseman
Jacobs	Jenkins	Klemme	Kreiman
Kremer	Lamberti	Larson	Lord
Martin	May	Mertz	Metcalf
Meyer	Millage	Nelson	O'Brien
Rants	Rayhons	Richardson	Siegrist
Sukup	Teig	Thomas	Thomson
Tyrrell	Van Fossen	Van Maanen	Vande Hoef
Veenstra	Weidman	Welter	Witt
Mr. Speaker			
Corbett			

Absent or not voting, 4:

Dinkla

Foege

Garman

Houser

Amendment H-8096 lost.

Hansen of Pottawattamie in the chair at 3:30 p.m.

Shoultz of Black Hawk offered the following amendment H-8099, to the committee amendment H-8054, filed by him and moved its adoption:

H-8099

- 1 Amend the amendment, H-8054, to House File 681, as
- 2 follows:
- 3 1. Page 4, by inserting after line 39 the
- 4 following:
- 5 "1A. A court or presiding officer conducting an in
- 6 camera review pursuant to this section may request
- 7 technical assistance from experts during the in camera
- 8 review."
- 9 2. By renumbering as necessary.

A non-record roll call was requested.

The ayes were 43, nays 47.

Amendment H-8099 lost.

Moreland of Wapello offered the following amendment H-8112, to the committee amendment H-8054, filed by him and moved its adoption:

H-8112

- 1 Amend the amendment, H-8054, to House File 681 as
- 2 follows:
- 3 1. Page 4, by inserting after line 39 the
- 4 following:
- 5 "d. The portion of the environmental audit report
- 6 is relevant to demonstrate compliance or noncompliance
- 7 with a duty to disclose information to third parties
- 8 under statute, contract, or common law."
- 9 2. By renumbering as necessary.

Roll call was requested by Shoultz of Black Hawk and Koenigs of Mitchell.

Rule 75 was invoked.

On the question "Shall amendment H-8112, to the committee amendment H-8054, be adopted?" (H.F. 681)



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	Shultz	Taylor
Thomas	Warnstadt	Weigel	Whitead
Wise	Witt		

The nays were, 52:

Arnold	Barry	Blodgett	Boddicker
Bogess	Bradley	Brauns	Brunkhorst
Carroll	Churchill	Corbett, Spkr.	Cormack
Dix	Dolecheck	Drake	Eddie
Gipp	Greig	Greiner	Gries
Grundberg	Hahn	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	Hansen, Presiding

Absent or not voting, 2:

Dinkla                      Garman

Amendment H-8112 lost.

Shultz of Black Hawk offered the following amendment H-8115, to the committee amendment H-8054, filed by him and moved its adoption:

H-8115

- 1 Amend the amendment, H-8054, to House File 681 as
- 2 follows:
- 3 1. Page 4, by inserting after line 39 the
- 4 following:
- 5 "d. The court determines that the inquiring
- 6 party's need for the portion of the environmental
- 7 audit report outweighs the interest of the owner or
- 8 operator in protecting its evaluation process. In so

9 determining, the court shall weigh the relevance of  
10 the evidence sought to be protected, the availability  
11 of other evidence, the seriousness of the litigation  
12 and the issues involved, the role of the government in  
13 the litigation, and the adverse impact on the owner's  
14 or operator's reasonable expectations of  
15 confidentiality in the information sought to be  
16 disclosed."

17 2. By renumbering as necessary.

Amendment H-8115 lost.

Holveck of Polk offered the following amendment H-8109, to the committee amendment H-8054, filed by him and moved its adoption:

H-8109

1 Amend the amendment, H-8054, to House File 681 as  
2 follows:  
3 1. Page 4, line 41, by inserting after the word  
4 "applies." the following: "The party seeking  
5 disclosure shall be provided with a copy of the  
6 environmental audit report at least ten days prior to  
7 the in camera hearing unless the court or presiding  
8 officer orders a shorter or longer time. The court or  
9 presiding officer may issue appropriate protective  
10 orders to ensure privileged information is not  
11 released to third parties during the proceedings."

Amendment H-8109 lost.

Holveck of Polk offered the following amendment H-8098, to the committee amendment H-8054, filed by him and moved its adoption:

H-8098

1 Amend the amendment, H-8054, to House File 681 as  
2 follows:  
3 1. Page 4, by striking lines 47 through 49.

Amendment H-8098 lost.

Holveck of Polk offered the following amendment H-8100, to the committee amendment H-8054, filed by him and moved its adoption:

H-8100

1 Amend the amendment, H-8054, to House File 681 as  
2 follows:  
3 1. Page 5, by inserting after line 13 the  
4 following:  
5 "d. Information pertaining to any violation found

6 and disclosed in an environmental audit report which  
 7 was not corrected within sixty days of the completion  
 8 of the audit. Once disclosed as part of an  
 9 environmental audit, the department may only grant an  
 10 extension of the correction time on reasonable  
 11 grounds."

Amendment H-8100 lost.

Shoultz of Black Hawk offered the following amendment H-8110, to the committee amendment H-8054, filed by him and moved its adoption:

H-8110

- 1 Amend the amendment, H-8054, to House File 681 as
- 2 follows:
- 3 1. Page 5, by inserting after line 13 the
- 4 following:
- 5 "d. Information which is contrary to or
- 6 inconsistent with reports to a regulatory agency or
- 7 testimony given by or on behalf of the person claiming
- 8 the privilege."
- 9 2. By renumbering as necessary.

Amendment H-8110 lost.

Holveck of Polk offered the following amendment H-8101, to the committee amendment H-8054, filed by him and moved its adoption:

H-8101

- 1 Amend the amendment, H-8054, to House File 681 as
- 2 follows:
- 3 1. Page 5, by inserting after line 13 the
- 4 following:
- 5 "d. Information related to a condition that the
- 6 owner or operator knew or should have known about
- 7 prior to the department receiving official
- 8 notification of an environmental audit."

Roll call was requested by Shoultz of Black Hawk and Larson of Linn.

On the question "Shall amendment H-8101, to the committee amendment H-8054, be adopted?" (H.F. 681)

The ayes were, 41:

Bell  
 Chapman  
 Dotzler

Bernau  
 Cohoon  
 Drees

Bukta  
 Connors  
 Falck

Burnett  
 Doderer  
 Fallon

Foegen	Frevort	Holveck	Huser
Jochum	Kinzer	Koenigs	Kreiman
Larkin	Mascher	May	Mertz
Moreland	Mundie	Murphy	Myers
O'Brien	Osterhaus	Reynolds-Knight	Richardson
Scherrman	Schrader	Shoultz	Thomas
Warnstadt	Weigel	Whitead	Wise
Witt			

The nays were, 53:

Arnold	Barry	Blodgett	Boddicker
Bogess	Bradley	Brauns	Brunkhorst
Carroll	Churchill	Corbett, Spkr.	Cormack
Dinkla	Dix	Dolecheck	Drake
Eddie	Gipp	Greig	Greiner
Gries	Grundberg	Hahn	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
Hansen, Presiding			

Absent or not voting, 6:

Brand	Cataldo	Chiodo	Ford
Garman	Taylor		

Amendment H-8101 lost.

Moreland of Wapello offered the following amendment H-8113, to the committee amendment H-8054, filed by him and moved its adoption:

H-8113

- 1 Amend the amendment, H-8054, to House File 681 as
- 2 follows:
- 3 1. Page 5, line 19, by inserting after the figure
- 4 "1." the following: "The privileges created in this
- 5 chapter shall not apply to criminal investigations or
- 6 proceedings. An environmental audit report,
- 7 supporting documents, and testimony relating thereto
- 8 may be obtained by a prosecutor's subpoena pursuant to
- 9 the rules of criminal procedure."

Amendment H-8113, to the committee amendment H-8054, was adopted.

Siegrist of Pottawattamie offered the following amendment H-8170, to the committee amendment H-8054, filed by him from the floor and moved its adoption:

H-8170

- 1 Amend the amendment, H-8054, to House File 681 as
- 2 follows:
- 3 1. Page 5, line 20, by inserting after the word
- 4 "criminal" the following: "investigation or".
- 5 2. Page 5, line 24, by inserting after the word
- 6 "criminal" the following: "investigation or".

Amendment H-8170, to the committee amendment H-8054, was adopted.

Schrader of Marion offered the following amendment H-8166, to the committee amendment H-8054, filed by him from the floor and moved its adoption:

H-8166

- 1 Amend the amendment, H-8054, to House File 681 as
- 2 follows:
- 3 1. Page 9, line 13, by striking the word "may"
- 4 and inserting the following: "shall".

Amendment H-8166, to the committee amendment H-8054, was adopted.

Mascher of Johnson offered the following amendment H-8102, to the committee amendment H-8054, filed by her and moved its adoption:

H-8102

- 1 Amend the amendment, H-8054, to House File 681 as
- 2 follows:
- 3 1. Page 9, by striking line 19 and inserting the
- 4 following: "state.
- 5 Sec.     . NEW SECTION. 455J.14 FUTURE REPEAL.
- 6 This chapter is repealed effective June 30, 2001."
- 7 2. By renumbering as necessary.

Speaker Corbett in the chair at 5:52 p.m.

Roll call was requested by Shoultz of Black Hawk and Fallon of Polk.

On the question "Shall amendment H-8102, to the committee amendment H-8054, be adopted?" (H.F. 681)

The ayes were, 36:

Bernau	Brand	Bukta	Burnett
Chapman	Chiodo	Cohoon	Connors
Cormack	Doderer	Drees	Falck
Fallon	Foege	Frevert	Holveck
Huser	Jochum	Kinzer	Koenigs
Kreiman	Larkin	Mascher	Moreland
Mundie	Murphy	Myers	Osterhaus
Reynolds-Knight	Scherrman	Schrader	Shoultz
Taylor	Warnstadt	Weigel	Whitead

The nays were, 62:

Arnold	Barry	Bell	Blodgett
Boddicker	Bogess	Bradley	Brauns
Brunkhorst	Carroll	Cataldo	Churchill
Dinkla	Dix	Dolecheck	Dotzler
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	Nelson	O'Brien
Rants	Rayhons	Richardson	Siegrist
Sukup	Teig	Thomas	Thomson
Tyrrell	Van Fossen	Van Maanen	Vande Hoef
Veenstra	Weidman	Welter	Wise
Witt	Mr. Speaker Corbett		

Absent or not voting, 2:

Ford Garman

Amendment H-8102 lost.

Holveck of Polk offered the following amendment H-8103, to the committee amendment H-8054, filed by him and moved its adoption:

H-8103

- 1 Amend the amendment, H-8054, to House File 681 as
- 2 follows:
- 3 1. Page 9, by striking line 19 and inserting the
- 4 following: "state.
- 5 Sec.     . NEW SECTION. 455J.14 LIMITATIONS.
- 6 Notwithstanding any provision in this chapter, a
- 7 privilege provided in this chapter shall not exist in
- 8 connection with any private civil legal action. This

9 chapter shall not be construed to confer immunity from  
 10 liability in any private civil legal action."  
 11 2. By renumbering as necessary.

Roll call was requested by Holveck of Polk and Shoultz of Black Hawk.

On the question "Shall amendment H-8103, to the committee amendment H-8054, be adopted?" (H.F. 681)

The ayes were, 39:

Bell	Bernau	Brand	Bukta
Burnett	Cataldo	Cohoon	Connors
Doderer	Dotzler	Drees	Falck
Fallon	Foegel	Ford	Frevort
Holveck	Huser	Jochum	Kinzer
Koenigs	Kreiman	Larkin	Mascher
Moreland	Mundie	Murphy	Myers
Osterhaus	Reynolds-Knight	Richardson	Scherrman
Schrader	Shoultz	Taylor	Warnstadt
Weigel	Whitead	Wise	

The nays were, 60:

Arnold	Barry	Blodgett	Boddicker
Bogges	Bradley	Brauns	Brunkhorst
Carroll	Chapman	Chiodo	Churchill
Cormack	Dinkla	Dix	Dolecheck
Drake	Eddie	Gipp	Greig
Greiner	Gries	Grundberg	Hahn
Hansen	Heaton	Holmes	Houser
Huseman	Jacobs	Jenkins	Klemme
Kremer	Lamberti	Larson	Lord
Martin	May	Mertz	Metcalf
Meyer	Millage	Nelson	O'Brien
Rants	Rayhons	Siegrist	Sukup
Teig	Thomas	Thomson	Tyrrell
Van Fossen	Van Maanen	Vande Hoef	Veenstra
Weidman	Welter	Witt	Mr. Speaker Corbett

Absent or not voting, 1:

Garman

Amendment H-8103 lost.

Moreland of Wapello offered the following amendment H-8111, to the committee amendment H-8054, filed by him and moved its adoption:

H-8111

1 Amend the amendment, H-8054, to House File 681 as  
2 follows:

3 1. Page 9, by striking line 19 and inserting the  
4 following: "state.

5 Sec. \_\_\_\_ NEW SECTION. 455J.14 DISCLOSURE.

6 This chapter shall not alter or amend the duties,  
7 rights, or obligations of persons to disclose

8 information to third parties, whether such duties,  
9 rights, or obligations arise from statute, contract,

10 or common law."

11 2. By renumbering as necessary.

A non-record roll call was requested.

The ayes were 40, nays 50.

Amendment H-8111 lost.

Jenkins of Black Hawk asked and received unanimous consent to withdraw amendment H-8091, to the committee amendment H-8054, filed by him and Falck of Fayette on February 24, 1998.

Mascher of Johnson offered the following amendment H-8114, to the committee amendment H-8054, filed by Burnett of Story and moved its adoption:

H-8114

1 Amend the amendment, H-8054, to House File 681 as  
2 follows:

3 1. By striking page 1, line 4, through page 9,  
4 line 24, and inserting the following:

5 "Sec. \_\_\_\_ NEW SECTION. 455J.1 DEFINITIONS.

6 As used in this chapter, unless the context  
7 otherwise requires:

8 1. "Compliance assistance" means information and  
9 assistance provided by the department to aid an owner  
10 or operator in complying with legally mandated  
11 environmental requirements. "Compliance assistance"  
12 does not include enforcement inspections or  
13 enforcement actions.

14 2. "Department" means the department of natural  
15 resources created under section 455A.2.

16 3. "Environmental audits" means a systematic,  
17 documented, periodic, and objective review by  
18 regulated entities of facility operations and  
19 practices related to meeting environmental  
20 requirements.

21 4. "Owner or operator" means the person or entity



22 who caused the environmental audit to be undertaken.  
23 5. "Penalty mitigation" means the elimination or  
24 mitigation of penalties imposed by the department for  
25 violations of environmental laws, rules, or permit  
26 conditions.

27 Sec. \_\_\_\_ NEW SECTION. 455J.2 VIOLATIONS.

28 In order for an owner or operator to be eligible  
29 for penalty mitigation under section 455J.3,  
30 violations of environmental laws, rules, or permit  
31 conditions must be discovered through an environmental  
32 audit and not through a legally mandated monitoring or  
33 sampling requirement prescribed by statute,  
34 regulation, permit, judicial order, or consent  
35 agreement. An owner or operator shall report all  
36 violations discovered during an environmental audit to  
37 the department within thirty days from the time the  
38 discovery is made.

39 Sec. \_\_\_\_ NEW SECTION. 455J.3 PENALTY  
40 MITIGATION.

41 1. The department shall eliminate a penalty  
42 imposed on an owner or operator for a violation  
43 reported pursuant to section 455J.2 if the department  
44 determines that the owner or operator satisfies all of  
45 the following criteria:

46 a. The owner or operator has made a good faith  
47 effort to comply with applicable environmental  
48 requirements.

49 b. The owner or operator has not previously been  
50 found to violate the same environmental law, rule, or

## Page 2

1 permit condition.

2 c. The owner or operator remedies the violation  
3 within one hundred eighty days of the violation. The  
4 department may grant one extension of one hundred  
5 eighty days if the remedy requires implementing a  
6 pollution prevention measure.

7 d. The owner or operator demonstrates all of the  
8 following:

9 (1) The violation has not caused actual serious  
10 harm to public health, safety, or the environment.

11 (2) The violation is not one that may present an  
12 imminent and substantial endangerment to public health  
13 or the environment.

14 (3) The violation does not present a significant  
15 health, safety, or environmental threat.

16 (4) The violation does not involve criminal  
17 conduct.

18 2. The department may mitigate a penalty imposed  
19 on an owner or operator for a violation reported  
20 pursuant to section 455J.2 if the department  
21 determines that the owner or operator satisfies all of

22 the criteria listed in subsection 1, except for  
 23 paragraph "c". In determining the appropriate amount  
 24 to mitigate, the department shall consider, at a  
 25 minimum, the nature of the violation, the duration of  
 26 the violation, the environmental or public health  
 27 impacts of the violation, good faith efforts by the  
 28 owner or operator to promptly remedy the violation,  
 29 and the facility's overall record of compliance with  
 30 environmental laws, rules, and permit conditions.  
 31 Sec. \_\_\_\_ NEW SECTION. 455J.4 COMPLIANCE  
 32 ASSISTANCE.

33 1. The department may provide on-site compliance  
 34 assistance to an owner or operator upon request. If  
 35 the department is unable to provide compliance  
 36 assistance to an owner or operator in a timely manner,  
 37 the department shall within thirty days of receiving  
 38 the request for compliance assistance provide the  
 39 owner or operator with notice of the department's  
 40 inability to provide compliance assistance.

41 2. Prior to providing on-site compliance  
 42 assistance, the department shall obtain an agreement  
 43 with the owner or operator which includes a statement  
 44 explaining the compliance assistance procedures, the  
 45 responsibilities of each party, the availability of  
 46 penalty mitigation, and the responsibilities of the  
 47 owner or operator for any violation discovered."

48 2. Title page, by striking lines 1 and 2 and  
 49 inserting the following: "An Act providing for  
 50 elimination and mitigation of penalties resulting from

Page 3

1 the reporting of violations discovered in  
 2 environmental audits and on-site compliance  
 3 assistance."

Roll call was requested by Shoultz of Black Hawk and Holveck of Polk.

On the question "Shall amendment H-8114, to the committee amendment H-8054, be adopted?" (H.F. 681)

The ayes were, 41:

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	Moreland	Mundie
Murphy	Myers	Osterhaus	Reynolds-Knight

Richardson	Scherrman	Schrader	Shoultz
Taylor	Warnstadt	Weigel	Whitead
Wise			

The nays were, 57:

Arnold	Barry	Blodgett	Boddicker
Bogges	Bradley	Brauns	Brunkhorst
Churchill	Cormack	Dinkla	Dix
Dolecheck	Drake	Eddie	Gipp
Greig	Greiner	Gries	Grundberg
Hahn	Hansen	Heaton	Holmes
Houser	Huseman	Jacobs	Jenkins
Klemme	Kremer	Lamberti	Larson
Lord	Martin	May	Mertz
Metcalf	Meyer	Millage	Nelson
O'Brien	Rants	Rayhons	Siegrist
Sukup	Teig	Thomas	Thomson
Tyrrell	Van Fossen	Van Maanen	Vande Hoef
Veenstra	Weidman	Welter	Witt
Mr. Speaker			
Corbett			

Absent or not voting, 2:

Carroll                      Garman

Amendment H-8114 lost.

Fallon of Polk offered amendment H-8105, to the committee amendment H-8054, filed by him and requested division as follows:

H-8105

- 1 Amend the amendment, H-8054, to House File 681 as
- 2 follows:

H-8105A

- 3 1. Page 1, by striking line 32 and inserting the
- 4 following: "environmental audit and filed with the
- 5 department. An "environmental audit report"

H-8105B

- 6 2. Page 6, by inserting after line 4 the
- 7 following:
- 8 "5. The department shall allow, upon request, the
- 9 review of the contents of an environmental audit
- 10 report filed with the department to all of the
- 11 following:
- 12 a. Medical doctors.
- 13 b. Health officials.

- 14 c. Statisticians.
- 15 d. Public health officials.
- 16 e. The general assembly.
- 17 f. Environmental groups studying issues relating
- 18 to environmental spills and cleanup."

Fallon of Polk asked and received unanimous consent to withdraw amendment H-8105A, filed by him on February 24, 1998.

Mascher of Johnson offered the following amendment H-8116, to the committee amendment H-8054, filed by her and moved its adoption:

H-8116

- 1 Amend the amendment, H-8054, to House File 681 as
- 2 follows:
- 3 1. Page 1, by striking line 32 and inserting the
- 4 following: "environmental audit and filed with the
- 5 department. An "environmental audit report".

Amendment H-8116, to the committee amendment H-8054, was adopted.

Speaker pro tempore Van Maanen of Marion in the chair at 6:55 p.m.

Holveck of Polk offered the following amendment H-8108, to the committee amendment H-8054, filed by him and moved its adoption:

H-8108

- 1 Amend the amendment, H-8054, to House File 681 as
- 2 follows:
- 3 1. Page 3, by inserting after line 17 the
- 4 following:
- 5 "7. Notwithstanding any other provision of this
- 6 chapter, the privileges conferred by this chapter
- 7 shall not be available in a civil or criminal action
- 8 against an owner or operator for discharge of a
- 9 pollutant which resulted in a violation of water
- 10 quality standards, ambient air quality standards, or
- 11 safe drinking water standards."
- 12 2. Page 8, by inserting after line 28 the
- 13 following:
- 14 "10. Notwithstanding any other provision of this
- 15 chapter, the immunities conferred by this chapter
- 16 shall not be available in a civil or criminal action
- 17 against an owner or operator for discharge of a
- 18 pollutant which resulted in a violation of water
- 19 quality standards, ambient air quality standards, or
- 20 safe drinking water standards."

Amendment H-8108 lost.

Fallon of Polk moved the adoption of amendment H-8105B, to the committee amendment H-8054.

Roll call was requested by Shoultz of Black Hawk and Fallon of Polk.

On the question "Shall amendment H-8105B, to the committee amendment H-8054, be adopted?" (H.F. 681)

The ayes were, 38:

Bernau	Brand	Bukta	Burnett
Chiodo	Cohoon	Connors	Dotzler
Drees	Falck	Fallon	Foege
Ford	Frevert	Holveck	Huser
Jochum	Kinzer	Koenigs	Kreiman
Larkin	Mascher	Mertz	Moreland
Mundie	Murphy	Myers	O'Brien
Osterhaus	Reynolds-Knight	Richardson	Scherrman
Schrader	Shoultz	Taylor	Warnstadt
Weigel	Whitead		

The nays were, 59:

Arnold	Barry	Bell	Blodgett
Boddicker	Boggess	Bradley	Brauns
Brunkhorst	Cataldo	Chapman	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	Metcalf
Meyer	Millage	Nelson	Rants
Rayhons	Siegrist	Sukup	Teig
Thomas	Thomson	Tyrrell	Van Fossen
Vande Hoef	Veenstra	Weidman	Welter
Wise	Witt	Van Maanen, Presiding	

Absent or not voting, 3:

Carroll	Doderer	Garman
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Amendment H-8105B lost.

### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Grundberg of Polk on request of Gipp of Winneshiek.

Schrader of Marion offered the following amendment H-8182, to the committee amendment H-8054, filed by him from the floor and moved its adoption:

H-8182

- 1 Amend the amendment, H-8054, to House File 681 as
- 2 follows:
- 3 1. Page 9, by inserting before line 20 the
- 4 following:
- 5 "Sec. \_\_\_\_ NEW SECTION. 455J.14 EXCLUSION.
- 6 A facility or operation which includes an animal
- 7 feeding operation structure as defined in section
- 8 455B.161 is not eligible for any privilege or immunity
- 9 granted under this chapter."
- 10 2. By renumbering as necessary.

Roll call was requested by Schrader of Marion and Eddie of Buena Vista.

On the question "Shall amendment H-8182, to the committee amendment H-8054, be adopted?" (H.F. 681)

The ayes were, 42:

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

The nays were, 54:

Barry	Bell	Blodgett	Boddicker
Bogges	Bradley	Brauns	Brunkhorst
Churchill	Corbett, Spkr.	Cormack	Dinkla
Dix	Dolecheck	Drake	Eddie
Falck	Gipp	Greig	Greiner
Gries	Hahn	Hansen	Heaton
Holmes	Houser	Huseman	Jacobs
Jenkins	Klemme	Kremer	Lamberti
Lord	Martin	May	Mertz
Metcalf	Meyer	Millage	Nelson
Rants	Rayhons	Siegrist	Sukup

Teig	Thomas	Thomson	Tyrrell
Van Fossen	Vande Hoef	Veenstra	Weidman
Welter	Van Maanen, Presiding		

Absent or not voting, 4:

Carroll	Garman	Grundberg	Larson
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Amendment H-8182 lost.

Bradley of Clinton moved the adoption of the committee amendment H-8054, as amended.

The committee amendment H-8054, as amended, was adopted placing the following amendments out of order:

H-1391 filed by Shoultz of Black Hawk on March 25, 1997.

H-1373 filed by Mascher of Johnson on March 25, 1997.

H-1372 filed by Shoultz of Black Hawk on March 25, 1997.

H-1348 filed by Shoultz of Black Hawk on March 25, 1997.

H-1375 filed by Burnett of Story on March 25, 1997.

H-1383 filed by Bradley of Clinton and Witt of Black Hawk on March 25, 1997.

H-1413, to H-1383 filed by Burnett of Story on March 26, 1997.

H-1394, to H-1383 filed by Bradley of Clinton and Witt of Black Hawk on March 26, 1997.

H-1347 filed by Burnett of Story on March 25, 1997.

H-1350 filed by Mascher of Johnson on March 25, 1997.

H-1384 filed by Holveck of Polk on March 25, 1997.

H-1471, to H-1384 filed by Holveck of Polk on March 31, 1997.

H-1352 filed by Burnett of Story on March 25, 1997.

H-1376 filed by Burnett of Story on March 25, 1997.

H-1377 filed by Huser of Polk on March 25, 1997.

H-1374 filed by Shoultz of Black Hawk on March 25, 1997.

H-1354 filed by Mascher of Johnson on March 25, 1997.

H-1415, to H-1354 filed by Mascher of Johnson on March 26, 1997.

H-1353 filed by Burnett of Story on March 25, 1997.

H-1349 filed by Mascher of Johnson on March 25, 1997,

H-1414, to H-1349 filed by Mascher of Johnson by March 26, 1997.

H-1355 filed by Fallon of Polk on March 25, 1997.

H-1351 filed by Burnett of Story on March 25, 1997.

H-1346 filed by Burnett of Story on March 25, 1997.

H-1356 filed by Fallon of Polk on March 25, 1997.

H-1385 filed by Mascher of Johnson on March 25, 1997.

H-1380 filed by Shoultz of Black Hawk on March 25, 1997.

H-1464 filed by Burnett of Story on March 31, 1997.

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

On the question "Shall the bill pass?" (H.F. 681)

The ayes were, 66:

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

The nays were, 32:

Bernau	Brand	Bukta	Burnett
Chiodo	Cohoon	Connors	Doderer
Dotzler	Drees	Fallon	Foege
Frevert	Holveck	Huser	Jochum
Kinzer	Koenigs	Larkin	Mascher
Moreland	Murphy	Myers	Osterhaus
Richardson	Scherrman	Schrader	Shoultz
Taylor	Warnstadt	Weigel	Whitead

Absent or not voting, 2:

Carroll                      Garman

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 681** be immediately messaged to the Senate.



## MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 3, 1998, passed the following bill in which the concurrence of the House is asked:

Senate File 2153, a bill for an act relating to affidavits of candidacy filed by candidates for public office.

Also: That the Senate has on March 3, 1998, passed the following bill in which the concurrence of the House is asked:

Senate File 2170, a bill for an act relating to licensing sanctions against individuals who default on debt owed to or collected by the college student aid commission.

Also: That the Senate has on March 3, 1998, passed the following bill in which the concurrence of the House is asked:

Senate File 2188, a bill for an act relating to debt collection by excluding a financial institution and its employees from the definition of debt collector.

Also: That the Senate has on March 3, 1998, passed the following bill in which the concurrence of the House is asked:

Senate File 2218, a bill for an act relating to the issuance of highway travel permits to raw milk transporters whose motor trucks exceed gross weight and axle weight restrictions and establishing a fee.

Also: That the Senate has on March 3, 1998, passed the following bill in which the concurrence of the House is asked:

Senate File 2221, a bill for an act relating to the payment of costs relating to a contempt of court action for nonpayment of child support.

Also: That the Senate has on March 3, 1998, passed the following bill in which the concurrence of the House is asked:

Senate File 2257, a bill for an act relating to the regulation of and motor vehicle operation on the roads and streets of this state by providing for the classification of the system of roads and streets, authorizing easements on state-controlled lands, providing for the admissibility of official records of the state department of transportation, regulating motor vehicles and motor vehicle dealers, authorizing maintenance vehicles to stop or park on the traveled way of the roadway, allowing single trucks a variance on their maximum length, administering of motor vehicle laws by the state department of transportation concerning motor vehicle dealer sales, multiyear vehicle and vehicle dealer licensing, requiring the payment of certain civil penalties before issuance of temporary restricted licenses, and modifying the compilation requirements for airport sufficiency ratings.

Also: That the Senate has on March 3, 1998, passed the following bill in which the concurrence of the House is asked:

Senate File 2261, a bill for an act relating to the criteria for the awarding of grandparent and great-grandparent visitation rights.

Also: That the Senate has on March 3, 1998, passed the following bill in which the concurrence of the House is asked:

Senate File 2279, a bill for an act relating to authorized investments by insurance companies in obligations of foreign governments and foreign corporations.

Also: That the Senate has on March 3, 1998, passed the following bill in which the concurrence of the House is asked:

Senate File 2285, a bill for an act relating to anatomical gifts by modifying certain qualification requirements for hospital reimbursement grants and requiring submission of an annual donation and compliance report.

Also: That the Senate has on March 3, 1998, passed the following bill in which the concurrence of the House is asked:

Senate File 2287, a bill for an act relating to the continued operation of the innovation zone board.

Also: That the Senate has on March 3, 1998, passed the following bill in which the concurrence of the House is asked:

Senate File 2288, a bill for an act relating to the sales and use tax on optional service or warranty contracts and to the sales and use tax exemption on certain computers, equipment, machinery, and fuel, relating to the definition of manufacturer for purposes of the exemption, and providing a retroactive applicability date.

Also: That the Senate has on March 3, 1998, passed the following bill in which the concurrence of the House is asked:

Senate File 2294, a bill for an act relating to the payment of snowmobile and all-terrain vehicle title fees.

Also: That the Senate has on March 3, 1998, passed the following bill in which the concurrence of the House is asked:

Senate File 2301, a bill for an act relating to the operation and regulation of banks and making technical corrections.

Also: That the Senate has on March 3, 1998, passed the following bill in which the concurrence of the House is asked:

Senate File 2319, a bill for an act revising the definition of the practice of land surveying.

Also: That the Senate has on March 3, 1998, passed the following bill in which the concurrence of the House is asked:

Senate File 2336, a bill for an act requiring that the clerk of the district court confirm that notice has been given to required parties prior to the filing of a nonstatutory lien.

Also: That the Senate has on March 3, 1998, passed the following bill in which the concurrence of the House is asked:

Senate File 2337, a bill for an act to allow distribution of the presentence investigation report under certain circumstances.

Also: That the Senate has on March 3, 1998, passed the following bill in which the concurrence of the House is asked:

Senate File 2341, a bill for an act relating to hepatitis type B immunizations of children and providing an applicability provision and an effective date.

Also: That the Senate has on March 3, 1998, passed the following bill in which the concurrence of the House is asked:

Senate File 2350, a bill for an act establishing a state employee deferred compensation trust fund.

Also: That the Senate has on March 3, 1998, passed the following bill in which the concurrence of the House is asked:

Senate File 2378, a bill for an act relating to real estate titles involving bankruptcy.

MARY PAT GUNDERSON, Secretary

### EXPLANATIONS OF VOTE

I was necessarily absent from the House chamber on the morning of March 3, 1998. Had I been present, I would have voted "aye" on House Files 2374 and 2444.

CHIODO of Polk

I was necessarily absent from the House chamber on March 2, 1998. Had I been present, I would have voted "aye" on House Files 530, 2331, 2392, and amendments H-8130, H-8132, H-8135, to House File 2395, and "nay" on House File 2395.

MORELAND of Wapello

### SPECIAL PRESENTATION

Connors of Polk presented to the House the Honorable Wayne McKinney, former Majority Leader and representative from Polk County.

### CERTIFICATES OF RECOGNITION

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

ELIZABETH A. ISAACSON  
Chief Clerk of the House

1998\188 Coach Gene Doyle and the Cedar Falls High School Wrestling Team, Cedar Falls - For winning the Class 3-A Championship of the 1998 Iowa High School State Wrestling Tournament.

- 1998\189 Coach Wade King, Davenport – For being named the Class 2-A Coach of the Year at the 1998 Iowa High School State Wrestling Tournament.
- 1998\190 Tony Sweeting, Highland – For winning the Class 1-A, 119 lbs. division of the 1998 Iowa High School State Wrestling Tournament.
- 1998\191 Dorothy and Virgil Davison, Clarinda – For celebrating their 65th wedding anniversary.
- 1998\192 Mr. and Mrs. Cash Evans, Gravity – For celebrating their 65th wedding anniversary.
- 1998\193 Reverend Frederick C. Fangmann, Oelwein – For celebrating 35 years in the priesthood.
- 1998\194 Ruth and DeVere Horn, Jesup – For celebrating their 50th wedding anniversary.
- 1998\195 Elsie Vosmek, Shueyville – For celebrating her 90th birthday.
- 1998\196 Audrey McCracken, Cedar Rapids – For celebrating her 100th birthday.
- 1998\197 Pearl Reynolds, Tiffin – For celebrating her 100th birthday.
- 1998\198 Mildred Carver, Fairfax – For celebrating her 90th birthday.
- 1998\199 Earle Scheetz, Oxford – For celebrating his 80th birthday.
- 1998\200 Mary Sovers, Solon – For celebrating her 90th birthday.
- 1998\201 Mabel Ludvick, Cedar Rapids – For celebrating her 85th birthday.
- 1998\202 Joe Sebol, Swisher – For celebrating his 80th birthday.
- 1998\203 Katherine Holland, Oxford – For celebrating her 80th birthday.
- 1998\204 Assumption High School, Davenport – For winning the Class 2-A Championship at the 1998 Iowa High School State Wrestling Tournament.
- 1998\205 Lester Hansen, Davenport – For celebrating his 90th birthday.
- 1998\206 Lucas Kluever, Maquoketa – For receiving 2nd place in the Class 2-A, 171 lbs. division of the 1998 Iowa High School State Wrestling Tournament.
- 1998\207 Arthur Holle, Guthrie Center – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 1998\208 Tom Fitzer, Wilton – For winning the Class 1-A, 125 lbs. division of the 1998 Iowa High School State Wrestling Tournament.

- 1998\209 Justin Stanley, Wilton – For winning the Class 1-A, 130 lbs. division of the 1998 Iowa High School State Wrestling Tournament.
- 1998\210 Maryn Olson, Howard-Winneshiek Community School – For being named a finalist in the National Merit Scholarship Program.
- 1998\211 Jennifer Kult, Coon Rapids-Bayard High School – For being named a finalist in the National Merit Scholarship Program.
- 1998\212 Rob Hoback, Columbus Junction – For winning the Class 1-A, 145 lbs. division of the 1998 Iowa High School State Wrestling Tournament.
- 1998\213 Jessica Moser, St. Mary School, Guttenberg – For winning 1st place in the 6th-7th grade category in the "Write Women Back Into History" Essay Contest.
- 1998\214 Cole Pape, Maquoketa – For winning the Class 2-A, 130 lbs. division of the 1998 Iowa High School State Wrestling Tournament.
- 1998\215 Nelda and John Koppenhaver, Clinton – For celebrating their 60th wedding anniversary.
- 1998\216 Cory Meehan, Dubuque – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 1998\217 Lorene and Arnold Heistand, Woodbine – For celebrating their 50th wedding anniversary.
- 1998\218 Marie and Lou Kohl, Sioux City – For celebrating their 50th wedding anniversary.
- 1998\219 Celia and Elmer Kooiker, Missouri Valley – For celebrating their 50th wedding anniversary.
- 1998\220 Pearl Brown, Missouri Valley – For celebrating her 90th birthday.
- 1998\221 Opal Beaman, Persia – For celebrating her 85th birthday.
- 1998\222 Coach Steve Shirk and the Wilton High School Wrestling Team, Wilton – For being a runner-up in the Class 1-A division of the 1998 Iowa High School State Wrestling Tournament.
- 1998\223 Coach Bill Plein and the Columbus Junction High School Wrestling Team, Columbus Junction – For being a runner-up in the Class 1-A division of the 1998 Iowa High School State Wrestling Tournament.
- 1998\224 New Hampton Community High School Wrestling Team, New Hampton – For receiving 2nd place in the Class 2-A division of the 1998 Iowa High School State Wrestling Tournament.
- 1998\225 Coach Larry Straw, New Hampton – For coaching the New Hampton Community High School Wrestling Team to 2nd place in the Class 2-A division of the 1998 Iowa High School State Wrestling Tournament.

- 1998\226 Jesse Zobeck, Crestwood High School – For receiving 2nd place in the Class 2-A, 125 lbs. division of the 1998 Iowa High School State Wrestling Tournament.
- 1998\227 Adam Kramer, New Hampton Community High School – For receiving 2nd place in the Class 2-A, 112 lbs. division of the 1998 Iowa High School State Wrestling Tournament.
- 1998\228 Cory Beckman, New Hampton Community High School – For winning the Class 2-A, 140 lbs. division of the 1998 Iowa High School State Wrestling Tournament.
- 1998\229 Henrietta and Everett Whitten, Packwood – For celebrating their 55th wedding anniversary.
- 1998\230 Evelyn and Virtus Kruse, Clinton – For celebrating their 50th wedding anniversary.

#### SUBCOMMITTEE ASSIGNMENTS

##### House File 2386

Ways and Means: Dix, Chair; Drake and Richardson.

##### House File 2419

Ways and Means: Jenkins, Chair; Teig and Weigel.

##### House File 2441

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

##### House File 2483

Appropriations: Nelson, Chair; Cataldo and Houser.

##### House File 2500

Appropriations: Nelson, Chair; Houser and Wise.

##### House File 2501

Appropriations: Brunkhorst, Chair; Jacobs and Wise.

##### House File 2519

Appropriations: Nelson, Chair; Brand and Houser.

##### Senate File 2162

Commerce and Regulation: Churchill, Chair; Chapman and Dix.

##### Senate File 2225

Judiciary: Dinkla, Chair; Holveck and Lamberti.

**Senate File 2226**

Judiciary: Lamberti, Chair; Dinkla and Kreiman.

**HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS****House Study Bill 694**

Appropriations: Millage, Chair; Jacobs and Wise.

**House Study Bill 695**

Appropriations: Gipp, Chair; Brand and Sukup.

**COMMITTEE RECOMMENDATIONS**

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

ELIZABETH A. ISAACSON  
Chief Clerk of the House

**COMMITTEE ON HUMAN RESOURCES**

**Committee Bill** (Formerly House File 560), relating to the reimbursement of certain providers of services under the medical assistance program.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 26, 1998.

**Committee Bill** (Formerly House File 2141), establishing dependent adult abuse assessment pilot projects, defining terms related to dependent adult abuse, providing a civil penalty for elder dependent adult abuse, and establishing a dependent adult emergency services fund.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 26, 1998.

**Committee Bill** (Formerly House File 2299), requiring, upon the birth of a child, a medically relevant test for the presence of illegal substances.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 26, 1998.

**COMMITTEE ON LOCAL GOVERNMENT**

**Senate File 2061**, a bill for an act relating to a delay in implementing the inclusion of certain information on property tax statements by providing a deferral application process and providing an effective date.

Fiscal Note is not required.

Recommended Amend and Do Pass with amendment H-8165 March 3, 1998.

Pursuant to Rule 31.7, Senate File 2061 was referred to the committee on ways and means.

### RESOLUTION FILED

HCR 113, by Van Fossen, Martin, Holmes, Bradley, and Millage, a concurrent resolution relating to the increased utilization of the Rock Island Arsenal.

Laid over under **Rule 25.**

### AMENDMENTS FILED

H-8157	H.F.	2101	Chiodo of Polk
			Van Fossen of Scott
			Churchill of Polk
			Jochum of Dubuque
			Connors of Polk
			Hansen of Pottawattamie
			Drake of Pottawattamie
			Cataldo of Polk
			Whitead of Woodbury
			Tyrrell of Iowa
H-8158	H.F.	2413	O'Brien of Boone
H-8159	H.F.	2440	Carroll of Poweshiek
H-8160	H.F.	2440	Carroll of Poweshiek
H-8161	H.F.	2494	Frevert of Palo Alto
			Brand of Tama
			Burnett of Story
			Doderer of Johnson
			Drees of Carroll
			Foege of Linn
			Holveck of Polk
			Jochum of Dubuque
			Koenigs of Mitchell
			Mascher of Johnson
			Mundie of Webster
			Myers of Johnson
			Reynolds-Knight of Van Buren
			Scherrman of Dubuque
			Shoultz of Black Hawk
			Weigel of Chickasaw
			Moreland of Wapello
			Bernau of Story
			Bukta of Clinton
			Connors of Polk
			Dotzler of Black Hawk
			Fallon of Polk
			Ford of Polk
			Huser of Polk
			Kinzer of Scott
			Kreiman of Davis
			May of Worth
			Murphy of Dubuque
			Osterhaus of Jackson
			Richardson of Warren
			Schrader of Marion
			Taylor of Linn
			Whitead of Woodbury



H—8162	H.F.	2251	Witt of Black Hawk
H—8163	H.F.	2498	Wise of Lee Brand of Tama
H—8164	H.F.	2504	Kreiman of Davis
H—8165	S.F.	2061	Committee on Local Government
H—8167	H.F.	2482	Lamberti of Polk Nelson of Marshall Welter of Jones
H—8168	H.F.	2501	Rants of Woodbury
H—8169	H.F.	2504	Kreiman of Davis Richardson of Warren
H—8171	H.F.	2269	Kreiman of Davis
H—8172	H.F.	2272	Blodgett of Cerro Gordo
H—8173	H.F.	2290	Arnold of Lucas
H—8174	H.F.	2495	Sukup of Franklin
H—8175	H.F.	2495	Richardson of Warren
H—8176	H.F.	2470	Murphy of Dubuque
H—8177	H.F.	2494	Wise of Lee Falck of Fayette Larkin of Lee May of Worth Mertz of Kossuth O'Brien of Boone Thomas of Clayton
H—8178	H.F.	2269	Rants of Woodbury
H—8179	H.F.	2402	Murphy of Dubuque Scherrman of Dubuque
H—8180	H.F.	2504	Lamberti of Polk Wise of Lee Moreland of Wapello
H—8181	H.F.	2514	Huser of Polk Nelson of Marshall Cormack of Webster Chiodo of Polk
H—8183	H.F.	2339	Fallon of Polk
H—8184	H.F.	299	Dotzler of Black Hawk
H—8185	H.F.	299	Wise of Lee
H—8186	H.F.	299	Dotzler of Black Hawk
H—8187	H.F.	299	Kinzer of Scott
H—8188	H.F.	299	Connors of Polk
H—8189	H.F.	299	Whitead of Woodbury
H—8190	H.F.	299	Chapman of Linn
H—8191	H.F.	299	Taylor of Linn

H-8192	H.F.	299	Huser of Polk
H-8193	H.F.	299	Chapman of Linn
H-8194	H.F.	299	Scherrman of Dubuque
H-8195	H.F.	299	Murphy of Dubuque
H-8196	H.F.	299	Fallon of Polk
H-8197	H.F.	299	Taylor of Linn
H-8198	H.F.	299	Dotzler of Black Hawk
H-8199	H.F.	299	Dotzler of Black Hawk
H-8200	H.F.	299	Taylor of Linn
H-8201	H.F.	299	Taylor of Linn
H-8202	H.F.	299	Taylor of Linn
H-8203	H.F.	299	O'Brien of Boone
H-8204	H.F.	299	O'Brien of Boone
H-8205	H.F.	299	Falck of Fayette
H-8206	H.F.	299	Mundie of Webster

On motion by Siegrist of Pottawattamie, the House adjourned at 8:33 p.m., until 8:45 a.m., Wednesday, March 4, 1998.

# JOURNAL OF THE HOUSE

Fifty-second Calendar Day - Thirty-fifth Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Wednesday, March 4, 1998

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

Prayer was offered by Pastor John Palmer, First Assembly of God Church, Des Moines.

The Journal of Tuesday, March 3, 1998 was approved.

## PETITION FILED

The following petition was received and placed on file:

By Brand of Tama, from twelve constituents of the 60th district favoring House File 598, a bill for an act establishing the Enrich Iowa program for libraries and making an appropriation.

## INTRODUCTION OF BILLS

**House File 2522**, by committee on human resources, a bill for an act relating to the performance of a medically relevant test for the presence of illegal substances in a child.

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

**House File 2523**, by committee on human resources, a bill for an act relating to the reimbursement of certain providers of services under the medical assistance program.

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

**House File 2524**, by committee on commerce and regulation, a bill for an act establishing the IowaAccess system and providing for an appropriation.

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

**House File 2525**, by committee on human resources, a bill for an act relating to the protection of and provision of safe living environments for certain individuals including providing safe assisted living facilities, establishing dependent adult abuse assessment pilot projects, defining terms related to dependent adult abuse, providing a civil penalty for elder dependent adult abuse, and establishing a dependent adult emergency services fund.

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

**House File 2526**, by Dix, a bill for an act relating to the partial exemption of interest and dividends received and a reduction in the amount of capital gains taxed under the state income taxes and providing effective and applicability date provisions.

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

**House File 2527**, by committee on judiciary, a bill for an act providing for victim rights, providing for penalties, and an effective date.

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

### SENATE MESSAGES CONSIDERED

**Senate File 347**, by Angelo, a bill for an act relating to the disposal of public nuisances seized by the department of natural resources.

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

**Senate File 2153**, by Maddox, a bill for an act relating to affidavits of candidacy filed by candidates for public office.

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

**Senate File 2170**, by Tinsman, a bill for an act relating to licensing sanctions against individuals who default on debt owed to or collected by the college student aid commission.

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

**Senate File 2188**, by committee on commerce, a bill for an act relating to debt collection.

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

**Senate File 2218**, by Zieman, a bill for an act relating to the issuance of highway travel permits to raw milk transporters whose motor trucks exceed gross weight and axle weight restrictions and establishing a fee.

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

**Senate File 2221**, by committee on judiciary, a bill for an act relating to the payment of costs relating to a contempt of court action for nonpayment of child support or violation of a visitation order.

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

**Senate File 2257**, by committee on transportation, a bill for an act relating to the regulation of and motor vehicle operation on the roads and streets of this state by providing for the classification of the system of roads and streets, authorizing easements on state-controlled lands, providing for the admissibility of official records of the state department of transportation, regulating motor vehicles and motor vehicle dealers, authorizing maintenance vehicles to stop or park on the traveled way of the roadway, allowing single trucks a variance on their maximum length, administering of motor vehicle laws by the state department of transportation concerning motor vehicle dealer sales, multiyear vehicle and vehicle dealer licensing, requiring the payment of certain civil penalties before issuance of temporary restricted licenses, and modifying the compilation requirements for airport sufficiency ratings.

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

**Senate File 2259**, by committee on judiciary, a bill for an act relating to search warrant applications.

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

**Senate File 2261**, by Lundby, a bill for an act relating to the criteria for the awarding of grandparent and great-grandparent visitation rights.

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

**Senate File 2279**, by committee on commerce, a bill for an act relating to authorized investments by insurance companies in obligations of foreign governments and foreign corporations.

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

**Senate File 2285**, by committee on human resources, a bill for an act relating to anatomical gifts by modifying certain qualification requirements for hospital reimbursement grants and requiring submission of an annual donation and compliance report.

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

**Senate File 2287**, by committee on human resources, a bill for an act relating to the continued operation of the innovation zone board.

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

**Senate File 2288**, by committee on ways and means, a bill for an act relating to the sales and use tax on optional service or warranty contracts and to the sales and use tax exemption on certain computers, equipment, machinery, and fuel, relating to the definition of manufacturer for purposes of the exemption, and providing a retroactive applicability date.

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

**Senate File 2294**, by committee on natural resources and environment, a bill for an act relating to the payment of snowmobile and all-terrain vehicle title fees.

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

**Senate File 2301**, by committee on commerce, a bill for an act relating to the operation and regulation of banks and making technical corrections.

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

**Senate File 2310**, by committee on state government, a bill for an act relating to professional engineering licensure requirements for applicants with certain educational qualifications.

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

**Senate File 2319**, by committee on state government, a bill for an act revising the definition of the practice of land surveying.

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

**Senate File 2336**, by committee on judiciary, a bill for an act requiring that the clerk of the district court confirm that notice has been given to required parties prior to the filing of a nonstatutory lien.

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

**Senate File 2337**, by committee on judiciary, a bill for an act to allow distribution of the presentence investigation report under certain circumstances.

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

**Senate File 2338**, by committee on human resources, a bill for an act relating to the entities responsible for assisting in international adoptions.

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

**Senate File 2341**, by committee on human resources, a bill for an act relating to hepatitis type B immunizations of children and providing an applicability provision and an effective date.

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

**Senate File 2350**, by committee on state government, a bill for an act establishing a state employee deferred compensation trust fund.

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

**Senate File 2378**, by committee on judiciary, a bill for an act relating to real estate titles involving bankruptcy.

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

### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Speaker Corbett, until his arrival, on request of Siegrist of Pottawattamie; Bernau of Story, until his arrival, on request of Brand of Tama.

### RULES SUSPENDED

Gipp of Winneshiek asked and received unanimous consent to suspend the rules for the immediate consideration of House Concurrent Resolution 113.

### ADOPTION OF HOUSE CONCURRENT RESOLUTION 113

Van Fossen of Scott called up for consideration House Concurrent Resolution 113, a concurrent resolution relating to the increased utilization of the Rock Island Arsenal, and moved its adoption.

The motion prevailed and the resolution was adopted.

### IMMEDIATE MESSAGE

Gipp of Winneshiek asked and received unanimous consent that **House Concurrent Resolution 113** be immediately messaged to the Senate.

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

The House resumed session at 9:20 a.m., Speaker pro tempore Van Maanen of Marion in the chair.

### CONSIDERATION OF BILLS

#### Regular Calendar

**House File 2269**, a bill for an act relating to permissible physical

contact between school employees and students, with report of committee recommending passage, was taken up for consideration.

Kreiman of Davis asked and received unanimous consent to withdraw amendment H-8171 filed by him on March 3, 1998.

Rants of Woodbury offered the following amendment H-8178 filed by him and moved its adoption:

H-8178

- 1 Amend House File 2269 as follows:
- 2 1. Page 1, line 24, by inserting after the word
- 3 "contact" the following: "is reasonable under the
- 4 circumstances and".

Amendment H-8178 was adopted.

Doderer of Johnson asked for unanimous consent to request that the word "reasonable" on page 1, line 19, be stricken from amendment H-8178 to House File 2269.

Objection was raised.

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

On the question "Shall the bill pass?" (H.F. 2269)

The ayes were, 98:

Arnold	Barry	Bell	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	Lambert
Mascher	May	Mertz	Metcalfe
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:

Bernau                      Corbett, Spkr.

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

**House File 2135**, a bill for an act relating to a mid-America port commission agreement and providing an effective date, with report of committee recommending passage, was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 2135)

The ayes were, 98:

Arnold	Barry	Bell	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	Morland	Mundie
Murphy	Myers	Nelson	O'Brien
Osterhaus	Rants	Rayhons	Reynolds-Knight
Richardson	Scherrman	Schrader	Shoultz
Siegrist	Sukup	Taylor	Teig
Thomas	Thomson	Tyrrell	Van Fossen
Vande Hoef	Veenstra	Warnstadt	Weidman

Weigel  
Witt

Welter  
Van Maanen,  
Presiding

Whitead

Wise

The nays were, none.

Absent or not voting, 2:

Bernau

Corbett, Spkr.

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

**House File 2120**, a bill for an act prohibiting the use of self-service displays in the offering for sale or sale of cigarettes or tobacco products, providing a penalty, and providing an effective date, with report of committee recommending amendment and passage, was taken up for consideration.

Hansen of Pottawattamie offered the following amendment H-8093 filed by the committee on state government and moved its adoption:

H-8093

- 1 Amend House File 2120 as follows:
- 2 1. Page 1, line 15, by striking the word
- 3 "subsection" and inserting the following:
- 4 "subsections".
- 5 2. Page 1, by inserting after line 15 the
- 6 following:
- 7 **NEW SUBSECTION.** 1A. "Carton" means a box or
- 8 container of any kind in which ten or more packages or
- 9 packs of cigarettes or tobacco products are offered
- 10 for sale, sold, or otherwise distributed to consumers.
- 11 **NEW SUBSECTION.** 15A. "Package" or "pack" means a
- 12 container of any kind in which cigarettes or tobacco
- 13 products are offered for sale, sold, or otherwise
- 14 distributed to consumers."
- 15 3. Page 1, by striking lines 24 through 33 and
- 16 inserting the following:
- 17 "1. Beginning January 1, 1999, except as provided
- 18 in section 453A.36, subsection 6, a retailer shall not
- 19 sell or offer for sale cigarettes or tobacco products,
- 20 in a quantity of less than a carton, through the use
- 21 of a self-service display.
- 22 2. Beginning July 1, 1999, except as provided in
- 23 section 453A.36, subsection 6, a retailer shall not
- 24 sell or offer for sale cigarettes or tobacco products,
- 25 in a quantity of a carton or less, through the use of
- 26 a self-service display.
- 27 3. This section shall not be construed to prevent
- 28 the use of humidors or specially constructed areas for

- 29 the selection of cigars, if the sale of the cigars  
 30 takes place through face-to-face exchange.  
 31 4. Violation of this section by a holder of a  
 32 retail permit is grounds for revocation of such  
 33 permit."  
 34 4. Title page, by striking line 3 and inserting  
 35 the following: "and providing a penalty."

The committee amendment H-8093 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?" (H.F. 2120)

The ayes were, 96:

Arnold	Barry	Bell	Blodgett
Boddicker	Bogges	Bradley	Brand
Brauns	Brunkhorst	Bukta	Burnett
Cataldo	Chapman	Chiodo	Churchill
Cohoon	Connors	Corbett, Spkr.	Cormack
Dinkla	Dix	Doderer	Dolecheck
Dotzler	Drake	Drees	Eddie
Falck	Fallon	Foege	Ford
Frevert	Garman	Gipp	Greig
Greiner	Gries	Grundberg	Hahn
Hansen	Heaton	Holmes	Holveck
Houser	Huseman	Huser	Jacobs
Jenkins	Jochum	Kremer	Klemme
Koenigs	Kreiman	Kremer	Lamberti
Larkin	Larson	Lord	Martin
Mascher	May	Mertz	Metcalf
Meyer	Millage	Moreland	Mundie
Murphy	Myers	Nelson	O'Brien
Osterhaus	Rants	Rayhons	Reynolds-Knight
Richardson	Scherrman	Shoultz	Siegrist
Sukup	Taylor	Thomas	Thomson
Tyrrell	Van Fossen	Vande Hoef	Veenstra
Warnstadt	Weidman	Weigel	Welter
Whitead	Wise	Witt	Van Maanen, Presiding

The nays were, none.

Absent or not voting, 4:

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

## IMMEDIATE MESSAGES

Siegrist of Pottawattamie asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Files 2269, 2135 and 2120.**

## MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 4, 1998, passed the following bill in which the concurrence of the House is asked:

Senate File 2066, a bill for an act relating to child support for a child completing high school graduation or equivalency requirements.

Also: That the Senate has on March 4, 1998, passed the following bill in which the concurrence of the House is asked:

Senate File 2151, a bill for an act relating to political party county convention delegates and providing an effective date.

Also: That the Senate has on March 4, 1998, passed the following bill in which the concurrence of the House is asked:

Senate File 2186, a bill for an act relating to the validity and enforceability in Iowa of an advance directive document executed by a veteran of the armed forces.

Also: That the Senate has on March 4, 1998, passed the following bill in which the concurrence of the House is asked:

Senate File 2220, a bill for an act relating to the definition of a chronic runaway.

Also: That the Senate has on March 4, 1998, passed the following bill in which the concurrence of the House is asked:

Senate File 2286, a bill for an act relating to cigarettes and tobacco products by restricting smoking of tobacco products in licensed child day care centers and registered group day care homes, by restricting advertising, and providing a penalty.

Also: That the Senate has on March 4, 1998, passed the following bill in which the concurrence of the House is asked:

Senate File 2321, a bill for an act relating to the confidentiality of certain records and reports held by the labor commissioner.

MARY PAT GUNDERSON, Secretary

**House File 2272**, a bill for an act requiring the state board of education to adopt rules relating to the incorporation of accountability for student achievement into the education standards and accreditation process, was taken up for consideration.

Rants of Woodbury offered the following amendment H-8053 filed by him and moved its adoption:

H-8053

- 1 Amend House File 2272 as follows:
- 2 1. Page 1, line 25, by striking the words
- 3 "writing, employability skills,".

Roll call was requested by Mascher of Johnson and Wise of Lee.

On the question "Shall amendment H-8053 be adopted?" (H.F. 2272)

The ayes were, 51:

Arnold	Barry	Blodgett	Boddicker
Bogges	Bradley	Brauns	Brunkhorst
Carroll	Churchill	Corbett, Spkr.	Dix
Dolecheck	Drake	Eddie	Fallon
Ford	Garman	Gipp	Greig
Greiner	Gries	Grundberg	Hansen
Holmes	Houser	Huseman	Jacobs
Jenkins	Klemme	Kremer	Lamberti
Lord	Martin	Metcalf	Meyer
Millage	Nelson	Rants	Rayhons
Siegrist	Sukup	Teig	Thomson
Tyrrell	Van Fossen	Vande Hoef	Veenstra
Weidman	Welter	Van Maanen,	
		Presiding	

The nays were, 45:

Bell	Brand	Bukta	Burnett
Cataldo	Chapman	Chiodo	Cohoon
Connors	Cormack	Doderer	Dotzler
Drees	Falck	Foege	Frevort
Heaton	Holveck	Huser	Jochum
Kinzer	Koenigs	Kreiman	Larkin
Larson	Mascher	May	Mertz
Moreland	Mundie	Murphy	Myers
O'Brien	Osterhaus	Reynolds-Knight	Richardson
Scherrman	Shoultz	Taylor	Thomas
Warnstadt	Weigel	Whitead	Wise
Witt			

Absent or not voting, 4:

Bernau	Dinkla	Hahn	Schrader
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Amendment H-8053 was adopted.

Blodgett of Cerro Gordo asked and received unanimous consent to withdraw amendment H-8172 filed by him on March 3, 1998.

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

On the question "Shall the bill pass?" (H.F. 2272)

The ayes were, 94:

Arnold	Barry	Bell	Blodgett
Boddicker	Bogges	Bradley	Brand
Brauns	Brunkhorst	Bukta	Burnett
Carroll	Cataldo	Chapman	Chiodo
Churchill	Cohoon	Connors	Corbett, Spkr.
Cormack	Dix	Doderer	Dolecheck
Dotzler	Drees	Eddie	Falck
Fallon	Foege	Ford	Frevert
Garman	Gipp	Greig	Gries
Grundberg	Hahn	Hansen	Heaton
Holmes	Holveck	Houser	Huseman
Huser	Jacobs	Jejnigs	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	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, 6:

Bernau	Dinkla	Drake	Greiner
Schrader	Siegrist		

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

### IMMEDIATE MESSAGE

Gipp of Winneshiek asked and received unanimous consent that House File 2272 be immediately messaged to the Senate.

### HOUSE FILE 216 WITHDRAWN

Bradley of Clinton asked and received unanimous consent to withdraw House File 216 from further consideration by the House.

On motion by Gipp of Winneshiek, the House was recessed at 10:55 a.m., until 1:00 p.m.

### AFTERNOON SESSION

The House reconvened at 1:05 p.m., Speaker Corbett in the chair.

### SPECIAL PRESENTATION TO HOUSE PAGES

Speaker Corbett invited the House Pages to the Speaker's station for a special presentation and thanked them for their service to the House of Representatives.

Certificates of excellence for serving with honor and distinction as a House Page during the Second Regular Session of the Seventy-seventh General Assembly were presented to the following Pages by Speaker Corbett, Speaker pro tempore Van Maanen of Marion and Minority Leader David Schrader of Marion:

Katherine Anderson  
Aaron Cory  
Abby Ellingson  
Jennifer Goodell  
Heidi Goodell

James Schenkelberg  
Meredith Tanner  
Eric Unternahrer  
Thaddeus Wunder

### SENATE MESSAGES CONSIDERED

**Senate File 2066**, by Flynn, a bill for an act relating to child support for a child completing high school graduation or equivalency requirements.

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

**Senate File 2151**, by Maddox, a bill for an act relating to political party county convention delegates and providing an effective date.

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

**Senate File 2220**, by committee on judiciary, a bill for an act relating to the definition of a chronic runaway.

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

**Senate File 2286**, by committee on human resources, a bill for an act relating to cigarettes and tobacco products by restricting smoking of tobacco products in licensed child day care centers and registered group day care homes, by restricting advertising, and providing a penalty.

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

**Senate File 2321**, by committee on business and labor, a bill for an act relating to the confidentiality of certain records and reports held by the labor commissioner.

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

**QUORUM CALL**

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

**MESSAGE FROM THE SENATE**

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 4, 1998, passed the following bill in which the concurrence of the House is asked:

Senate File 2295, a bill for an act relating to and making appropriations for agriculture and natural resources and providing an effective date.

MARY PAT GUNDERSON, Secretary

Dolecheck of Ringgold in the chair at 1:25 p.m.

**SENATE AMENDMENT CONSIDERED**

Sukup of Franklin called up for consideration **House File 299**, a bill for an act concerning drug and alcohol testing of private sector employees and prospective employees and providing remedies and an effective date, amended by the Senate amendment H-8119 as follows:

H-8119

- 1 Amend House File 299, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. By striking everything after the enacting
- 4 clause and inserting the following:
- 5 "Section 1. Section 730.5, Code 1997, is amended
- 6 by striking the section and inserting in lieu thereof
- 7 the following:
- 8 730.5 PRIVATE SECTOR DRUG-FREE WORKPLACES.
- 9 1. DEFINITIONS. As used in this section, unless
- 10 the context otherwise requires:
- 11 a. "Alcohol" means ethanol, isopropanol, or
- 12 methanol.
- 13 b. "Drug" means a substance considered a
- 14 controlled substance and included in schedule I, II,
- 15 III, IV, or V under the federal Controlled Substances



16 Act, 21 U.S.C. § 801 et seq.

17 c. "Employee" means a person in the service of an  
18 employer in this state and includes the employer, and  
19 any chief executive officer, president, vice  
20 president, supervisor, manager, and officer of the  
21 employer who is actively involved in the day-to-day  
22 operations of the business.

23 d. "Employer" means a person, firm, company,  
24 corporation, labor organization, or employment agency,  
25 which has one or more full-time employees employed in  
26 the same business, or in or about the same  
27 establishment, under any contract of hire, express or  
28 implied, oral or written, in this state. "Employer"  
29 does not include the state, a political subdivision of  
30 the state, including a city, county, or school  
31 district, the United States, the United States postal  
32 service, or a Native-American tribe.

33 e. "Good faith" means reasonable reliance on  
34 facts, or that which is held out to be factual,  
35 without the intent to be deceived, and without  
36 reckless, malicious, or negligent disregard for the  
37 truth.

38 f. "Medical review officer" means a licensed  
39 physician, osteopathic physician, chiropractor, nurse  
40 practitioner, or physician assistant authorized to  
41 practice in any state of the United States, who is  
42 responsible for receiving laboratory results generated  
43 by an employer's drug or alcohol testing program, and  
44 who has knowledge of substance abuse disorders and has  
45 appropriate medical training to interpret and evaluate  
46 an individual's confirmed positive test result  
47 together with the individual's medical history and any  
48 other relevant biomedical information.

49 g. "Prospective employee" means a person who has  
50 made application, whether written or oral, to an

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1 employer to become an employee.

2 h. "Reasonable suspicion drug or alcohol testing"  
3 means drug or alcohol testing based upon evidence that  
4 an employee is using or has used alcohol or other  
5 drugs in violation of the employer's written policy  
6 drawn from specific objective and articulable facts  
7 and reasonable inferences drawn from those facts in  
8 light of experience. For purposes of this paragraph,  
9 facts and inferences may be based upon, but not  
10 limited to, any of the following:

11 (1) Observable phenomena while at work such as  
12 direct observation of alcohol or drug use or abuse or  
13 of the physical symptoms or manifestations of being  
14 impaired due to alcohol or other drug use.

15 (2) Abnormal conduct or erratic behavior while at

16 work or a significant deterioration in work  
17 performance.

18 (3) A report of alcohol or other drug use provided  
19 by a reliable and credible source.

20 (4) Evidence that an individual has tampered with  
21 any drug or alcohol test during the individual's  
22 employment with the current employer.

23 (5) Evidence that an employee has caused an  
24 accident while at work which resulted in an injury to  
25 a person for which injury, if suffered by an employee,  
26 a record or report could be required under chapter 88,  
27 or resulted in damage to property, including to  
28 equipment, in an amount reasonably estimated at the  
29 time of the accident to exceed one thousand dollars.

30 (6) Evidence that an employee has manufactured,  
31 sold, distributed, solicited, possessed, used, or  
32 transferred drugs while working or while on the  
33 employer's premises or while operating the employer's  
34 vehicle, machinery, or equipment.

35 i. "Safety-sensitive position" means a job wherein  
36 an accident could cause loss of human life, serious  
37 bodily injury, or significant property or  
38 environmental damage, including a job with duties that  
39 include immediate supervision of a person in a job  
40 that meets the requirement of this paragraph.

41 j. "Sample" means such sample from the human body  
42 capable of revealing the presence of alcohol or other  
43 drugs, or their metabolites. However, sample does not  
44 mean blood except as authorized pursuant to subsection  
45 7, paragraph "l".

46 k. "Unannounced drug or alcohol testing" means  
47 testing for the purposes of detecting drugs or alcohol  
48 which is conducted on a periodic basis, without  
49 advance notice of the test to employees, other than  
50 employees whose duties include responsibility for

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1 administration of the employer's drug or alcohol  
2 testing program, subject to testing prior to the day  
3 of testing, and without individualized suspicion. The  
4 selection of employees to be tested from the pool of  
5 employees subject to testing shall be done based on a  
6 neutral and objective selection process by an entity  
7 independent from the employer and shall be made by a  
8 computer-based random number generator that is matched  
9 with employees' social security numbers, payroll  
10 identification numbers, or other comparable  
11 identifying numbers in which each member of the  
12 employee population subject to testing has an equal  
13 chance of selection for initial testing, regardless of  
14 whether the employee has been selected or tested  
15 previously. The random selection process shall be

16 conducted through a computer program that records each  
17 selection attempt by date, time, and employee number.

18 2. APPLICABILITY. This section does not apply to  
19 drug or alcohol tests conducted on employees required  
20 to be tested pursuant to federal statutes, federal  
21 regulations, or orders issued pursuant to federal law.  
22 In addition, an employer, through its written policy,  
23 may exclude from the pools of employees subject to  
24 unannounced drug or alcohol testing pursuant to  
25 subsection 8, paragraph "a", employee populations  
26 required to be tested as described in this subsection.

27 3. TESTING OPTIONAL. This section does not  
28 require or create a legal duty on an employer to  
29 conduct drug or alcohol testing and the requirements  
30 of this section shall not be construed to encourage,  
31 discourage, restrict, limit, prohibit, or require such  
32 testing. In addition, an employer may implement and  
33 require drug or alcohol testing at some but not all of  
34 the work sites of the employer and the requirements of  
35 this section shall only apply to the employer and  
36 employees who are at the work sites where drug or  
37 alcohol testing pursuant to this section has been  
38 implemented. A cause of action shall not arise in  
39 favor of any person against an employer or agent of an  
40 employer based on the failure of the employer to  
41 establish a program or policy on substance abuse  
42 prevention or to implement any component of testing as  
43 permitted by this section.

44 4. TESTING AS CONDITION OF EMPLOYMENT –  
45 REQUIREMENTS. To the extent provided in subsection 8,  
46 an employer may test employees and prospective  
47 employees for the presence of drugs or alcohol as a  
48 condition of continued employment or hiring. An  
49 employer shall adhere to the requirements of this  
50 section concerning the conduct of such testing and the

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1 use and disposition of the results of such testing.  
2 5. COLLECTION OF SAMPLES. In conducting drug or  
3 alcohol testing, an employer may require the  
4 collection of samples from its employees and  
5 prospective employees, and may require presentation of  
6 reliable individual identification from the person  
7 being tested to the person collecting the samples.  
8 Collection of a sample shall be in conformance with  
9 the requirements of this section. The employer may  
10 designate the type of sample to be used for this  
11 testing.

12 6. SCHEDULING OF TESTS.

13 a. Drug or alcohol testing of employees conducted  
14 by an employer shall normally occur during, or  
15 immediately before or after, a regular work period.

16 The time required for such testing by an employer  
17 shall be deemed work time for the purposes of  
18 compensation and benefits for employees.

19 b. An employer shall pay all actual costs for drug  
20 or alcohol testing of employees and prospective  
21 employees required by the employer.

22 c. An employer shall provide transportation or pay  
23 reasonable transportation costs to employees if drug  
24 or alcohol sample collection is conducted at a  
25 location other than the employee's normal work site.

26 7. TESTING PROCEDURES. All sample collection and  
27 testing for drugs or alcohol under this section shall  
28 be performed in accordance with the following  
29 conditions:

30 a. The collection of samples shall be performed  
31 under sanitary conditions and with regard for the  
32 privacy of the individual from whom the specimen is  
33 being obtained and in a manner reasonably calculated  
34 to preclude contamination or substitution of the  
35 specimen.

36 b. Sample collection for testing of current  
37 employees shall be performed so that the specimen is  
38 split into two components at the time of collection in  
39 the presence of the individual from whom the sample or  
40 specimen is collected. The second portion of the  
41 specimen or sample shall be of sufficient quantity to  
42 permit a second, independent confirmatory test as  
43 provided in paragraph "i". If the specimen is urine,  
44 the sample shall be split such that the primary sample  
45 contains at least thirty milliliters and the secondary  
46 sample contains at least fifteen milliliters. Both  
47 portions of the sample shall be forwarded to the  
48 laboratory conducting the initial confirmatory  
49 testing. In addition to any requirements for storage  
50 of the initial sample that may be imposed upon the

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1 laboratory as a condition for certification or  
2 approval, the laboratory shall store the second  
3 portion of any sample until receipt of a confirmed  
4 negative test result or for a period of at least  
5 forty-five calendar days following the completion of  
6 the initial confirmatory testing, if the first portion  
7 yielded a confirmed positive test result.

8 c. Sample collections shall be documented, and the  
9 procedure for documentation shall include the  
10 following:

11 (1) Samples shall be labeled so as to reasonably  
12 preclude the possibility of misidentification of the  
13 person tested in relation to the test result provided,  
14 and samples shall be handled and tracked in a manner  
15 such that control and accountability are maintained

16 from initial collection to each stage in handling,  
17 testing, and storage, through final disposition.

18 (2) An employee or prospective employee shall be  
19 provided an opportunity to provide any information  
20 which may be considered relevant to the test,  
21 including identification of prescription or  
22 nonprescription drugs currently or recently used, or  
23 other relevant medical information. To assist an  
24 employee or prospective employee in providing the  
25 information described in this subparagraph, the  
26 employer shall provide an employee or prospective  
27 employee with a list of the drugs to be tested.

28 d. Sample collection, storage, and transportation  
29 to the place of testing shall be performed so as to  
30 reasonably preclude the possibility of sample  
31 contamination, adulteration, or misidentification.

32 e. All confirmatory drug testing shall be  
33 conducted at a laboratory certified by the United  
34 States department of health and human services'  
35 substance abuse and mental health services  
36 administration or approved under rules adopted by the  
37 Iowa department of public health.

38 f. Drug or alcohol testing shall include  
39 confirmation of any initial positive test results.  
40 For drug or alcohol testing, confirmation shall be by  
41 use of a different chemical process than was used in  
42 the initial screen for drugs or alcohol. The  
43 confirmatory drug or alcohol test shall be a  
44 chromatographic technique such as gas chromatography  
45 or mass spectrometry, or another comparably reliable  
46 analytical method. An employer may take adverse  
47 employment action, including refusal to hire a  
48 prospective employee, based on a confirmed positive  
49 drug or alcohol test.

50 g. A medical review officer shall, prior to the

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1 results being reported to an employer, review and  
2 interpret any confirmed positive test results,  
3 including both quantitative and qualitative test  
4 results, to ensure that the chain of custody is  
5 complete and sufficient on its face and that any  
6 information provided by the individual pursuant to  
7 paragraph "c", subparagraph (2), is considered.

8 h. In conducting drug or alcohol testing pursuant  
9 to this section, the laboratory, the medical review  
10 officer, and the employer shall ensure, to the extent  
11 feasible, that the testing only measure, and the  
12 records concerning the testing only show or make use  
13 of information regarding, alcohol or drugs in the  
14 body.

15 i. (1) If a confirmed positive drug or alcohol

16 test for a current employee is reported to the  
17 employer by the medical review officer, the employer  
18 shall notify the employee in writing by certified  
19 mail, return receipt requested, of the results of the  
20 test, the employee's right to request and obtain a  
21 confirmatory test of the second sample collected  
22 pursuant to paragraph "b" at an approved laboratory of  
23 the employee's choice, and the fee payable by the  
24 employee to the employer for reimbursement of expenses  
25 concerning the test. The fee charged an employee  
26 shall be an amount that represents the costs  
27 associated with conducting the second confirmatory  
28 test, which shall be consistent with the employer's  
29 cost for conducting the initial confirmatory test on  
30 an employee's sample. If the employee, in person or  
31 by certified mail, return receipt requested, requests  
32 a second confirmatory test, identifies an approved  
33 laboratory to conduct the test, and pays the employer  
34 the fee for the test within seven days from the date  
35 the employer mails by certified mail, return receipt  
36 requested, the written notice to the employee of the  
37 employee's right to request a test, a second  
38 confirmatory test shall be conducted at the laboratory  
39 chosen by the employee. The results of the second  
40 confirmatory test shall be reported to the medical  
41 review officer who reviewed the initial confirmatory  
42 test results and the medical review officer shall  
43 review the results and issue a report to the employer  
44 on whether the results of the second confirmatory test  
45 confirmed the initial confirmatory test as to the  
46 presence of a specific drug or alcohol. If the  
47 results of the second test do not confirm the results  
48 of the initial confirmatory test, the employer shall  
49 reimburse the employee for the fee paid by the  
50 employee for the second test and the initial

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1 confirmatory test shall not be considered a confirmed  
2 positive drug or alcohol test for purposes of taking  
3 disciplinary action pursuant to subsection 10.  
4 (2) If a confirmed positive drug or alcohol test  
5 for a prospective employee is reported to the employer  
6 by the medical review officer, the employer shall  
7 notify the prospective employee in writing of the  
8 results of the test, of the name and address of the  
9 medical review officer who made the report, and of the  
10 prospective employee's right to request records under  
11 subsection 13.  
12 j. A laboratory conducting testing under this  
13 section shall dispose of all samples for which a  
14 negative test result was reported to an employer  
15 within five working days after issuance of the

16 negative test result report.

17 k. Except as necessary to conduct drug or alcohol  
18 testing pursuant to this section and to submit the  
19 report required by subsection 16, a laboratory or  
20 other medical facility shall only report to an  
21 employer or outside entity information relating to the  
22 results of a drug or alcohol test conducted pursuant  
23 to this section concerning the determination of  
24 whether the tested individual has engaged in conduct  
25 prohibited by the employer's written policy with  
26 regard to alcohol or drug use.

27 l. Notwithstanding the provisions of this  
28 subsection, an employer may rely and take action upon  
29 the results of any blood test for drugs or alcohol  
30 made on any employee involved in an accident at work  
31 if the test is administered by or at the direction of  
32 the person providing treatment or care to the employee  
33 without request or suggestion by the employer that a  
34 test be conducted, and the employer has lawfully  
35 obtained the results of the test. For purposes of  
36 this paragraph, an employer shall not be deemed to  
37 have requested or required a test in conjunction with  
38 the provision of medical treatment following a  
39 workplace accident by providing information concerning  
40 the circumstance of the accident.

41 8. DRUG OR ALCOHOL TESTING. Employers may conduct  
42 drug or alcohol testing as provided in this  
43 subsection:

44 a. Employers may conduct unannounced drug or  
45 alcohol testing of employees who are selected from any  
46 of the following pools of employees:

47 (1) The entire employee population at a particular  
48 work site of the employer except for employees who are  
49 not scheduled to be at work at the time the testing is  
50 conducted because of the status of the employees or

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1 who have been excused from work pursuant to the  
2 employer's work policy prior to the time the testing  
3 is announced to employees.

4 (2) The entire full-time active employee  
5 population at a particular work site except for  
6 employees who are not scheduled to be at work at the  
7 time the testing is to be conducted because of the  
8 status of the employee, or who have been excused from  
9 work pursuant to the employer's working policy.

10 (3) All employees at a particular work site who  
11 are in a pool of employees in a safety-sensitive  
12 position and who are scheduled to be at work at the  
13 time testing is conducted, other than employees who  
14 are not scheduled to be at work at the time the  
15 testing is to be conducted or who have been excused

16 from work pursuant to the employer's work policy prior  
17 to the time the testing is announced to employees.

18 b. Employers may conduct drug or alcohol testing  
19 of employees during, and after completion of, drug or  
20 alcohol rehabilitation.

21 c. Employers may conduct reasonable suspicion drug  
22 or alcohol testing.

23 d. Employers may conduct drug or alcohol testing  
24 of prospective employees.

25 e. Employers may conduct drug or alcohol testing  
26 as required by federal law or regulation or by law  
27 enforcement.

28 f. Employers may conduct drug or alcohol testing  
29 in investigating accidents in the workplace in which  
30 the accident resulted in an injury to a person for  
31 which injury, if suffered by an employee, a record or  
32 report could be required under chapter 88, or resulted  
33 in damage to property, including to equipment, in an  
34 amount reasonably estimated at the time of the  
35 accident to exceed one thousand dollars.

#### 36 9. WRITTEN POLICY AND OTHER TESTING REQUIREMENTS.

37 a. Drug or alcohol testing or retesting by an  
38 employer shall be carried out within the terms of a  
39 written policy which has been provided to every  
40 employee subject to testing, and is available for  
41 review by employees and prospective employees.

42 b. The employer's written policy shall provide  
43 uniform requirements for what disciplinary or  
44 rehabilitative actions an employer shall take against  
45 an employee or prospective employee upon receipt of a  
46 confirmed positive drug or alcohol test result or upon  
47 the refusal of the employee or prospective employee to  
48 provide a testing sample. The policy shall provide  
49 that any action taken against an employee or  
50 prospective employee shall be based only on the

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1 results of the drug or alcohol test. The written  
2 policy shall also provide that if rehabilitation is  
3 required pursuant to paragraph "g", the employer shall  
4 not take adverse employment action against the  
5 employee so long as the employee complies with the  
6 requirements of rehabilitation and successfully  
7 completes rehabilitation.

8 c. Employers shall establish an awareness program  
9 to inform employees of the dangers of drug and alcohol  
10 use in the workplace and comply with the following  
11 requirements in order to conduct drug or alcohol  
12 testing under this section:

13 (1) If an employer has an employee assistance  
14 program, the employer must inform the employee of the  
15 benefits and services of the employee assistance



16 program. An employer shall post notice of the  
17 employee assistance program in conspicuous places and  
18 explore alternative routine and reinforcing means of  
19 publicizing such services. In addition, the employer  
20 must provide the employee with notice of the policies  
21 and procedures regarding access to and utilization of  
22 the program.

23 (2) If an employer does not have an employee  
24 assistance program, the employer must maintain a  
25 resource file of employee assistance services  
26 providers, alcohol and other drug abuse programs  
27 certified by the Iowa department of public health,  
28 mental health providers, and other persons, entities,  
29 or organizations available to assist employees with  
30 personal or behavioral problems. The employer shall  
31 provide all employees information about the existence  
32 of the resource file and a summary of the information  
33 contained within the resource file. The summary  
34 should contain, but need not be limited to, all  
35 information necessary to access the services listed in  
36 the resource file. In addition, the employer shall  
37 post in conspicuous places a listing of multiple  
38 employee assistance providers in the area.

39 d. An employee or prospective employee whose drug  
40 or alcohol test results are confirmed as positive in  
41 accordance with this section shall not, by virtue of  
42 those results alone, be considered as a person with a  
43 disability for purposes of any state or local law or  
44 regulation.

45 e. If the written policy provides for alcohol  
46 testing, the employer shall establish in the written  
47 policy a standard for alcohol concentration which  
48 shall be deemed to violate the policy. The standard  
49 for alcohol concentration shall not be less than .04,  
50 expressed in terms of grams of alcohol per two hundred

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1 ten liters of breath, or its equivalent.

2 f. An employee of an employer who is designated by  
3 the employer as being in a safety-sensitive position  
4 shall be placed in only one pool of safety-sensitive  
5 employees subject to drug or alcohol testing pursuant  
6 to subsection 8, paragraph "a", subparagraph (3). An  
7 employer may have more than one pool of safety-  
8 sensitive employees subject to drug or alcohol testing  
9 pursuant to subsection 8, paragraph "a", subparagraph  
10 (3), but shall not include an employee in more than  
11 one safety-sensitive pool.

12 g. Upon receipt of a confirmed positive alcohol  
13 test which indicates an alcohol concentration greater  
14 than the concentration level established by the  
15 employer pursuant to this section but less than the

16 concentration level in section 321J.2 for operating  
17 while under the influence of alcohol, and if the  
18 employer has at least fifty employees, and if the  
19 employee has been employed by the employer for at  
20 least twelve of the preceding eighteen months, and if  
21 rehabilitation is agreed upon by the employee, and if  
22 the employee has not previously violated the  
23 employer's substance abuse prevention policy pursuant  
24 to this section, the written policy shall provide for  
25 the rehabilitation of the employee pursuant to  
26 subsection 10, paragraph "a", subparagraph (1), and  
27 the apportionment of the costs of rehabilitation as  
28 provided by this paragraph.

29 (1) If the employer has an employee benefit plan,  
30 the costs of rehabilitation shall be apportioned as  
31 provided under the employee benefit plan.

32 (2) If no employee benefit plan exists and the  
33 employee has coverage for any portion of the costs of  
34 rehabilitation under any health care plan of the  
35 employee, the costs of rehabilitation shall be  
36 apportioned as provided by the health care plan with  
37 any costs not covered by the plan apportioned equally  
38 between the employee and the employer. However, the  
39 employer shall not be required to pay more than two  
40 thousand dollars toward the costs not covered by the  
41 employee's health care plan.

42 (3) If no employee benefit plan exists and the  
43 employee does not have coverage for any portion of the  
44 costs of rehabilitation under any health care plan of  
45 the employee, the costs of rehabilitation shall be  
46 apportioned equally between the employee and the  
47 employer. However, the employer shall not be required  
48 to pay more than two thousand dollars towards the cost  
49 of rehabilitation under this subparagraph.

50 Rehabilitation required pursuant to this paragraph

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1 shall not preclude an employer from taking any adverse  
2 employment action against the employee during the  
3 rehabilitation based on the employee's failure to  
4 comply with any requirements of the rehabilitation,  
5 including any action by the employee to invalidate a  
6 test sample provided by the employee pursuant to the  
7 rehabilitation.

8 h. In order to conduct drug or alcohol testing  
9 under this section, an employer shall require  
10 supervisory personnel of the employer involved with  
11 drug or alcohol testing under this section to attend a  
12 minimum of two hours of initial training and to  
13 attend, on an annual basis thereafter, a minimum of  
14 one hour of subsequent training. The training shall  
15 include, but is not limited to, information concerning

16 the recognition of evidence of employee alcohol and  
17 other drug abuse, the documentation and corroboration  
18 of employee alcohol and other drug abuse, and the  
19 referral of employees who abuse alcohol or other drugs  
20 to the employee assistance program or to the resource  
21 file of employee assistance services providers.

22 10. DISCIPLINARY PROCEDURES.

23 a. Upon receipt of a confirmed positive drug or  
24 alcohol test result which indicates a violation of the  
25 employer's written policy, or upon the refusal of an  
26 employee or prospective employee to provide a testing  
27 sample, an employer may use that test result or test  
28 refusal as a valid basis for disciplinary or  
29 rehabilitative actions pursuant to the requirements of  
30 the employer's written policy and the requirements of  
31 this section, which may include, among other actions,  
32 the following:

33 (1) A requirement that the employee enroll in an  
34 employer-provided or approved rehabilitation,  
35 treatment, or counseling program, which may include  
36 additional drug or alcohol testing, participation in  
37 and successful completion of which may be a condition  
38 of continued employment, and the costs of which may or  
39 may not be covered by the employer's health plan or  
40 policies.

41 (2) Suspension of the employee, with or without  
42 pay, for a designated period of time.

43 (3) Termination of employment.

44 (4) Refusal to hire a prospective employee.

45 (5) Other adverse employment action in conformance  
46 with the employer's written policy and procedures,  
47 including any relevant collective bargaining agreement  
48 provisions.

49 b. Following a drug or alcohol test, but prior to  
50 receipt of the final results of the drug or alcohol

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1 test, an employer may suspend a current employee, with  
2 or without pay, pending the outcome of the test. An  
3 employee who has been suspended shall be reinstated by  
4 the employer, with back pay, and interest on such  
5 amount at eighteen percent per annum compounded  
6 annually, if applicable, if the result of the test is  
7 not a confirmed positive drug or alcohol test which  
8 indicates a violation of the employer's written  
9 policy.

10 11. EMPLOYER IMMUNITY. A cause of action shall  
11 not arise against an employer who has established a  
12 policy and initiated a testing program in accordance  
13 with the testing and policy safeguards provided for  
14 under this section, for any of the following:

15 a. Testing or taking action based on the results

16 of a positive drug or alcohol test result, indicating  
17 the presence of drugs or alcohol, in good faith, or on  
18 the refusal of an employee or prospective employee to  
19 submit to a drug or alcohol test.

20 b. Failure to test for drugs or alcohol, or  
21 failure to test for a specific drug or controlled  
22 substance.

23 c. Failure to test for, or if tested for, failure  
24 to detect, any specific drug or other controlled  
25 substance.

26 d. Termination or suspension of any substance  
27 abuse prevention or testing program or policy.

28 e. Any action taken related to a false negative  
29 drug or alcohol test result.

30 12. EMPLOYER LIABILITY - FALSE POSITIVE TEST  
31 RESULTS.

32 a. Except as otherwise provided in paragraph "b",  
33 a cause of action shall not arise against an employer  
34 who has established a program of drug or alcohol  
35 testing in accordance with this section, unless all of  
36 the following conditions exist:

37 (1) The employer's action was based on a false  
38 positive test result.

39 (2) The employer knew or clearly should have known  
40 that the test result was in error and ignored the  
41 correct test result because of reckless, malicious, or  
42 negligent disregard for the truth, or the willful  
43 intent to deceive or to be deceived.

44 b. A cause of action for defamation, libel,  
45 slander, or damage to reputation shall not arise  
46 against an employer establishing a program of drug or  
47 alcohol testing in accordance with this section unless  
48 all of the following apply:

49 (1) The employer discloses the test results to a  
50 person other than the employer, an authorized

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1 employee, agent, or representative of the employer,  
2 the tested employee or the tested applicant for  
3 employment, an authorized substance abuse treatment  
4 program or employee assistance program, or an  
5 authorized agent or representative of the tested  
6 employee or applicant.

7 (2) The test results disclosed incorrectly  
8 indicate the presence of alcohol or drugs.

9 (3) The employer negligently discloses the  
10 results.

11 c. In any cause of action based upon a false  
12 positive test result, all of the following conditions  
13 apply:

14 (1) The results of a drug or alcohol test  
15 conducted in compliance with this section are presumed

16 to be valid.

17 (2) An employer shall not be liable for monetary  
18 damages if the employer's reliance on the false  
19 positive test result was reasonable and in good faith.

20 13. CONFIDENTIALITY OF RESULTS - EXCEPTION.

21 a. All communications received by an employer  
22 relevant to employee or prospective employee drug or  
23 alcohol test results, or otherwise received through  
24 the employer's drug or alcohol testing program, are  
25 confidential communications and shall not be used or  
26 received in evidence, obtained in discovery, or  
27 disclosed in any public or private proceeding, except  
28 as otherwise provided or authorized by this section.

29 b. An employee, or a prospective employee, who is  
30 the subject of a drug or alcohol test conducted under  
31 this section pursuant to an employer's written policy  
32 and for whom a confirmed positive test result is  
33 reported shall, upon written request, have access to  
34 any records relating to the employee's drug or alcohol  
35 test, including records of the laboratory where the  
36 testing was conducted and any records relating to the  
37 results of any relevant certification or review by a  
38 medical review officer. However, a prospective  
39 employee shall be entitled to records under this  
40 paragraph only if the prospective employee requests  
41 the records within fifteen calendar days from the date  
42 the employer provided the prospective employee written  
43 notice of the results of a drug or alcohol test as  
44 provided in subsection 7, paragraph "i", subparagraph  
45 (2).

46 c. Except as provided by this section and as  
47 necessary to conduct drug or alcohol testing under  
48 this section and to file a report pursuant to  
49 subsection 16, a laboratory and a medical review  
50 officer conducting drug or alcohol testing under this

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1 section shall not use or disclose to any person any  
2 personally identifiable information regarding such  
3 testing, including the names of individuals tested,  
4 even if unaccompanied by the results of the test.

5 d. An employer may use and disclose information  
6 concerning the results of a drug or alcohol test  
7 conducted pursuant to this section under any of the  
8 following circumstances:

9 (1) In an arbitration proceeding pursuant to a  
10 collective bargaining agreement, or an administrative  
11 agency proceeding or judicial proceeding under  
12 workers' compensation laws or unemployment  
13 compensation laws or under common or statutory laws  
14 where action taken by the employer based on the test  
15 is relevant or is challenged.

16 (2) To any federal agency or other unit of the  
17 federal government as required under federal law,  
18 regulation or order, or in accordance with compliance  
19 requirements of a federal government contract.

20 (3) To any agency of this state authorized to  
21 license individuals if the employee tested is licensed  
22 by that agency and the rules of that agency require  
23 such disclosure.

24 (4) To a union representing the employee if such  
25 disclosure would be required by federal labor laws.

26 (5) To a substance abuse evaluation or treatment  
27 facility or professional for the purpose of evaluation  
28 or treatment of the employee.

29 However, positive test results from an employer  
30 drug or alcohol testing program shall not be used as  
31 evidence in any criminal action against the employee  
32 or prospective employee tested.

#### 33 14. CIVIL PENALTIES – JURISDICTION.

34 a. Any laboratory or medical review officer which  
35 discloses information in violation of the provisions  
36 of subsection 7, paragraph "h" or "k", or any employer  
37 who, through the selection process described in  
38 subsection 1, paragraph "k", improperly targets or  
39 exempts employees subject to unannounced drug or  
40 alcohol testing, shall be subject to a civil penalty  
41 of one thousand dollars for each violation. The  
42 attorney general or the attorney general's designee  
43 may maintain a civil action to enforce this  
44 subsection. Any civil penalty recovered shall be  
45 deposited in the general fund of the state.

46 b. A laboratory or medical review officer involved  
47 in the conducting of a drug or alcohol test pursuant  
48 to this section shall be deemed to have the necessary  
49 contact with this state for the purpose of subjecting  
50 the laboratory or medical review officer to the

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1 jurisdiction of the courts of this state.

2 15. CIVIL REMEDIES. This section may be enforced  
3 through a civil action.

4 a. A person who violates this section or who aids  
5 in the violation of this section, is liable to an  
6 aggrieved employee or prospective employee for  
7 affirmative relief including reinstatement or hiring,  
8 with or without back pay, or any other equitable  
9 relief as the court deems appropriate including  
10 attorney fees and court costs.

11 b. When a person commits, is committing, or  
12 proposes to commit, an act in violation of this  
13 section, an injunction may be granted through an  
14 action in district court to prohibit the person from  
15 continuing such acts. The action for injunctive

16 relief may be brought by an aggrieved employee or  
 17 prospective employee, the county attorney, or the  
 18 attorney general.

19 In an action brought under this subsection alleging  
 20 that an employer has required or requested a drug or  
 21 alcohol test in violation of this section, the  
 22 employer has the burden of proving that the  
 23 requirements of this section were met.

24 16. REPORTS. A laboratory doing business for an  
 25 employer who conducts drug or alcohol tests pursuant  
 26 to this section shall file an annual report with the  
 27 Iowa department of public health by March 1 of each  
 28 year concerning the number of drug or alcohol tests  
 29 conducted on employees who work in this state pursuant  
 30 to this section, the number of positive and negative  
 31 results of the tests, during the previous calendar  
 32 year. In addition, the laboratory shall include in  
 33 its annual report the specific basis for each test as  
 34 authorized in subsection 8, the type of drug or drugs  
 35 which were found in the positive drug tests, and all  
 36 significant available demographic factors relating to  
 37 the positive test pool.

38 Sec. 2. EFFECTIVE DATE. This Act takes effect on  
 39 the thirtieth day following enactment."

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

The House resumed session at 2:27 p.m., Speaker Corbett in the chair.

Fallon of Polk offered amendment H-8196, to the Senate amendment H-8119, filed by him as follows:

H-8196

1 Amend the Senate amendment, H-8119, to House File  
 2 299, as amended, passed, and reprinted by the House,  
 3 as follows:

4 1. Page 1, line 17, by inserting after the word  
 5 "means" the following: "a member of the general  
 6 assembly, or".

7 2. Page 8, line 41, by inserting after the words  
 8 "prospective employees." the following: "For drug or  
 9 alcohol testing or retesting of members of the general  
 10 assembly, the written policy governing testing shall  
 11 be established by the legislative council created in  
 12 section 2.41."

Sukup of Franklin rose on a point of order that amendment H-8196, to the Senate amendment H-8119, was not germane.

The Speaker ruled the point well taken and amendment H-8196, to the Senate amendment H-8119, not germane.

Schrader of Marion asked for unanimous consent to suspend the rules to consider amendment H-8196.

Objection was raised.

Schrader of Marion moved to suspend the rules to consider amendment H-8196.

Roll call was requested by Schrader of Marion and Taylor of Linn.

Rule 75 was invoked.

On the question "Shall the rules be suspended to consider amendment H-8196, to the Senate amendment H-8119?" (H.F. 299)

The ayes were, 48:

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

The nays were, 52:

Arnold	Barry	Blodgett	Boddicker
Bogess	Bradley	Brauns	Brunkhorst
Carroll	Churchill	Dinkla	Dix
Dolecheck	Drake	Eddie	Gipp
Greig	Greiner	Gries	Grundberg
Hahn	Hansen	Heaton	Holmes
Houser	Huseman	Jacobs	Jenkins
Klemme	Kremer	Lamberti	Larson
Lord	Martin	Metcalf	Meyer
Millage	Nelson	Rants	Rayhons
Siegrist	Sukup	Teig	Thomson
Tyrrell	Van Fossen	Van Maanen	Vande Hoef
Veenstra	Weidman	Welter	Mr. Speaker Corbett

Absent or not voting, none.

The motion to suspend the rules lost.

Scherrman of Dubuque offered the following amendment H-8194, to the Senate amendment H-8119, filed by him and moved its adoption:



H-8194

- 1 Amend the Senate amendment, H-8119, to House File
- 2 299, as amended, passed, and reprinted by the House,
- 3 as follows:
- 4 1. Page 1, by striking lines 21 and 22 and
- 5 inserting the following: "employer."

Amendment H-8194 lost.

Kinzer of Scott offered the following amendment H-8187, to the Senate amendment H-8119, filed by him and moved its adoption:

H-8187

- 1 Amend the Senate amendment, H-8119, to House File
- 2 299, as amended, passed, and reprinted by the House,
- 3 as follows:
- 4 1. Page 1, by striking line 50 and inserting the
- 5 following: "received a bona fide offer, whether
- 6 written or oral, from an".

Roll call was requested by Dotzler of Black Hawk and Kinzer of Scott.

On the question "Shall amendment H-8187, to the Senate amendment H-8119, be adopted?" (H.F. 299)

The ayes were, 46:

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

The nays were, 53:

Arnold	Barry	Blodgett	Boddicker
Bogess	Bradley	Brauns	Carroll
Churchill	Cormack	Dinkla	Dix
Dolecheck	Drake	Eddie	Garman
Gipp	Gaigh	Greiner	Gries
Grundberg	Hahn	Hansen	Heaton
Holmes	Houser	Huseman	Jacobs

Jenkins	Klemme	Kremer	Lamberti
Larson	Lord	Martin	Metcalf
Meyer	Millage	Nelson	Rants
Rayhons	Siegrist	Sukup	Teig
Thomson	Tyrrell	Van Fossen	Van Maanen
Vande Hoef	Veenstra	Weidman	Welter
Mr. Speaker			
Corbett			

Absent or not voting, 1:

Brunkhorst

Amendment H-8187 lost.

Carroll of Poweshiek in the chair at 3:05 p.m.

O'Brien of Boone offered the following amendment H-8203, to the Senate amendment H-8119, filed by him and moved its adoption:

H-8203

1. Amend the Senate amendment, H-8119, to House File
- 2 299, as amended, passed, and reprinted by the House,
- 3 as follows:
- 4 1. Page 2, by striking lines 35 through 40.
- 5 2. Page 8, by striking lines 10 through 17.
- 6 3. Page 10, by striking lines 2 through 11.
- 7 4. By renumbering as necessary.

Amendment H-8203 lost.

Dotzler of Black Hawk offered the following amendment H-8199, to the Senate amendment H-8119, filed by him and moved its adoption:

H-8199

- 1 Amend the Senate amendment, H-8119, to House File
- 2 299, as amended, passed, and reprinted by the House,
- 3 as follows:
- 4 1. Page 3, line 17, by inserting after the word
- 5 "number." the following: "In addition, the neutral
- 6 and objective selection process shall not in any way,
- 7 or to any degree, take into account race, age, gender,
- 8 job performance, job classification, seniority,
- 9 salary, representation status or activities, political
- 10 philosophy, religion, creed, national origin, or any
- 11 other personal factor, whether work-related or not,
- 12 other than the objective criteria necessary to the
- 13 neutral selection process."

Amendment H-8199 lost.

O'Brien of Boone offered the following amendment H-8204, to the Senate amendment H-8119, filed by him and moved its adoption:

H-8204

- 1 Amend the Senate amendment, H-8119, to House File
- 2 299, as amended, passed, and reprinted by the House,
- 3 as follows:
- 4 1. Page 3, by inserting after line 17 the
- 5 following:
- 6 "1. "Work site" means the place, scene, or general
- 7 area under the control of an employer where one or
- 8 multiple structures of the same business exist in
- 9 proximity to one another."
- 10 2. By renumbering as necessary.

Amendment H-8204 lost.

### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Cataldo of Polk, until his arrival, on request of Schrader of Marion.

Wise of Lee offered the following amendment H-8143, to the Senate amendment H-8119, filed by him and moved its adoption:

H-8143

- 1 Amend the Senate amendment, H-8119, to House File
- 2 299, as amended, passed, and reprinted by the House,
- 3 as follows:
- 4 1. Page 3, line 23, by striking the word "pools"
- 5 and inserting the following: "pool".
- 6 2. By striking page 7, line 45, through page 8,
- 7 line 10, and inserting the following: "alcohol
- 8 testing of employees who are selected from a pool of
- 9 employees that consists of all employees at a
- 10 particular work site who".
- 11 3. Page 10, line 6, by striking the words "
- 12 subparagraph (3)".
- 13 4. Page 10, lines 9 and 10, by striking the words
- 14 ", subparagraph (3)".

Roll call was requested by Wise of Lee and Chapman of Linn.

On the question "Shall amendment H-8143, to the Senate amendment H-8119, be adopted?" (H.F. 299)

The ayes were, 44:

Bell  
Burnett

Bernau  
Chapman

Brand  
Chiodo

Bukta  
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, 54:

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

Absent or not voting, 2:

Cataldo                      Warnstadt

Amendment H-8143 lost.

## MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 4, 1998, passed the following bill in which the concurrence of the House is asked:

Senate File 2254, a bill for an act relating to charges for room and board by certain prisoners.

Also: That the Senate has on March 4, 1998, passed the following bill in which the concurrence of the House is asked:

Senate File 2307, a bill for an act relating to the continuation, administration, use, and performance of the community grant fund for juvenile crime prevention programs.

Also: That the Senate has on March 4, 1998, passed the following bill in which the concurrence of the House is asked:

Senate File 2331, a bill for an act to provide for the sharing of certain rehabilitative and treatment resources with the department of human services.

Also: That the Senate has on March 4, 1998, passed the following bill in which the concurrence of the House is asked:

Senate File 2339, a bill for an act relating to an inmate's right to counsel in a postconviction proceeding pertaining to a forfeiture of a reduction in sentence or the unlawful holding of a person in custody or restraint.

MARY PAT GUNDERSON, Secretary

Dotzler of Black Hawk offered the following amendment H-8208, to the Senate amendment H-8119, filed by him from the floor and moved its adoption:

H-8208

1 Amend the Senate amendment, H-8119, to House File  
 2 299, as amended, passed, and reprinted by the House,  
 3 as follows:  
 4 1. Page 3, by inserting after line 26 the  
 5 following:  
 6 "This section also does not prevent an employer  
 7 from conducting medical screening for substances other  
 8 than drugs or alcohol in order to monitor employee  
 9 exposure to toxic or other unhealthy substances  
 10 encountered in the workplace or in the performance of  
 11 the employees' job responsibilities. Any such  
 12 screening must be limited to the specific substances  
 13 required to be monitored."

Amendment H-8208 lost.

Taylor of Linn offered the following amendment H-8202, to the Senate amendment H-8119, filed by him and moved its adoption:

H-8202

1 Amend the Senate amendment, H-8119, to House File  
 2 299, as amended, passed, and reprinted by the House,  
 3 as follows:  
 4 1. Page 8, line 19, by striking the word "after"  
 5 and inserting the following: "for up to three months  
 6 after successful".  
 7 2. Page 14, by inserting after line 32 the  
 8 following:  
 9 "e. An employer shall protect the confidentiality  
 10 of the results of any drug or alcohol test conducted  
 11 on an employee. The results of the test may be  
 12 recorded in the employee's personnel records.  
 13 However, if an employee whose test indicated the  
 14 presence of drugs or alcohol in violation of the

- 15 employer's written policy has undergone substance  
 16 abuse rehabilitation pursuant to this section and has  
 17 successfully completed rehabilitation for substance  
 18 abuse, any reference to the test in the employee's  
 19 personnel records shall be expunged upon successful  
 20 completion of rehabilitation."  
 21 3. By renumbering as necessary.

Roll call was requested by Taylor of Linn and Siegrist of Pottawattamie.

On the question "Shall amendment H-8202, to the Senate amendment H-8119, be adopted?" (H.F. 299)

The ayes were, 46:

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

The nays were, 54:

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

Absent or not voting, none.

Amendment H-8202 lost.

Taylor of Linn offered the following amendment H-8191, to the Senate amendment H-8119, filed by him and moved its adoption:

H-8191

1 Amend the Senate amendment, H-8119, to House File  
 2 299, as amended, passed, and reprinted by the House,  
 3 as follows:  
 4 1. Page 8, by striking lines 37 through 40 and  
 5 inserting the following:  
 6 "a. Prior to conducting drug or alcohol testing  
 7 under this section, an employer shall establish a  
 8 written policy which is consistent with the  
 9 requirements of this section governing such testing  
 10 and which has been agreed to by representatives of the  
 11 employees and the employer. The employer shall comply  
 12 with this section and the requirements of the written  
 13 policy to conduct drug or alcohol testing of employees  
 14 and prospective employees and shall provide the  
 15 written policy to every employee subject to testing  
 16 and shall make the policy available for".

Amendment H-8191 lost.

Huser of Polk asked and received unanimous consent that amend-  
 ment H-8216, to the Senate amendment H-8119, be deferred.

Dotzler of Black Hawk asked and received unanimous consent to  
 withdraw amendment H-8198, to the Senate amendment H-8119, filed  
 by him on March 3, 1998.

Dotzler of Black Hawk offered the following amendment H-8214,  
 to the Senate amendment H-8119, filed by him from the floor and moved  
 its adoption:

H-8214

1 Amend the Senate amendment, H-8119, to House File  
 2 299, as amended, passed, and reprinted by the House,  
 3 as follows:  
 4 1. Page 9, line 49, by striking the figure ".04"  
 5 and inserting the following: ".05".

A non-record roll call was requested.

The ayes were 32, nays 39.

Amendment H-8214 lost.

Taylor of Linn offered the following amendment H-8197, to the  
 Senate amendment H-8119, filed by him and moved its adoption:

H-8197

1 Amend the Senate amendment, H-8119, to House File

2 299, as amended, passed, and reprinted by the House,  
3 as follows:

4 1. Page 10, by inserting after line 11 the  
5 following:

6 "In addition, an employer shall place no more than  
7 twenty-five percent of the employee population subject  
8 to drug or alcohol testing pursuant to subsection 8,  
9 paragraph "a", in a pool of employees as described in  
10 subsection 8, paragraph "a", subparagraphs (1) through  
11 (3), during any calendar year."

Amendment H-8197 lost.

Taylor of Linn offered the following amendment H-8200, to the Senate amendment H-8119, filed by him and moved its adoption:

H-8200

1 Amend the Senate amendment, H-8119, to House File  
2 299, as amended, passed, and reprinted by the House,  
3 as follows:

4 1. Page 10, by inserting after line 11 the  
5 following:

6 "In addition, notwithstanding any provision of this  
7 section to the contrary, an employee who has been  
8 tested six times pursuant to subsection 8, paragraph  
9 "a", during a calendar year shall be excluded from any  
10 pool of employees subject to unannounced drug or  
11 alcohol testing pursuant to subsection 8, paragraph  
12 "a", for the remainder of the calendar year."

Amendment H-8200 lost.

Dotzler of Black Hawk asked and received unanimous consent that amendment H-8184, to the Senate amendment H-8119, be deferred.

Chapman of Linn offered amendment H-8193, to the Senate amendment H-8119, filed by her and requested division as follows:

H-8193

1 Amend the Senate amendment, H-8119, to House File  
2 299, as amended, passed, and reprinted by the House,  
3 as follows:

H-8193A

4 1. Page 10, line 12, by inserting after the word  
5 "receipt" the following: "of a confirmed positive  
6 drug test, or upon receipt".

H-8193B

7 2. Page 10, by striking lines 15 through 17 and



- 8 inserting the following: "employer pursuant to this
- 9 section, and if the".

Chapman of Linn moved the adoption of amendment H-8193A, to the Senate amendment H-8119.

Amendment H-8193A lost.

Chapman of Linn asked and received unanimous consent to withdraw amendment H-8193B, to the Senate amendment H-8119, filed by her on March 3, 1998.

Dotzler of Black Hawk offered the following amendment H-8213, to the Senate amendment H-8119, filed by him from the floor and moved its adoption:

H-8213

- 1 Amend the Senate amendment, H-8119, to House File
- 2 299, as amended, passed, and reprinted by the House,
- 3 as follows:
- 4 1. Page 10, by striking lines 15 through 17 and
- 5 inserting the following: "employer pursuant to this
- 6 section, and if the".

Amendment H-8213 lost.

Taylor of Linn offered the following amendment H-8201, to the Senate amendment H-8119, filed by him and moved its adoption:

H-8201

- 1 Amend the Senate amendment, H-8119, to House File
- 2 299, as amended, passed, and reprinted by the House,
- 3 as follows:
- 4 1. Page 10, by striking line 20 and inserting the
- 5 following: "least six months, and if".

Amendment H-8201 lost.

Wise of Lee offered the following amendment H-8185, to the Senate amendment H-8119, filed by him and moved its adoption:

H-8185

- 1 Amend the Senate amendment, H-8119, to House File
- 2 299, as amended, passed, and reprinted by the House,
- 3 as follows:
- 4 1. Page 10, by striking lines 38 through 41 and
- 5 inserting the following: "between the employee and
- 6 the employer."

- 7 2. Page 10, by striking lines 47 through 49 and  
8 inserting the following: "employer."

Amendment H-8185 lost.

Huser of Polk asked and received unanimous consent to withdraw amendment H-8192, to the Senate amendment H-8119, filed by her on March 3, 1998.

Whitead of Woodbury offered the following amendment H-8189, to the Senate amendment H-8119, filed by him and moved its adoption:

H-8189

- 1 Amend the Senate amendment, H-8119, to House File  
2 299, as amended, passed, and reprinted by the House,  
3 as follows:  
4 1. Page 12, by striking line 4 and inserting the  
5 following: "the employer and shall be paid an amount  
6 to make the employee whole for all wages lost during  
7 the suspension, with interest on such".

Amendment H-8189 lost.

### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Boddicker of Cedar on request of Siegrist of Pottawattamie.

Richardson of Warren offered the following amendment H-8227, to the Senate amendment H-8119, filed by him from the floor and moved its adoption:

H-8227

- 1 Amend the Senate amendment, H-8119, to House File  
2 299, as amended, passed, and reprinted by the House,  
3 as follows:  
4 1. Page 11, by striking line 43.  
5 2. By renumbering as necessary.

Speaker pro tempore Van Maanen of Marion in the chair at 5:32 p.m.

Roll call was requested by Richardson of Warren and Chapman of Linn.

On the question "Shall amendment H-8227, to the Senate amendment H-8119, be adopted?" (H.F. 299)

The ayes were, 47:

Bell

Bernau

Brand

Bukta

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

The nays were, 50:

Arnold	Barry	Blodgett	Bogges
Bradley	Brauns	Brunkhorst	Carrroll
Churchill	Corbett, Spkr.	Dinkla	Dix
Dolecheck	Drake	Eddie	Garman
Gipp	Greig	Greiner	Gries
Hahn	Hansen	Heaton	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, 3:

Boddicker	Grundberg	Holmes
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Amendment H-8227 lost.

Taylor of Linn offered the following amendment H-8228, to the Senate amendment H-8119, filed by him from the floor and moved its adoption:

H-8228

- 1 Amend the Senate amendment, H-8119, to House File
- 2 299, as amended, passed, and reprinted by the House,
- 3 as follows:
- 4 1. By striking page 11, line 49, through page 12,
- 5 line 9.
- 6 2. By renumbering and correcting internal
- 7 references as necessary.

Roll call was requested by Taylor of Linn and Chiodo of Polk.

On the question "Shall amendment H-8228, to the Senate amendment H-8119, be adopted?" (H.F. 299)

The ayes were, 47:

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

The nays were, 51:

Arnold	Barry	Blodgett	Boggess
Bradley	Brauns	Brunkhorst	Carroll
Churchill	Corbett, Spkr.	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	Nelson	Rants	Rayhons
Siegrist	Sukup	Teig	Thomson
Tyrrell	Van Fossen	Vande Hoef	Veenstra
Weidman	Welter	Van Maanen, Presiding	

Absent or not voting, 2:

Boddicker Grundberg

Amendment H-8228 lost.

Dotzler of Black Hawk offered the following amendment H-8186, to the Senate amendment H-8119, filed by him and moved its adoption:

H-8186

- 1 Amend the Senate amendment, H-8119, to House File
- 2 299, as amended, passed, and reprinted by the House,
- 3 as follows:
- 4 1. By striking page 12, line 10, through page 13,
- 5 line 19, and inserting the following:
- 6 "11. EMPLOYER LIABILITY. A cause of action for
- 7 defamation, libel, slander, or damage to reputation
- 8 shall arise against an employer establishing a program
- 9 of drug or alcohol testing in accordance with this
- 10 section if the employer discloses the results to a

- 11 person other than the employer, an authorized  
 12 employee, agent, or representative of the employer,  
 13 the tested employee or prospective employee, an  
 14 authorized substance abuse treatment program or  
 15 employee assistance program, an authorized agent or  
 16 representative of the tested employee or prospective  
 17 employee, or a person to whom disclosure is otherwise  
 18 authorized pursuant to this section.”  
 19 2. By renumbering and correcting internal  
 20 references as necessary.

Amendment H-8186 lost.

Chapman of Linn offered the following amendment H-8190, to the Senate amendment H-8119, filed by her and moved its adoption:

H-8190

- 1 Amend the Senate amendment, H-8119, to House File  
 2 299, as amended, passed, and reprinted by the House,  
 3 as follows:  
 4 1. By striking page 12, line 10, through page 13,  
 5 line 19.  
 6 2. By renumbering as necessary.

Amendment H-8190 lost.

Falck of Fayette offered the following amendment H-8205, to the Senate amendment H-8119, filed by him and moved its adoption:

H-8205

- 1 Amend the Senate amendment, H-8119, to House File  
 2 299, as amended, passed, and reprinted by the House,  
 3 as follows:  
 4 1. Page 15, line 37, by inserting after the word  
 5 “pool.” the following: “The department of public  
 6 health shall compile an annual report based on the  
 7 information received pursuant to this subsection but  
 8 shall not reproduce, release, or disclose any  
 9 information obtained pursuant to this subsection which  
 10 reveals the identity of any employee or prospective  
 11 employee, a medical review officer, employer, or  
 12 laboratory involved in drug or alcohol testing  
 13 pursuant to this section.”

Amendment H-8205 lost.

## MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has

on March 4, 1998, passed the following bill in which the concurrence of the House is asked:

Senate File 2037, a bill for an act relating to the Iowa state fair convention by providing for its membership and the election of members to the Iowa state fair board.

Also: That the Senate has on March 4, 1998, passed the following bill in which the concurrence of the House is asked:

Senate File 2406, a bill for an act establishing a school ready children grant program to be administered by community empowerment area boards and the Iowa empowerment board, making an appropriation, and providing an effective date.

MARY PAT GUNDERSON, Secretary

Connors of Polk offered the following amendment H-8188, to the Senate amendment H-8119, filed by him and moved its adoption:

H-8188

1 Amend the Senate amendment, H-8119, to House File  
2 299, as amended, passed, and reprinted by the House,  
3 as follows:

4 1. Page 15, by striking lines 24 through 37 and  
5 inserting the following:

6 "16. REPORTS.

7 a. An employer who conducts a drug test pursuant  
8 to this section shall, for each fiscal year beginning  
9 on or after July 1, 1999, file an annual report with  
10 the division of labor services of the department of  
11 workforce development, on forms provided by the  
12 division, documenting the number of accidents,  
13 including the number of personal injuries and the  
14 dollar loss for property damage arising out of the  
15 accidents, caused by the use of drugs or alcohol by  
16 employees and documenting separately for each category  
17 of testing described in subsection 8 the following  
18 information:

19 (1) The number of drug or alcohol tests conducted  
20 in each category.

21 (2) The results of drug or alcohol tests conducted  
22 in each category.

23 (3) The cumulative direct costs of drug or alcohol  
24 tests in each category. Direct costs includes  
25 employee work hours lost due to the conducting of drug  
26 or alcohol testing pursuant to this section.

27 (4) The cost of substance abuse evaluation and  
28 treatment for employees in each category.

29 b. The division of labor services of the  
30 department of workforce development shall compile the  
31 information submitted by employers pursuant to this  
32 subsection and shall submit an annual report to the

33 general assembly on this information.”

34 2. By renumbering as necessary.

Amendment H-8188 lost.

Murphy of Dubuque asked and received unanimous consent that amendment H-8195, to the Senate amendment H-8119, be deferred.

Mundie of Webster asked and received unanimous consent to withdraw amendment H-8206, to the Senate amendment H-8119, filed by him on March 3, 1998.

Huser of Polk offered the following amendment H-8216, previously deferred, to the Senate amendment H-8119, filed by her from the floor and moved its adoption:

H-8216

1 Amend the Senate amendment, H-8119, to House File  
2 299, as amended, passed, and reprinted by the House,  
3 as follows:

4 1. Page 8, line 41, by inserting after the words  
5 “prospective employees.” the following:  
6 “The written policy shall provide that in order to  
7 conduct drug or alcohol testing under this section of  
8 an employee who is under eighteen years of age, the  
9 employer shall, prior to employment of the employee,  
10 provide written notification, by certified mail,  
11 return receipt requested, to the employee’s parent or  
12 grandparent concerning the employer’s drug or alcohol  
13 testing policy pursuant to this section. For purposes  
14 of this paragraph, “parent” means one parent or a  
15 legal guardian or custodian of the employee.”

Veenstra of Sioux in the chair at 6:50 p.m.

Roll call was requested by Huser of Polk and Wise of Lee.

On the question “Shall amendment H-8216, to the Senate amendment H-8119, be adopted?” (H.F. 299)

The ayes were, 48:

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	Van Maanen	Warnstadt
Weigel	Whitead	Wise	Witt

The nays were, 51:

Arnold	Barry	Blodgett	Boguess
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	Metcalf
Meyer	Millage	Nelson	Rants
Rayhons	Siegrist	Sukup	Teig
Thomson	Tyrrell	Van Fossen	Vande Hoef
Weidman	Welter	Veenstra, Presiding	

Absent or not voting, 1:

Boddicker

Amendment H-8216 lost.

Dotzler of Black Hawk offered the following amendment H-8184, previously deferred, to the Senate amendment H-8119, filed by him and moved its adoption:

H-8184

- 1 Amend the Senate amendment, H-8119, to House File
- 2 299, as amended, passed, and reprinted by the House,
- 3 as follows:
- 4 1. Page 10, line 12, by inserting after the word
- 5 "receipt" the following: "of a confirmed positive
- 6 drug test relating to the use of drugs that had
- 7 previously been lawfully prescribed to the employee,
- 8 or upon receipt".
- 9 2. Page 10, by striking lines 15 through 17 and
- 10 inserting the following: "employer pursuant to this
- 11 section, and if the".

Amendment H-8184 lost.

Taylor of Linn asked and received unanimous consent to withdraw amendment H-8195, previously deferred, to the Senate amendment H-8119, filed by Murphy of Dubuque on March 3, 1998.

Connors of Polk offered the following amendment H-8232, to the Senate amendment H-8119, filed by him from the floor and moved its adoption:



H-8232

1 Amend the Senate amendment, H-8119, to House File  
 2 299, as amended, passed, and reprinted by the House,  
 3 as follows:  
 4 1. Page 8, line 41, by inserting after the words  
 5 "prospective employees." the following:  
 6 "The written policy shall provide that in order to  
 7 conduct drug or alcohol testing under this section of  
 8 an employee who is under eighteen years of age, the  
 9 employer shall, prior to employment of the employee,  
 10 provide written notification, by certified mail,  
 11 return receipt requested, to the employee's parent or  
 12 grandparent concerning the employer's drug or alcohol  
 13 testing policy pursuant to this section. In addition,  
 14 the written policy shall provide that the parent or  
 15 grandparent of an employee under eighteen years of age  
 16 shall be provided written notification, by certified  
 17 mail, return receipt requested, if the employee has a  
 18 confirmed positive drug or alcohol test result. For  
 19 purposes of this paragraph, "parent" means one parent  
 20 or a legal guardian or custodian of the employee."

### 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.

Rule 75 was invoked.

Roll call was requested by Connors of Polk and Murphy of Dubuque.

On the question "Shall amendment H-8232, to the Senate amendment H-8119, be adopted?" (H.F. 299)

The ayes were, 46:

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

The nays were, 53:

Arnold	Barry	Blodgett	Bogges
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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
Van Maanen	Vande Hoef	Weidman	Welter
Veenstra, Presiding			

Absent or not voting, 1:

Boddicker

Amendment H-8232 lost.

Taylor of Linn offered the following amendment H-8215, to the Senate amendment H-8119, filed by him and Bell of Jasper, Brand of Tama, Bukta of Clinton, Burnett of Story, Cataldo of Polk, Chapman of Linn, Chiodo of Polk, Cohoon of Des Moines, Connors of Polk, Doderer of Johnson, Dotzler of Black Hawk, Drees of Carroll, Falck of Fayette, Fallon of Polk, Foegen of Linn, Ford of Polk, Frevert of Palo Alto, Holveck of Polk, Huser of Polk, Jochum of Dubuque, Kinzer of Scott, Koenigs of Mitchell, Kreiman of Davis, Larkin of Lee, Mascher of Johnson, May of Worth, Mertz of Kossuth, Moreland of Wapello, Mundie of Webster, Murphy of Dubuque, Myers of Johnson, O'Brien of Boone, Osterhaus of Jackson, Reynolds-Knight of Van Buren, Richardson of Warren, Scherrman of Dubuque, Schrader of Marion, Shoultz of Black Hawk, Thomas of Clayton, Warnstadt of Woodbury, Weigel of Chickasaw, Whitead of Woodbury, Wise of Lee, and Witt of Black Hawk from the floor and moved its adoption:

H-8215

- 1 Amend the Senate amendment, H-8119, to House File
- 2 299, as amended, passed, and reprinted by the House,
- 3 as follows:
- 4 I. By striking everything after the enacting
- 5 clause and inserting the following:
- 6 "Section 1. Section 730.5, Code 1997, is amended
- 7 by striking the section and inserting in lieu thereof
- 8 the following:
- 9 730.5 DRUG-FREE WORKPLACES.
- 10 1. DEFINITIONS. As used in this section, unless
- 11 the context otherwise requires:

- 12 a. "Alcohol" means ethanol, isopropanol, or  
13 methanol.
- 14 b. "Drug" means a substance considered unlawful  
15 under the federal Controlled Substances Act, 21 U.S.C.  
16 § 801 et seq.
- 17 c. "Employee" means a person in the service of an  
18 employer.
- 19 d. "Employer" means a person which has one or more  
20 employees employed in the same business, or in or  
21 about the same establishment, in this state.
- 22 e. "Good faith" means reasonable reliance on  
23 facts.
- 24 f. "Medical review officer" means a physician  
25 licensed to practice medicine and surgery or  
26 osteopathic medicine and surgery in any state of the  
27 United States, responsible for receiving laboratory  
28 results generated by an employer's drug testing  
29 program, who is independent from the employer and is  
30 agreed upon by representatives of the employer and the  
31 employees, and who has knowledge of substance abuse  
32 disorders and has appropriate medical training to  
33 interpret and evaluate an individual's confirmed  
34 positive test result together with the individual's  
35 medical history and any other relevant biomedical  
36 information.
- 37 g. "Prospective employee" means a person who has  
38 made application, whether written or oral, to an  
39 employer to become an employee and who has received a  
40 bona fide offer of employment from the employer.
- 41 h. "Reasonable suspicion drug or alcohol testing"  
42 means drug or alcohol testing based upon evidence  
43 which would cause a reasonable person to conclude that  
44 an employee is using or has used alcohol or other  
45 drugs and which use impairs the employee's performance  
46 while on the job in violation of the employer's  
47 written policy. For purposes of this paragraph,  
48 evidence may include, but is not limited to, any of  
49 the following:
- 50 (1) Observable phenomena while at work such as

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- 1 direct observation of alcohol or other drug use or  
2 abuse or of the physical symptoms or manifestations of  
3 being impaired due to alcohol or other drug use.
- 4 (2) Abnormal conduct or erratic behavior while at  
5 work or a significant deterioration in work  
6 performance.
- 7 (3) A report of alcohol or other drug use while at  
8 work provided by a reliable and credible source.
- 9 (4) Evidence that an individual has tampered with  
10 the individual's own drug or alcohol test during the  
11 individual's employment with the current employer.

12 (5) Evidence that an employee has caused an  
13 accident while at work which resulted in a personal  
14 injury which required medical treatment away from the  
15 workplace or damage to property, including equipment,  
16 in an amount reasonably estimated to exceed one  
17 thousand dollars at the time of the accident.

18 (6) Evidence that an employee has possessed or  
19 used drugs while working or while on the employer's  
20 premises or while operating the employer's vehicle,  
21 machinery, or equipment.

22 i. "Sample" means such sample of urine from the  
23 human body capable of revealing the presence of  
24 alcohol or other drugs, or their metabolites.

25 2. APPLICABILITY. This section does not prevent  
26 an employer from conducting medical screening for  
27 substances other than drugs or alcohol in order to  
28 monitor employee exposure to toxic or other unhealthy  
29 substances encountered in the workplace or in the  
30 performance of the employees' job responsibilities.  
31 Any such screening must be limited to the specific  
32 substances required to be monitored.

33 3. TESTING AS CONDITION OF EMPLOYMENT -  
34 REQUIREMENTS. To the extent provided in subsection 7,  
35 an employer may test employees and prospective  
36 employees for the presence of drugs or alcohol as a  
37 condition of continued employment or hiring. An  
38 employer shall adhere to the requirements of this  
39 section concerning the conduct of such testing and the  
40 use and disposition of the results of such testing.

41 4. COLLECTION OF SAMPLES. In conducting drug or  
42 alcohol testing, an employer may require the  
43 collection of samples from its employees and  
44 prospective employees, and may require presentation of  
45 reliable individual identification from the person  
46 being tested to the person collecting the samples.  
47 Collection of a sample shall be in conformance with  
48 the requirements of this section.

49 5. SCHEDULING OF TESTS.

50 a. Drug or alcohol testing of employees conducted

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1 by an employer shall normally occur during, or  
2 immediately before or after, a regular work period.  
3 The time required for such testing by an employer  
4 shall be deemed work time for the purposes of  
5 compensation and benefits for employees.

6 b. An employer shall pay all actual costs for drug  
7 or alcohol testing of employees and prospective  
8 employees required by the employer.

9 c. An employer shall provide transportation or pay  
10 reasonable transportation costs to employees for all  
11 drug or alcohol testing under this section.

12 6. TESTING PROCEDURES. All sample collection and  
13 testing for drugs or alcohol under this section shall  
14 be performed in accordance with the following  
15 conditions:

16 a. The collection of samples shall be performed  
17 under sanitary conditions and with regard for the  
18 privacy of the individual from whom the specimen is  
19 being obtained and in a manner reasonably calculated  
20 to preclude contamination or substitution of the  
21 specimen.

22 b. Sample collection for testing of current  
23 employees shall be performed so that the specimen is  
24 split into two components at the time of collection in  
25 the presence of the individual from whom the sample or  
26 specimen is collected. The second portion of the  
27 specimen or sample shall be of sufficient quantity to  
28 permit a second, independent confirmatory test as  
29 provided in paragraph "f". The sample shall be split  
30 such that the primary sample contains at least thirty  
31 milliliters and the secondary sample contains at least  
32 fifteen milliliters. Both portions of the sample  
33 shall be forwarded to the laboratory conducting the  
34 initial confirmatory testing. In addition to any  
35 requirements for storage of the initial sample that  
36 may be imposed upon the laboratory as a condition for  
37 certification or approval, the laboratory shall store  
38 the second portion of any sample until receipt of a  
39 confirmed negative test result or for a period of at  
40 least forty-five calendar days following the  
41 completion of the initial confirmatory testing, if the  
42 first portion yielded a confirmed positive test  
43 result.

44 c. Sample collections shall be documented, and the  
45 procedure for documentation shall include the  
46 following:

47 (1) Samples shall be labeled so as to reasonably  
48 preclude the possibility of misidentification of the  
49 individual tested in relation to the test result  
50 provided, and samples shall be handled and tracked in

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1 a manner such that control and accountability are  
2 maintained from initial collection to each stage in  
3 handling, testing, and storage, through final  
4 disposition.

5 (2) An employee or prospective employee shall be  
6 provided an opportunity to provide any information  
7 which may be considered relevant to the test,  
8 including identification of prescription or  
9 nonprescription drugs currently or recently used, or  
10 other relevant medical information. Information  
11 provided by the employee or prospective employee shall

12 not be disclosed to the employer but shall be  
13 delivered to the facility conducting confirmatory  
14 testing. To assist an employee or prospective  
15 employee in providing the information described in  
16 this subparagraph, the employer shall provide an  
17 employee or prospective employee with a list of the  
18 drugs to be tested.

19 d. Sample collection, storage, and transportation  
20 to the place of testing shall be performed so as to  
21 reasonably preclude the possibility of sample  
22 contamination, adulteration, or misidentification.

23 e. All drug testing, including both initial and  
24 confirmatory testing, shall be conducted at a  
25 laboratory certified by the United States department  
26 of health and human services' substance abuse and  
27 mental health services administration or approved  
28 under rules adopted by the Iowa department of public  
29 health.

30 f. Drug or alcohol testing shall include  
31 confirmation of any initial positive test results.  
32 For drug testing, confirmation shall be by use of a  
33 different chemical process than was used in the  
34 initial drug screen. The confirmatory drug test shall  
35 be a chromatographic technique such as gas  
36 chromatography or mass spectrometry, or another  
37 comparably reliable analytical method.

38 g. A medical review officer shall, prior to the  
39 results being reported to an employer and the employee  
40 or prospective employee tested, review and interpret  
41 any confirmed positive test results, including both  
42 quantitative and qualitative test results, to ensure  
43 that the chain of custody is complete and sufficient  
44 on its face and that any information provided by the  
45 individual pursuant to paragraph "c", subparagraph  
46 (2), is considered.

47 h. In conducting drug or alcohol testing pursuant  
48 to this section, the employer shall ensure that the  
49 testing only measure, and the records concerning the  
50 testing only show or make use of information

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1 regarding, alcohol or drugs in the body.

2 i. If a positive drug or alcohol test for an  
3 employee or prospective employee is confirmed by the  
4 medical review officer, the medical review officer  
5 shall notify the employee or prospective employee in  
6 writing of the results of the test, the employee's or  
7 prospective employee's right to request and obtain a  
8 confirmatory test of the second sample collected  
9 pursuant to paragraph "b" at a certified or approved  
10 laboratory of the employee's or prospective employee's  
11 choice, and the fee established by the employer's

12 written policy to be payable by the employee or  
13 prospective employee to the medical review officer for  
14 reimbursement of expenses concerning the test. The  
15 fee charged an employee or prospective employee shall  
16 be an amount, not in excess of one hundred dollars,  
17 that represents the costs associated with conducting  
18 the second confirmatory test, which shall be  
19 consistent with the employer's cost for conducting the  
20 initial confirmatory test on an employee's or  
21 prospective employee's sample. If the employee or  
22 prospective employee requests a second confirmatory  
23 test, identifies a certified or approved laboratory to  
24 conduct the test, and pays the medical review officer  
25 the fee for the test within fifteen days from the date  
26 the employee or prospective employee receives written  
27 notice of the right to request a test, a second  
28 confirmatory test shall be conducted at the laboratory  
29 chosen by the employee or prospective employee. The  
30 results of the second confirmatory test shall be  
31 reported to the medical review officer who reviewed  
32 the initial confirmatory test results and the medical  
33 review officer shall review the results and issue a  
34 report to the employer and the employee or prospective  
35 employee tested that the results of the drug or  
36 alcohol test were confirmed as positive if the results  
37 of the second confirmatory test confirmed the initial  
38 confirmatory test as to the presence of a specific  
39 drug or alcohol. If the results of the second test do  
40 not confirm the results of the initial confirmatory  
41 test, the medical review officer shall report to the  
42 employer that the result of the drug or alcohol test  
43 is negative and not a confirmed positive test result  
44 for purposes of this section.

45 j. A report of the results of a drug or alcohol  
46 test issued to an employer and the individual tested  
47 shall only indicate, as to an employee or prospective  
48 employee, whether the test results were positive or  
49 negative, pursuant to the review and interpretation of  
50 a medical review officer as provided in this

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1 subsection. An inconclusive test result shall be  
2 reported as a negative test result. If the test  
3 results are positive, the report shall only indicate  
4 whether drugs or alcohol were present, which drugs  
5 were present if applicable, information concerning the  
6 amount of alcohol present, and a statement from the  
7 medical review officer that any information provided  
8 by the employee or prospective employee fails to  
9 explain the results.

10 7. DRUG OR ALCOHOL TESTING. Employers may conduct  
11 drug or alcohol testing as provided in this

12 subsection:

13 a. Employers may conduct drug or alcohol testing  
14 of employees for up to two years after completion of  
15 drug or alcohol rehabilitation.

16 b. Employers may conduct reasonable suspicion drug  
17 or alcohol testing.

18 c. Employers may conduct drug or alcohol testing  
19 of prospective employees.

20 d. Employers may conduct drug or alcohol testing  
21 as required by federal law or regulation.

22 e. Employers may conduct drug or alcohol testing  
23 in investigating accidents in the workplace which  
24 result in a personal injury which requires medical  
25 treatment away from the workplace or damage to  
26 property, including equipment, in an amount reasonably  
27 estimated to exceed one thousand dollars at the time  
28 of the accident.

29 **8. WRITTEN POLICY AND OTHER TESTING REQUIREMENTS.**

30 a. Prior to conducting drug or alcohol testing  
31 under this section, an employer shall establish,  
32 following consultation with representatives of  
33 employees, a written policy consistent with the  
34 requirements of this section governing such testing.  
35 The employer shall comply with this section and the  
36 requirements of the written policy to conduct drug or  
37 alcohol testing of employees and prospective employees  
38 and shall provide the written policy to every employee  
39 subject to testing and shall make the policy available  
40 for review by employees and prospective employees. In  
41 addition, the employer's written policy shall provide  
42 for notice to prospective employees if a drug or  
43 alcohol test will be required of a prospective  
44 employee prior to employment.

45 b. The employer's written policy shall provide  
46 uniform requirements for what disciplinary or  
47 rehabilitative actions an employer shall take against  
48 an employee or prospective employee upon receipt of a  
49 confirmed positive drug or alcohol test result or upon  
50 the refusal of the employee or prospective employee to

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1 provide a testing sample. The policy shall provide  
2 that any action taken against an employee or  
3 prospective employee shall be based only on the  
4 results of the drug or alcohol test and shall not in  
5 any way, or to any degree, take into account race,  
6 age, gender, job performance, job classification,  
7 seniority, salary, representation status or  
8 activities, political philosophy, religion, creed,  
9 national origin, or any other personal factor, whether  
10 work-related or not. An employer who fails to comply  
11 with the provisions of this subsection as to a drug or



12 alcohol test shall be prohibited from taking any  
13 disciplinary action against an employee or prospective  
14 employee pursuant to that test.

15 c. Employers shall establish an awareness program  
16 to inform employees of the dangers of drug and alcohol  
17 use in the workplace and shall comply with the  
18 following requirements in order to conduct drug or  
19 alcohol testing under this section:

20 (1) If an employer has an employee assistance  
21 program, the employer must inform the employee of the  
22 benefits and services of the employee assistance  
23 program. An employer shall post notice of the  
24 employee assistance program in conspicuous places and  
25 explore alternative routine and reinforcing means of  
26 publicizing such services. In addition, the employer  
27 must provide the employee with notice of the policies  
28 and procedures regarding access to and utilization of  
29 the program.

30 (2) If an employer does not have an employee  
31 assistance program, the employer must maintain a  
32 resource file of employee assistance services  
33 providers, alcohol and other drug abuse programs  
34 certified by the Iowa department of public health,  
35 mental health providers, and other persons, entities,  
36 or organizations available to assist employees with  
37 personal or behavioral problems. The employer shall  
38 provide all employees information about the existence  
39 of the resource file and a summary of the information  
40 contained within the resource file. The summary  
41 should contain, but need not be limited to, all  
42 information necessary to access the services listed in  
43 the resource file. In addition, the employer shall  
44 post in conspicuous places a listing of multiple  
45 employee assistance providers in the area.

46 d. An employee or prospective employee whose drug  
47 or alcohol test results are confirmed as positive in  
48 accordance with this section shall not, by virtue of  
49 those results alone, be considered as a person with a  
50 disability for purposes of any state or local law or

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1 regulation.

2 e. If the written policy provides for alcohol  
3 testing, the employer shall establish in the written  
4 policy a standard for alcohol concentration which  
5 shall be deemed to violate the policy. The standard  
6 for alcohol concentration shall not be less than .04,  
7 expressed in terms of grams of alcohol per two hundred  
8 ten liters of breath, or its equivalent.

9 f. In order to conduct drug or alcohol testing  
10 under this section, an employer shall require all  
11 supervisory personnel of the employer to attend a

12 minimum of two hours of initial training and to  
13 attend, on an annual basis thereafter, a minimum of  
14 one hour of subsequent training. The training shall  
15 be based upon standards adopted by the Iowa department  
16 of public health and shall include, but is not limited  
17 to, information concerning the recognition of evidence  
18 of employee alcohol and other drug abuse, the  
19 documentation and corroboration of employee alcohol  
20 and other drug abuse, and the referral of employees  
21 who abuse alcohol or other drugs to the employee  
22 assistance program or to the resource file of employee  
23 assistance services providers. For purposes of this  
24 paragraph, "supervisory personnel" means persons  
25 having authority, in the interest of the employer, to  
26 hire, transfer, suspend, lay off, recall, promote,  
27 discharge, assign, reward, or discipline other  
28 employees, or responsibly to direct them, or to adjust  
29 their grievances, or effectively to recommend such  
30 action, if in connection with the foregoing the  
31 exercise of such authority is not of a merely routine  
32 or clerical nature, but requires the use of  
33 independent judgment.

34 g. If an employee is under eighteen years of age,  
35 in order to conduct drug or alcohol testing under this  
36 section, the employer shall, prior to conducting a  
37 test, notify the employee's parent or grandparent that  
38 a test shall be conducted and the basis for the test.  
39 For purposes of this paragraph, "parent" means one  
40 parent or a legal guardian or custodian of the  
41 employee.

#### 42 9. DISCIPLINARY PROCEDURES.

43 a. Upon receipt for an employee of the first  
44 confirmed positive drug or alcohol test result, the  
45 employer shall provide the employee with a substance  
46 abuse evaluation, and treatment if recommended by the  
47 evaluation, with costs apportioned as provided under  
48 the employee benefit plan or at employer expense, if  
49 an employee benefit plan is not in effect which  
50 apportions costs. The employer shall take no

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1 disciplinary action against the employee upon receipt  
2 of the first confirmed positive drug or alcohol test  
3 result if the employee undergoes a substance abuse  
4 evaluation, and if the employee successfully completes  
5 substance abuse treatment if treatment is recommended  
6 by the evaluation. However, if an employee fails to  
7 undergo substance abuse evaluation when required as a  
8 result of a drug or alcohol test, or fails to  
9 successfully complete substance abuse treatment when  
10 recommended by an evaluation, the employee may be  
11 disciplined as provided in paragraph "b". The

12 substance abuse evaluation and treatment provided by  
13 the employer shall take place under a program approved  
14 by the Iowa department of public health or accredited  
15 by the joint commission on the accreditation of health  
16 care organizations.

17 b. Upon receipt for an employee of a second  
18 confirmed positive drug or alcohol test result or upon  
19 receipt for a prospective employee of a confirmed  
20 positive drug or alcohol test result, upon the failure  
21 of an employee to comply with the requirements of  
22 paragraph "a", or upon the refusal of an employee or  
23 prospective employee to provide a testing sample, an  
24 employer may use that test result or test refusal as a  
25 valid basis for disciplinary or rehabilitative actions  
26 consistent with the employer's written policy, which  
27 may include, among other actions, the following:

28 (1) A requirement that the employee enroll in an  
29 employer-provided or approved rehabilitation,  
30 treatment, or counseling program, which may include  
31 additional drug or alcohol testing, participation in  
32 and successful completion of which may be a condition  
33 of continued employment, and the costs of which may or  
34 may not be covered by the employer's health plan or  
35 policies.

36 (2) Suspension of the employee, with or without  
37 pay, for a designated period of time.

38 (3) Termination of employment.

39 (4) Refusal to hire a prospective employee.

40 (5) Other adverse employment action in conformance  
41 with the employer's written policy and procedures,  
42 including any relevant collective bargaining agreement  
43 provisions.

44 10. EMPLOYER IMMUNITY. A cause of action shall  
45 not arise against an employer who, in good faith, has  
46 established a written policy in accordance with this  
47 section and has complied with the requirements of the  
48 written policy and this section for testing or taking  
49 action based on the results of a confirmed positive  
50 drug or alcohol test result, indicating the presence

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1 of drugs or alcohol, or the refusal of an employee or  
2 prospective employee to submit to a drug or alcohol  
3 test.

## 4 11. RELEASE OF INFORMATION - CONFIDENTIALITY - 5 EXCEPTIONS.

6 a. Except as provided in paragraph "b", all  
7 communications received by an employer relevant to  
8 employee or prospective employee drug or alcohol test  
9 results, or otherwise received through the employer's  
10 drug or alcohol testing program, are confidential  
11 communications and shall not be used or received in

12 evidence, obtained in discovery, or disclosed in any  
13 public or private proceeding, except as provided by  
14 this section or in a proceeding related to an action  
15 taken by an employer under this section or by an  
16 employee under this section.

17 b. An employee, or a prospective employee, who is  
18 the subject of a drug or alcohol test conducted under  
19 this section pursuant to an employer's written policy  
20 and for whom a confirmed positive test result is  
21 reported shall receive, at the same time the report is  
22 issued to the employer, a copy of the report issued to  
23 the employer and shall receive any records relating to  
24 the employee's drug or alcohol test, including records  
25 of the laboratory where the testing was conducted and  
26 any records relating to the results of any relevant  
27 review by a medical review officer.

28 12. CIVIL REMEDIES. This section may be enforced  
29 through a civil action.

30 a. A person who violates this section or who aids  
31 in the violation of this section, is liable to an  
32 aggrieved employee or prospective employee for  
33 affirmative relief including reinstatement or hiring,  
34 with or without back pay, or any other equitable  
35 relief as the court deems appropriate including  
36 attorney fees and court costs.

37 b. When a person commits, is committing, or  
38 proposes to commit, an act in violation of this  
39 section, an injunction may be granted through an  
40 action in district court to prohibit the person from  
41 continuing such acts. The action for injunctive  
42 relief may be brought by an aggrieved employee or  
43 prospective employee, the county attorney, or the  
44 attorney general.

45 In an action brought under this subsection alleging  
46 that an employer has required or requested a drug or  
47 alcohol test in violation of this section, the  
48 employer has the burden of proving that the  
49 requirements of this section were met.

50 13. OFFENSES. Samples collected, information

Page 11

1 provided by an employee or prospective employee  
2 pursuant to subsection 6, paragraph "c", subparagraph  
3 (2), and the results of drug or alcohol testing shall  
4 be used solely for the purpose of conducting drug or  
5 alcohol testing pursuant to this section and shall not  
6 be sold, transferred, or disseminated, to any person  
7 for any purpose not expressly authorized by this  
8 section. A person who violates this subsection  
9 commits a simple misdemeanor and, notwithstanding  
10 section 903.1, if a monetary fine is imposed, the fine  
11 shall be one hundred dollars. Each violation of this

12 subsection constitutes a separate offense.

13 14. REPORTS.

14 a. An employer who conducts a drug test pursuant  
15 to this section shall, for each fiscal year beginning  
16 on or after July 1, 1999, file an annual report with  
17 the division of labor services of the department of  
18 workforce development, on forms provided by the  
19 division, documenting the number of accidents,  
20 including the number of personal injuries and the  
21 dollar loss for property damage arising out of the  
22 accidents, caused by the use of drugs or alcohol by  
23 employees and documenting separately for each category  
24 of testing described in subsection 7, the following  
25 information:

26 (1) The number of drug or alcohol tests conducted  
27 in each category.

28 (2) The results of drug or alcohol tests conducted  
29 in each category.

30 (3) The cumulative direct costs of drug or alcohol  
31 tests in each category. Direct costs include employee  
32 work hours lost due to the conducting of drug or  
33 alcohol testing pursuant to this section.

34 (4) The cost of substance abuse evaluation and  
35 treatment for employees in each category.

36 b. The division of labor services of the  
37 department of workforce development shall compile the  
38 information submitted by employers pursuant to this  
39 subsection and shall submit an annual report to the  
40 general assembly on this information."

Roll call was requested by Murphy of Dubuque and Taylor of Linn.

Speaker pro tempore Van Maanen of Marion in the chair at 7:52  
p.m.

On the question "Shall amendment H-8215, to the Senate amend-  
ment H-8119, be adopted?" (H.F. 299)

The ayes were, 46:

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

The nays were, 52:

Arnold	Barry	Blodgett	Boggess
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Bradley	Brauns	Brunkhorst	Carroll
Churchill	Corbett, Spkr.	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	Nelson	Rants
Rayhons	Siegrist	Sukup	Teig
Thomson	Tyrrell	Van Fossen	Vande Hoef
Veenstra	Weidman	Welter	Van Maanen, Presiding

Absent or not voting, 2:

Boddicker Grundberg

Amendment H-8215 lost.

Weigel of Chickasaw offered the following amendment H-8238, to the Senate amendment H-8119, filed by him from the floor and moved its adoption:

H-8238

- 1 Amend the Senate amendment, H-8119, to House File
- 2 299, as amended, passed, and reprinted by the House,
- 3 as follows:
- 4 1. Page 8, line 41, by inserting after the words
- 5 "prospective employees." the following: "The written
- 6 policy shall also provide that if an employee under
- 7 eighteen years of age is subjected to a drug or
- 8 alcohol test pursuant to this section, the sample
- 9 shall be collected in a manner that ensures the
- 10 greatest possible privacy to the employee without
- 11 compromising the integrity of the testing and, if the
- 12 sample shall be collected in the presence of another
- 13 person, the person shall be of the same sex as the
- 14 employee subjected to the test."

Roll call was requested by Bernau of Story and Chido of Polk.

On the question "Shall amendment H-8238, to the Senate amendment H-8119, be adopted?" (H.F. 299)

The ayes were, 46:

Bell	Bernau	Brand	Bukta
Burnett	Cataldo	Chapman	Chido
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	Bogges
Bradley	Brauns	Brunkhorst	Carroll
Churchill	Corbett, Spkr.	Cormack	Dix
Dolecheck	Drake	Eddie	Garman
Gipp	Greig	Greiner	Gries
Grundberg	Hahn	Hansen	Heaton
Holmes	Houser	Huseman	Jacobs
Jenkins	Klemme	Kremer	Lamberti
Larson	Lord	Martin	Metcalf
Meyer	Millage	Nelson	Rants
Rayhons	Siegrist	Sukup	Teig
Thomson	Tyrrell	Van Fossen	Vande Hoef
Veenstra	Weidman	Welter	Van Maanen, Presiding

Absent or not voting, 2:

Boddicker                      Dinkla

Amendment H-8238 lost.

Speaker Corbett in the chair at 9:32 p.m.

Sukup of Franklin moved that the House concur in the Senate amendment H-8119.

A non-record roll call was requested.

The ayes were 48, nays 40.

The motion prevailed and the House concurred in the Senate amendment H-8119.

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. 299)

The ayes were, 53:

Arnold	Barry	Blodgett	Bogges
--------	-------	----------	--------

Bradley	Brauns	Brunkhorst	Carroll
Churchill	Dinkla	Dix	Dolecheck
Drake	Eddie	Garman	Gipp
Greig	Greiner	Gries	Grundberg
Hahn	Hansen	Heaton	Holmes
Houser	Huseman	Jacobs	Jenkins
Klemme	Kremer	Lamberti	Larson
Lord	Martin	Mertz	Metcalf
Meyer	Millage	Nelson	Rants
Rayhons	Siegrist	Sukup	Teig
Thomson	Tyrrell	Van Fossen	Van Maanen
Vande Hoef	Veenstra	Weidman	Welter
Mr. Speaker Corbett			

The nays were, 46:

Bell	Bernau	Brand	Bukta
Burnett	Cataldo	Chapman	Chiodo
Cohoon	Connors	Cormack	Doderer
Dotzler	Drees	Falck	Fallon
Foege	Ford	Frevert	Holveck
Huser	Jochum	Kinzer	Koenigs
Kreiman	Larkin	Mascher	May
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:

Boddicker

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

### IMMEDIATE MESSAGE

Siegrist of Pottawattamie asked and received unanimous consent that **House File 299** be immediately messaged to the Senate.

### SENATE FILE 2350 PASSED ON FILE

The Speaker announced that Senate File 2350, previously referred to committee on **state government** was **passed on file**.

### EXPLANATION OF VOTE

I was necessarily absent from the House chamber on March 2, 1998. Had I been present, I would have voted "aye" on House Files 530, 2331, and 2392. I was also necessarily absent from the House chamber on March 3, 1998. Had I been present, I would have voted "aye" on House File 681.

CARROLL of Poweshiek



## BILLS SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on March 4, 1998, he approved and transmitted to the Secretary of State the following bills:

Senate File 2073, an act prohibiting the performance of partial-birth abortions relative to a human fetus, establishing a cause of action for violation of the prohibition, and providing penalties.

Senate File 2075, an act relating to the creation of a dental hygiene committee within the board of dental examiners.

## SPECIAL PRESENTATION

Siegrist of Pottawattamie presented to the House the Honorable Linda Nelson, former representative from Pottawattamie County.

Speaker pro tempore Van Maanen of Marion presented to the House the Honorable Bill Harbor, former representative from Mills County.

## PRESENTATION OF VISITORS

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

Twenty-one Teen Leaders in Action from Ottumwa, Eddyville-Blakesburg and Cardinal Schools, accompanied by Michelle Sipe, Jeanie Fory, Bonnie Ellison and Louise Davis. By Moreland of Wapello.

Students from Marshalltown High School, Marshalltown. By Nelson of Marshall.

## COMMUNICATION RECEIVED

The following communication was received and filed in the office of the Chief Clerk:

### DEPARTMENT OF HUMAN SERVICES

A report on the Enhanced Residential Care Facility for Persons with Mental Retardation Reimbursements Rates, pursuant to Chapter 169.20, 1997 Acts of the Seventy-seventh General Assembly.

## CERTIFICATES OF RECOGNITION

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

ELIZABETH A. ISAACSON  
Chief Clerk of the House

1998\231 Jason Twedt, Hawarden - For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.

1998\232 Stephanie Gallegos, Defiance – For receiving 2nd place in the 8th-9th grade category in the “Write Women Back Into History” Essay Contest.

1998\233 Dr. Barbara Grohe, Iowa City – For being named National Superintendent of the Year.

### SUBCOMMITTEE ASSIGNMENTS

#### House File 2458

Appropriations: Brunkhorst, Chair; Brand and Jacobs.

#### House File 2459

Appropriations: Millage, Chair; Sukup and Warnstadt.

#### Senate File 2153

State Government: Jochum, Chair; Bradley and Nelson.

#### Senate File 2170

State Government: Nelson, Chair; Cataldo and Hansen.

#### Senate File 2220

Judiciary: Kremer, Chair; Ford and Veenstra.

#### Senate File 2221

Judiciary: Veenstra, Chair; Chapman and Lamberti.

#### Senate File 2259

Judiciary: Larson, Chair; Lamberti and Moreland.

#### Senate File 2288

Ways and Means: Van Fossen, Chair; Lamberti and Weigel.

#### Senate File 2310

State Government: Bradley, Chair; Tyrrell and Whitead.

#### Senate File 2319

State Government: Bradley, Chair; Tyrrell and Whitead.

#### Senate File 2336

Judiciary: Dinkla, Chair; Holveck and Sukup.

## Senate File 2337

Judiciary: Churchill, Chair; Bell and Kremer.

## COMMITTEE RECOMMENDATIONS

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

ELIZABETH A. ISAACSON  
Chief Clerk of the House

## COMMITTEE ON APPROPRIATIONS

**Committee Bill** (Formerly House Study Bill 693), 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, and the state board of regents, providing related statutory changes, and providing an effective date.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 4, 1998.

## COMMITTEE ON WAYS AND MEANS

**Committee Bill** (Formerly House Study Bill 518), updating the Iowa Code references to the Internal Revenue Code, exempting certain preneed funeral trust income from taxation, revising the carryback and carryover periods for certain net operating losses, providing refunds, and providing an effective date and retroactive applicability dates.

Fiscal Note is not required.

Recommended **Do Pass** March 4, 1998.

**Committee Bill** (Formerly House Study Bill 556), relating to the administration of the tax and related laws by the department of revenue and finance, including administration of state individual income, corporate income, franchise, sales, services, and use, motor fuel, cigarette and tobacco, local option, inheritance and estate, and property taxes; providing penalties; and including effective and retroactive applicability date provisions.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 4, 1998.

## AMENDMENTS FILED

H—8207	H.F.	2499	Witt of Black Hawk Fallon of Polk
H—8209	H.F.	2487	Scherrman of Dubuque
H—8210	H.F.	2504	Kreiman of Davis
H—8211	H.F.	2513	Jenkins of Black Hawk Greig of Emmet

H-8212	H.F.	2499	Ford of Polk Brauns of Muscatine
H-8217	H.F.	2424	Bradley of Clinton Brauns of Muscatine Welter of Jones Cataldo of Polk Wise of Lee Cormack of Webster Chiodo of Polk Taylor of Linn Warnstadt of Woodbury Huser of Polk Rayhons of Hancock Martin of Scott Larson of Linn Koenigs of Mitchell Murphy of Dubuque Cohoon of Des Moines Larkin of Lee Lamberti of Polk Millage of Scott Meyer of Sac Blodgett of Cerro Gordo Van Fossen of Scott Nelson of Marshall Brunkhorst of Bremer Gipp of Winneshiek Holveck of Polk Tyrrell of Iowa Rants of Woodbury Thomas of Clayton Whitead of Woodbury Greiner of Washington Hahn of Muscatine Jacobs of Polk Myers of Johnson Churchill of Polk Sukup of Franklin Dix of Butler Holmes of Scott Jochum of Dubuque Doderer of Johnson
H-8218	H.F.	2454	Bradley of Clinton
H-8219	H.F.	2491	Lamberti of Polk
H-8220	H.F.	2494	Koenigs of Mitchell
H-8221	H.F.	2494	Mertz of Kossuth
H-8222	H.F.	2494	Frevert of Palo Alto
H-8223	H.F.	2494	Koenigs of Mitchell
H-8224	H.F.	2494	Mertz of Kossuth
H-8225	H.F.	2510	Jochum of Dubuque Cohoon of Des Moines Drees of Carroll O'Brien of Boone Mundie of Webster
			Bell of Jasper
			Dotzler of Black Hawk
			Frevert of Palo Alto
			Mertz of Kossuth
H-8226	H.F.	2494	Koenigs of Mitchell
H-8229	H.F.	2370	Nelson of Marshall
H-8230	H.F.	2005	Falck of Fayette
H-8231	H.F.	2494	Weigel of Chickasaw
H-8233	H.F.	2499	Fallon of Polk Witt of Black Hawk
H-8234	H.F.	2454	Van Fossen of Scott
H-8235	H.F.	2521	Richardson of Warren

H—8236	H.F.	2494	Frevert of Palo Alto
H—8237	H.F.	2494	Koenigs of Mitchell
H—8239	H.F.	2454	Bradley of Clinton
H—8240	H.F.	2499	Cohoon of Des Moines
H—8241	H.F.	2475	Witt of Black Hawk Greiner of Washington
H—8242	H.F.	2499	Shoultz of Black Hawk
H—8243	H.F.	2454	Whitead of Woodbury

On motion by Siegrist of Pottawattamie, the House adjourned at 10:00 p.m., until 8:45 a.m., Thursday, March 5, 1998.

# JOURNAL OF THE HOUSE

Fifty-third Calendar Day - Thirty-sixth Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Thursday, March 5, 1998

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

Prayer was offered by Pastor Duane Queen, Lakeside Presbyterian Church, Storm Lake.

The Journal of Wednesday, March 4, 1998 was approved.

## INTRODUCTION OF BILLS

**House File 2528**, by committee on transportation, a bill for an act establishing a graduated driver's license for young drivers, making penalties applicable, creating an interim study committee, and including an applicability provision and an effective date.

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

**House File 2529**, by committee on ways and means, a bill for an act updating the Iowa Code references to the Internal Revenue Code, exempting certain preneed funeral trust income from taxation, revising the carryback and carryover periods for certain net operating losses, providing refunds, and providing an effective date and retroactive applicability dates.

Read first time and placed on the **ways and means calendar**.

**House File 2530**, by committee on ways and means, a bill for an act relating to the administration of the tax and related laws by the department of revenue and finance, including administration of state individual income, corporate income, franchise, sales, services, and use, motor fuel, cigarette and tobacco, local option, inheritance and estate, and property taxes and the livestock production credit; providing penalties; and including effective and retroactive applicability date provisions.

Read first time and placed on the **ways and means calendar**.

## SENATE MESSAGES CONSIDERED

**Senate File 2037**, by Douglas, McKibben, McCoy, McLaren, Rife, Gettings, Fraise, Schuerer, and Jensen, a bill for an act relating to the

Iowa state fair convention by providing for its membership and the election of members to the Iowa state fair board.

Read first time and referred to committee on **state government**.

**Senate File 2186**, by McKibben, a bill for an act relating to the validity and enforceability in Iowa of an advance directive document executed by a veteran of the armed forces.

Read first time and referred to committee on **human resources**.

**Senate File 2254**, by committee on local government, a bill for an act relating to charges for room and board by certain prisoners.

Read first time and referred to committee on **local government**.

**Senate File 2295**, by committee on appropriations, a bill for an act relating to and making appropriations for agriculture and natural resources and providing an effective date.

Read first time and referred to committee on **appropriations**.

**Senate File 2307**, by committee on human resources, a bill for an act relating to the continuation, administration, use, and performance of the community grant fund for juvenile crime prevention programs.

Read first time and referred to committee on **human resources**.

**Senate File 2331**, by committee on judiciary, a bill for an act to provide for the sharing of certain habilitative and treatment resources with the department of human services.

Read first time and referred to committee on **judiciary**.

**Senate File 2339**, by committee on judiciary, a bill for an act relating to an inmate's right to counsel in a postconviction proceeding pertaining to a forfeiture of a reduction in sentence or the unlawful holding of a person in custody or restraint.

Read first time and referred to committee on **judiciary**.

## CONSIDERATION OF BILLS

### Regular Calendar

**House Joint Resolution 2003**, a joint resolution to approve the request by the state public defender to establish the Fort Dodge satellite public defender office as a separate public defender office, with report of committee recommending amendment and passage, was taken up for consideration.

Kremer of Buchanan offered the following amendment H-8070 filed by the committee on judiciary and moved its adoption:

H-8070

1 Amend House Joint Resolution 2003 as follows:

2 1. Page 1, line 2, by inserting after the word

3 "separate" the following: "local".

4 2. Title page, line 3, by inserting after the

5 word "separate" the following: "local".

6 3. Title page, line 11, by inserting after the

7 word "separate" the following: "local".

8 4. Title page, line 22, by inserting after the

9 word "separate" the following: "local".

The committee amendment H-8070 was adopted.

### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Dinkla of Guthrie and Thomson of Linn on request of Siegrist of Pottawattamie.

Kremer of Buchanan moved that the joint resolution be read a last time now and placed upon its adoption which motion prevailed and the joint resolution was read a last time.

On the question "Shall the joint resolution be adopted and agreed to by the House?" (H.J.R. 2003)

The ayes were, 98:

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
Koenigs	Kreiman	Kremer	Lamberti
Larkin	Larson	Lord	Martin
Mascher	May	Mertz	Metcalf
Meyer	Millage	Moreland	Mundie
Murphy	Myers	Nelson	O'Brien
Osterhaus	Rants	Rayhons	Reynolds-Knight
Richardson	Scherrman	Schrader	Shoultz
Siegrist	Sukup	Taylor	Teig
Thomas	Tyrrell	Van Fossen	Van Maanen
Vande Hoef	Veenstra	Warnstadt	Weidman



Weigel  
Witt

Welter  
Mr. Speaker  
Corbett

Whitead

Wise

The nays were, none.

Absent or not voting, 2:

Dinkla

Thomson

The joint resolution having received a constitutional majority was declared to have been adopted and agreed to by the House, with the title amended.

**House File 2189**, 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, with report of committee recommending amendment and passage, was taken up for consideration.

Dix of Butler offered the following amendment H-8088 filed by the committee on commerce and regulation and moved its adoption:

H-8088

- 1 Amend House File 2189 as follows:
- 2 1. Page 1, line 6, by striking the figure "1999"
- 3 and inserting the following: "2001".

The committee amendment H-8088 was adopted.

Dix of Butler moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2189)

The ayes were, 97:

Arnold	Barry	Bell	Bernau
Blodgett	Boddicker	Boggess	Bradley
Brand	Brauns	Brunkhorst	Bukta
Burnett	Carroll	Cataldo	Chapman
Chiodo	Churchill	Cohoon	Connors
Cormack	Dix	Doderer	Dolecheck
Dotzler	Drake	Drees	Eddie
Falck	Fallon	Foege	Ford
Frevert	Garman	Gipp	Greig
Greiner	Gries	Grundberg	Hahn
Hansen	Heaton	Holmes	Holveck
Houser	Huseman	Huser	Jacobs
Jenkins	Jochum	Kinzer	Klemme
Koenigs	Kreiman	Kremer	Lamberti
Larkin	Larson	Lord	Martin
Mascher	May	Mertz	Metcalf

Meyer	Millage	Moreland	Mundie
Murphy	Myers	Nelson	O'Brien
Osterhaus	Rants	Rayhons	Reynolds-Knight
Richardson	Scherrman	Schrader	Shoultz
Siegrist	Sukup	Taylor	Teig
Thomas	Tyrrell	Van Fossen	Van Maanen
Veenstra	Warnstadt	Weidman	Weigel
Welter	Whitead	Wise	Witt
Mr. Speaker Corbett			

The nays were, none.

Absent or not voting, 3:

Dinkla                      Thomson                      Vande Hoef

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

**House File 2271**, a bill for an act relating to obsolete and unnecessary provisions of the Code, 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?" (H.F. 2271)

The ayes were, 96:

Arnold	Barry	Bell	Bernau
Blodgett	Boddicker	Boggess	Bradley
Brand	Brauns	Brunkhorst	Bukta
Burnett	Carroll	Cataldo	Chapman
Chiodo	Churchill	Cohoon	Connors
Cormack	Dix	Doderer	Dolecheck
Dotzler	Drake	Drees	Eddie
Falck	Fallon	Foege	Ford
Garman	Gipp	Greig	Greiner
Gries	Grundberg	Hahn	Hansen
Heaton	Holmes	Holveck	Houser
Huseman	Huser	Jacobs	Jenkins
Jochum	Kinzer	Klemme	Koenigs
Kreiman	Kremer	Lamberti	Larkin
Larson	Lord	Martin	Mascher
May	Mertz	Metcalf	Meyer
Millage	Moreland	Mundie	Murphy
Myers	Nelson	O'Brien	Osterhaus
Rants	Rayhons	Reynolds-Knight	Richardson
Scherrman	Schrader	Shoultz	Siegrist
Sukup	Taylor	Teig	Thomas
Tyrrell	Van Fossen	Van Maanen	Vande Hoef

Veenstra  
Welter

Warnstadt  
Whitead

Weidman  
Wise

Weigel  
Mr. Speaker  
Corbett

The nays were, none.

Absent or not voting, 4:

Dinkla

Frevert

Thomson

Witt

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 Joint Resolution 2003, House Files 2189 and 2271.**

**House File 2290**, a bill for an act relating to the civil damages and penalties for the illegal taking of antlered deer, with report of committee recommending passage, was taken up for consideration.

Arnold of Lucas offered the following amendment H-8173 filed by him and moved its adoption:

H-8173

- 1 Amend House File 2290 as follows:
- 2 1. Page 1, line 6, by striking the words "four
- 3 hundred".
- 4 2. Page 1, line 7, by inserting after the word
- 5 "service" the following: "or, in lieu of the
- 6 community service, a total of four thousand dollars".

Amendment H-8173 was adopted.

Arnold of Lucas moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2290)

The ayes were, 95:

Arnold  
Blodgett  
Brand  
Burnett  
Churchill  
Dix  
Drake

Barry  
Boddicker  
Brauns  
Carroll  
Cohoon  
Doderer  
Eddie

Bell  
Bogges  
Brunkhorst  
Cataldo  
Connors  
Dolecheck  
Falck

Bernau  
Bradley  
Bukta  
Chiodo  
Cormack  
Dotzler  
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	Schrader
Shoultz	Siegrist	Sukup	Taylor
Teig	Thomas	Tyrrell	Van Fossen
Van Maanen	Vande Hoef	Veenstra	Warnstadt
Weidman	Weigel	Welter	Whitead
Wise	Witt	Mr. Speaker	
		Corbett	

The nays were, none.

Absent or not voting, 5:

Chapman	Dinkla	Drees	Grundberg
Thomson			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Tyrrell of Iowa in the chair at 9:28 a.m.

House File 2454, a bill for an act relating to motor vehicle operator proof of financial responsibility and providing an effective date and for retroactive applicability, was taken up for consideration.

Whitead of Woodbury asked and received unanimous consent that amendment H-8243 be deferred.

Bradley of Clinton offered the following amendment H-8218 filed by him and moved its adoption:

H-8218

1 Amend House File 2454 as follows:

2 1. Page 1, by striking line 26 and inserting the  
3 following: "shall also contain the name and address  
4 of the insurer or the name of the insurer and the name  
5 and address".

6 2. Page 2, line 28, by striking the word  
7 "vehicle" and inserting the following: "motor  
8 vehicle".

9 3. Page 3, line 10, by striking the word

- 10 "vehicle" and inserting the following: "motor  
11 vehicle".
- 12 4. Page 3, line 11, by striking the word  
13 "vehicle" and inserting the following: "motor  
14 vehicle".
- 15 5. Page 4, lines 7 and 8, by striking the words  
16 "of residence of the owner" and inserting the  
17 following: "in which the motor vehicle is  
18 registered".
- 19 6. Page 4, line 15, by striking the word  
20 "vehicle" and inserting the following: "motor  
21 vehicle".
- 22 7. Page 4, line 17, by inserting after the words  
23 "vehicle, and" the following: "the owner or driver  
24 provides a copy of the receipt and the owner".
- 25 8. Page 4, line 18, by striking the words "of  
26 residence of the owner" and inserting the following:  
27 "in which the motor vehicle is registered".
- 28 9. Page 4, line 31, by striking the word  
29 "vehicle" and inserting the following: "motor  
30 vehicle".
- 31 10. Page 4, line 34, by striking the word  
32 "vehicle" and inserting the following: "motor  
33 vehicle".
- 34 11. Page 5, line 10, by striking the word  
35 "vehicle" and inserting the following: "motor  
36 vehicle".

Amendment H-8218 was adopted.

Van Fossen of Scott offered the following amendment H-8234 filed  
by him and moved its adoption:

H-8234

- 1 Amend House File 2454 as follows:  
2 1. Page 3, line 22, by inserting after the word  
3 "fees." the following: "However, if the value of the  
4 vehicle is less than the security interest, all fees  
5 shall be divided equally between the lienholder and  
6 the political subdivision impounding the vehicle."

Amendment H-8234 was adopted.

Bradley of Clinton offered the following amendment H-8239 filed  
by him and moved its adoption:

H-8239

- 1 Amend House File 2454 as follows:  
2 1. Page 5, by striking lines 24 through 35 and  
3 inserting the following:  
4 "b. Issue a citation. An owner or driver who

5 produces to the clerk of court within thirty days of  
6 the issuance of the citation, or prior to the date of  
7 the individual's court appearance as indicated on the  
8 citation, whichever is earlier, proof that the  
9 financial liability coverage was in effect for the  
10 motor vehicle at the time the person was stopped and  
11 cited, or if the driver is not the owner of the motor  
12 vehicle, proof that liability coverage was in effect  
13 for the driver with respect to the motor vehicle being  
14 driven at the time the driver was stopped and cited in  
15 the same manner as if the motor vehicle were owned by  
16 the driver, shall be given a receipt indicating that  
17 proof was provided, and the citation issued shall be  
18 dismissed."

Amendment H-8239 was adopted.

Whitead of Woodbury offered the following amendment H-8243,  
previously deferred, filed by him:

H-8243

1 Amend House File 2454 as follows:

2 1. Page 1, by inserting before line 1 the  
3 following:

4 "Section 1. Section 321.20, Code Supplement 1997,  
5 is amended by adding the following new subsection:  
6 NEW SUBSECTION. 6. Proof of financial liability  
7 coverage if the registration is for a motor vehicle."

8 2. Page 5, by inserting after line 19 the  
9 following:

10 "d. An owner or driver cited for violation of  
11 subsection 1 shall also surrender such person's motor  
12 vehicle license to the department. An owner or driver  
13 shall not have a new license issued until the person  
14 provides to the department proof of financial  
15 liability coverage."

16 3. Page 7, by inserting after line 2 the  
17 following:

18 "Sec. \_\_\_\_ Section 321.177, Code 1997, is amended  
19 by adding the following new subsection:  
20 NEW SUBSECTION. 11. To any person who does not at  
21 the time of application provide proof of financial  
22 liability coverage as required in section 321.20B for  
23 all motor vehicles owned by the person.

24 Sec. \_\_\_\_ Section 321A.17, subsections 1, 2, and  
25 3, Code 1997, are amended to read as follows:

26 1. ~~Whenever~~ When the department, under ~~any a~~ law  
27 of this state, suspends or revokes the license of ~~any~~  
28 a person upon receiving record of a conviction or a  
29 forfeiture of bail or revokes the license of any  
30 person pursuant to chapter 321J, the department shall  
31 also suspend the registration for all motor vehicles

32 registered in the name of the person, except that the  
 33 department shall not suspend the registration, unless  
 34 otherwise required by law, if the person has  
 35 previously given or immediately gives and thereafter  
 36 maintains proof of financial ~~responsibility~~ liability  
 37 coverage, as defined in section 321.1, with respect to  
 38 all motor vehicles registered by the person.

39 2. Such ~~The license and registration~~ shall remain  
 40 suspended or revoked and shall not at any time  
 41 thereafter be renewed ~~nor shall any~~ and a new license  
 42 shall not be thereafter issued to such ~~the~~ person, ~~nor~~  
 43 shall any motor vehicle be thereafter registered in  
 44 the name of such person until permitted under the  
 45 motor vehicle laws of this state and not then unless  
 46 and until the person shall give ~~gives~~ and thereafter  
 47 maintain maintains proof of financial ~~responsibility~~  
 48 liability coverage, as defined in section 321.1.

49 3. If a person is not licensed, but by final order  
 50 or judgment is convicted of or forfeits any bail or

#### Page 2

1 collateral deposited to secure an appearance for trial  
 2 for any offense requiring the suspension or revocation  
 3 of license, or for operating an unregistered motor  
 4 vehicle upon the highways, ~~no a~~ license shall not be  
 5 thereafter issued to such ~~that~~ person and ~~no motor~~  
 6 vehicle shall continue to be registered or thereafter  
 7 be registered in the name of such person until the  
 8 person shall give ~~gives~~ and thereafter maintain  
 9 maintains proof of financial ~~responsibility~~ liability  
 10 coverage, as defined in section 321.1."

11 4. By renumbering as necessary.

Bradley of Clinton rose on a point of order that amendment H-8243 was not germane.

The Speaker ruled the point well taken and amendment H-8243 not germane.

Bradley of Clinton moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2454)

The ayes were, 95:

Arnold	Barry	Bernau	Blodgett
Boddicker	Bogess	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	Holveck	Houser
Huseman	Huser	Jacobs	Jenkins
Jochum	Kinzer	Klemme	Koenigs
Kreiman	Kremer	Lamberti	Larkin
Lord	Martin	Mascher	May
Mertz	Metcalf	Meyer	Millage
Moreland	Mundie	Murphy	Myers
Nelson	O'Brien	Osterhaus	Rants
Rayhons	Reynolds-Knight	Richardson	Scherrman
Schrader	Shoultz	Siegrist	Sukup
Taylor	Teig	Thomas	Van Fossen
Van Maanen	Vande Hoef	Veenstra	Warnstadt
Weidman	Weigel	Welter	Whitead
Wise	Witt	Tyrrell, Presiding	

The nays were, none.

Absent or not voting, 5:

Bell	Dinkla	Holmes	Larson
Thomson			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

**House File 2471**, a bill for an act concerning the number of supreme court justices and court of appeals judges, and including a contingent effective date, was taken up for consideration.

Lamberti of Polk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2471)

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	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	Van Fossen	Van Maanen
Vande Hoef	Veenstra	Warnstadt	Weidman
Weigel	Welter	Whitead	Wise
Witt	Tyrrell, Presiding		

The nays were, none.

Absent or not voting, 2:

Dinkla                      Thomson

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

### IMMEDIATE MESSAGES

Siegrist of Pottawattamie asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Files 2290, 2454 and 2471.**

**House File 2469**, a bill for an act relating to a reinsurer's liability, was taken up for consideration.

Dix of Butler moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2469)

The ayes were, 95:

Arnold	Barry	Bell	Bernau
Blodgett	Boddicker	Bogges	Bradley
Brand	Brauns	Brunkhorst	Bukta
Burnett	Carroll	Cataldo	Chapman
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
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	Van Fossen
Van Maanen	Vande Hoef	Veenstra	Warnstadt
Weidman	Weigel	Welter	Whitead
Wise	Witt	Tyrrell, Presiding	

The nays were, 1:

Fallon

Absent or not voting, 4:

Dinkla

Doderer

Heaton

Thomson

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

**House File 2403**, a bill for an act relating to property of a debtor which is exempt from execution, was taken up for consideration.

Kremer of Buchanan moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2403)

The ayes were, 95:

Arnold	Barry	Bell	Bernau
Blodgett	Boddicker	Boguess	Bradley
Brand	Brauns	Brunkhorst	Bukta
Burnett	Carroll	Cataldo	Chapman
Chiodo	Churchill	Cohoon	Connors
Corbett, Spkr.	Cormack	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	Shoultz	Siegrist
Taylor	Teig	Thomas	Van Fossen
Van Maanen	Vande Hoef	Veenstra	Warnstadt
Weidman	Weigel	Welter	Whitead
Wise	Witt	Tyrrell, Presiding	

The nays were, 1:

Fallon

Absent or not voting, 4:

Dinkla                      Schrader                      Sukup                      Thomson

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Blodgett of Cerro Gordo in the chair at 9:58 a.m.

**House File 2488**, a bill for an act providing for cochairpersons of the administrative rules review committee, was taken up for consideration.

Gipp of Winneshiek moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2488)

The ayes were, 96:

Arnold	Barry	Bell	Bernau
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	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	Tyrrell
Van Fossen	Van Maanen	Vande Hoef	Veenstra
Warnstadt	Weidman	Weigel	Welter
Whitead	Wise	Witt	Blodgett, Presiding

The nays were, none.

Absent or not voting, 4:

Dinkla	Greig	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 MESSAGES

Gipp of Winneshiek asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Files 2469, 2403, and 2488.**

**House File 2476**, a bill for an act providing for connection to the Iowa communications network by the quad cities graduate center, was taken up for consideration.

Brunkhorst of Bremer moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2476)

The ayes were, 94:

Arnold	Barry	Bell	Bernau
Boddicker	Bogges	Bradley	Brand
Brauns	Brunkhorst	Bukta	Burnett
Carroll	Cataldo	Chapman	Chiodo
Churchill	Cohoon	Connors	Corbett, Spkr.
Dix	Doderer	Dolecheck	Dotzler
Drake	Drees	Eddie	Fallon
Foege	Ford	Frevert	Garman
Gipp	Greiner	Grundberg	Hahn
Hansen	Heaton	Holmes	Holveck
Houser	Huseman	Huser	Jacobs

Jenkins	Jochum	Kinzer	Klemme
Koenigs	Kreiman	Kremer	Lamberti
Larkin	Larson	Lord	Martin
Mascher	May	Mertz	Metcalf
Meyer	Millage	Moreland	Mundie
Murphy	Myers	Nelson	O'Brien
Osterhaus	Rants	Rayhons	Reynolds-Knight
Richardson	Scherrman	Schrader	Shoultz
Siegrist	Sukup	Taylor	Teig
Thomas	Tyrrell	Van Fossen	Van Maanen
Vande Hoef	Veenstra	Warnstadt	Weidman
Weigel	Welter	Whitead	Wise
Witt	Blodgett, Presiding		

The nays were, 2:

Cormack                      Falck

Absent or not voting, 4:

Dinkla                      Greig                      Gries                      Thomson

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

**House File 2468**, a bill for an act establishing an electronic benefits transfer program in the department of human services, was taken up for consideration.

Bradley of Clinton moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2468)

The ayes were, 98:

Arnold	Barry	Bell	Bernau
Boddicker	Boggess	Bradley	Brand
Brauns	Brunkhorst	Bukta	Burnett
Carroll	Cataldo	Chapman	Chioldo
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	Tyrell	Van Fossen	Van Maanen
Vande Hoef	Veenstra	Warnstadt	Weidman
Weigel	Welter	Whitead	Wise
Witt	Blodgett, Presiding		

The nays were, none.

Absent or not voting, 2:

Dinkla Thomson

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

**House File 2493**, a bill for an act concerning nonsubstantive gender-related provisions in the Code, 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?" (H.F. 2493)

The ayes were, 97:

Arnold	Barry	Bell	Bernau
Boddicker	Boggess	Bradley	Brand
Brauns	Brunkhorst	Bukta	Burnett
Carroll	Cataldo	Chapman	Chiodo
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
Tyrrell	Van Fossen	Van Maanen	Vande Hoef
Veenstra	Warnstadt	Weidman	Weigel
Welter	Whitead	Wise	Witt
Blodgett, Presiding			

The nays were, none.

Absent or not voting, 3:

Churchill                      Dinkla                      Thomson

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

### IMMEDIATE MESSAGES

Siegrist of Pottawattamie asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Files 2476, 2468 and 2493.**

**House File 2292**, a bill for an act relating to permits for aquifer storage and recovery and making penalties applicable, was taken up for consideration.

Gipp of Winneshiek moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2292)

The ayes were, 97:

Arnold	Barry	Bell	Bernau
Boddicker	Bogges	Bradley	Brand
Brauns	Brunkhorst	Bukta	Burnett
Carroll	Cataldo	Chapman	Chiodo
Churchill	Cphoon	Connors	Corbett, Spkr.
Cormack	Dix	Doderer	Dolecheck
Dotzler	Drake	Drees	Eddie
Falck	Fallon	Foege	Ford
Frevert	Garman	Gipp	Greig
Greiner	Gries	Grundberg	Hahn
Heaton	Holmes	Holveck	Houser
Huseman	Huser	Jacobs	Jenkins
Jochum	Kinzer	Klemme	Koenigs
Kreiman	Kremer	Lamberti	Larkin
Larson	Lord	Martin	Mascher
May	Mertz	Metcalf	Meyer
Millage	Moreland	Mundie	Murphy

Myers	Nelson	O'Brien	Osterhaus
Rants	Rayhons	Reynolds-Knight	Richardson
Scherrman	Schrader	Shoultz	Siegrist
Sukup	Taylor	Teig	Thomas
Tyrrell	Van Fossen	Van Maanen	Vande Hoef
Veenstra	Warnstadt	Weidman	Weigel
Welter	Whitead	Wise	Witt
Blodgett, Presiding			

The nays were, none.

Absent or not voting, 3:

Dinkla                      Hansen                      Thomson

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

### IMMEDIATE MESSAGE

Siegrist of Pottawattamie asked and received unanimous consent that **House File 2292** be immediately messaged to the Senate.

### MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 5, 1998, passed the following bill in which the concurrence of the House is asked:

Senate File 2088, a bill for an act supporting drainage districts, by extending the period when certain contracts must be let, and providing an effective date.

Also: That the Senate has on March 5, 1998, passed the following bill in which the concurrence of the House is asked:

Senate File 2160, a bill for an act establishing a state protocol officer.

Also: That the Senate has on March 5, 1998, passed the following bill in which the concurrence of the House is asked:

Senate File 2198, a bill for an act relating to the development of protocol to be used for international visitors.

Also: That the Senate has on March 5, 1998, passed the following bill in which the concurrence of the House is asked:

Senate File 2372, a bill for an act relating to the standard uniforms of sheriffs and deputy sheriffs.

Also: That the Senate has on March 5, 1998, passed the following bill in which the concurrence of the House is asked:

Senate File 2397, a bill for an act relating to the operation and regulation of certain insurance companies, miscellaneous provisions relating to small group health



care coverage, the ability of certain insurers to bring an action in certain instances, and the elimination of countersigning resident agent provisions.

MARY PAT GUNDERSON, Secretary

### Appropriations Calendar

**House File 2499**, a bill for an act relating to and making transportation and other infrastructure-related appropriations to the state department of transportation and other state agencies, including allocation and use of moneys from the general fund of the state, road use tax fund, primary road fund, and the motorcycle rider education fund, providing for the nonreversion of certain moneys, and making statutory changes relating to appropriations, was taken up for consideration.

The House stood at ease at 11:00 a.m., until the fall of the gavel.

The House resumed session at 11:58 a.m., Rants of Woodbury in the chair.

Gipp of Winneshiek asked and received unanimous consent that House File 2499 be deferred and that the bill retain its place on the calendar.

On motion by Gipp of Winneshiek, the House was recessed at 11:59 a.m., until 2:00 p.m.

### AFTERNOON SESSION

The House reconvened at 2:08 p.m., Rants of Woodbury in the chair.

### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Jacobs of Polk on request of Siegrist of Pottawattamie.

### INTRODUCTION OF BILLS

**House File 2531**, by Siegrist and Schrader, a bill for an act relating to family investment program provisions to address family and domestic violence and including an applicability provision.

Read first time and referred to committee on **human resources**.

**House File 2532**, by Siegrist and Schrader, a bill for an act relating to the maximum value of prizes awarded in raffles and certain games of skill and chance.

Read first time and referred to committee on **state government**.

## CONSIDERATION OF BILL Appropriations Calendar

The House resumed consideration of **House File 2499**, a bill for an act relating to and making transportation and other infrastructure-related appropriations to the state department of transportation and other state agencies, including allocation and use of moneys from the general fund of the state, road use tax fund, primary road fund, and the motorcycle rider education fund, providing for the nonreversion of certain moneys, and making statutory changes relating to appropriations, previously deferred.

The House stood at ease at 2:10 p.m., until the fall of the gavel.

The House resumed session at 2:37 p.m., Rants of Woodbury in the chair.

Ford of Polk offered the following amendment H-8212 filed by him and Brauns of Muscatine and moved its adoption:

H-8212

1 Amend House File 2499 as follows:

2 1. Page 5, by inserting after line 19, the  
3 following:

4 "Sec. \_\_\_\_ Section 307.49, Code 1997, is amended  
5 to read as follows:

6 307.49 CONTRACT BIDS.

7 A bidder awarded a contract with the department  
8 shall disclose the names of all subcontractors, who  
9 will work on the project being bid or who the bidder  
10 anticipates will work on the project being bid, within  
11 forty-eight hours after the award of the contract. If  
12 a subcontractor named by a bidder awarded a contract  
13 is replaced, or if the cost of work to be done by a  
14 subcontractor is reduced, the bidder shall disclose  
15 the name of the new subcontractor or the amount of the  
16 reduced cost. If a subcontractor is added by a bidder  
17 awarded a contract, the bidder shall disclose the name  
18 of the new subcontractor.

19 The department shall issue electronic project bid  
20 notices for distribution to the targeted small  
21 business web page located at the department of  
22 economic development. The notices shall be provided  
23 to the targeted small business marketing manager  
24 forty-eight hours prior to the issuance of all project  
25 bid notices. The notices shall contain a description  
26 of the project, a point of contact for each project,  
27 and any subcontract goals included in the bid."  
28

2. By renumbering as necessary.

Amendment H-8212 was adopted.

Fallon of Polk offered the following amendment H-8233 filed by him and Witt of Black Hawk and moved its adoption:

H-8233

- 1 Amend House File 2499 as follows:
- 2 1. Page 5, by inserting after line 19 the
- 3 following:
- 4 "Sec. \_\_\_\_ NEW SECTION. 306.9A ENGELDINGER
- 5 MARSH.
- 6 The general assembly acknowledges that U.S. highway
- 7 65, also known as Iowa highway 330, located between
- 8 the cities of Des Moines and Marshalltown must be
- 9 widened for safety reasons. However, the general
- 10 assembly encourages the department to avoid widening
- 11 U.S. highway 65, also known as Iowa highway 330,
- 12 through property commonly known as Engeldinger marsh
- 13 to route the improved highway northwest of the
- 14 Engeldinger watershed, and, to the extent possible,
- 15 avoid prime farmland and existing homesteads."

Amendment H-8233 lost.

Shoultz of Black Hawk asked and received unanimous consent to withdraw amendment H-8242 filed by him on March 4, 1998.

Witt of Black Hawk offered the following amendment H-8207 filed by him and Fallon of Polk and moved its adoption:

H-8207

- 1 Amend House File 2499 as follows:
- 2 1. Page 5, by inserting after line 32 the
- 3 following:
- 4 "Sec. \_\_\_\_ Section 314.25, Code 1997, is amended
- 5 to read as follows:
- 6 314.25 GREEN SPACE PROVIDED.
- 7 The department shall use the property owned by it
- 8 ~~in the city of Council Bluffs which is bounded by~~
- 9 ~~Broadway, Seventh street, Kaneshville boulevard, and~~
- 10 ~~Sixth street, the department and described in this~~
- 11 section exclusively for green space, and, if sold by
- 12 the department, the department shall sell the property
- 13 with the restricted covenant that the property shall
- 14 be used exclusively for green space or else revert to
- 15 the department. This section applies to the following
- 16 property:
- 17 1. Property located in the city of Council Bluffs
- 18 which is bounded by Broadway, Seventh street,
- 19 Kaneshville boulevard, and Sixth street.
- 20 2. Property commonly known as the Eddyville dunes
- 21 and wetland complex. This property includes property

22 purchased or condemned by the department for right-of-  
 23 way acquisition, mitigation purposes, or in connection  
 24 with right-of-way acquisition for the 1990 alignment  
 25 of the proposed Eddyville bypass."

26 2. By renumbering as necessary.

Roll call was requested by Witt of Black Hawk and Fallon of Polk.

Rule 75 was invoked.

On the question "Shall amendment H-8207 be adopted?" (H.F. 2499)

The ayes were, 45:

Bell	Bernau	Bogess	Bradley
Brand	Bukta	Burnett	Chapman
Chiodo	Cphoon	Connors	Doderer
Dotzler	Drees	Falck	Fallon
Foege	Ford	Frevert	Holveck
Jochum	Kinzer	Koenigs	Kreiman
Larkin	Mascher	May	Mertz
Mundie	Murphy	Myers	O'Brien
Osterhaus	Reynolds-Knight	Richardson	Scherrman
Schrader	Shoultz	Taylor	Thomas
Tyrrell	Warnstadt	Whitead	Wise
Witt			

The nays were, 52:

Arnold	Barry	Blodgett	Boddicker
Brauns	Brunkhorst	Carroll	Cataldo
Churchill	Corbett, Spkr.	Cormack	Dix
Dolecheck	Drake	Eddie	Garman
Gipp	Greig	Greiner	Gries
Grundberg	Hahn	Hansen	Heaton
Holmes	Houser	Huseman	Huser
Jenkins	Klemme	Kremer	Lamberti
Larson	Lord	Martin	Metcalf
Meyer	Millage	Moreland	Nelson
Rayhons	Siegrist	Sukup	Teig
Van Fossen	Van Maanen	Vande Hoef	Veenstra
Weidman	Weigel	Welter	Rants, Presiding

Absent or not voting, 3:

Dinkla	Jacobs	Thomson
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Amendment H-8207 lost.

Cphoon of Des Moines offered the following amendment H-8240 filed by him and moved its adoption:

H-8240

1 Amend House File 2499 as follows:

2 1. Page 5, by inserting after line 32 the  
3 following:

4 "Sec. \_\_\_\_ NEW SECTION. 314.17 MOWING ON  
5 INTERSTATES AND PRIMARY HIGHWAYS.

6 On or after January 1, 2003, the department shall  
7 not mow roadside vegetation on the rights-of-way or  
8 medians on any primary or interstate highway. Mowing  
9 shall be permitted as follows:

10 1. On rights-of-way which include drainage ditch  
11 areas.

12 2. On rights-of-way within three miles of the  
13 corporate limits of a city.

14 3. To promote native species of vegetation or  
15 other long-lived and adaptable vegetation.

16 4. For establishing control of damaging insect  
17 populations, noxious weeds, and invader plant species.

18 5. For visibility and safety reasons."

Amendment H-8240 was adopted.

Brauns of Muscatine moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2499)

The ayes were, 86:

Arnold	Barry	Bell	Blodgett
Boddicker	Bogges	Bradley	Brand
Brauns	Brunhorst	Bukta	Burnett
Carroll	Cataldo	Chiodo	Churchill
Cohoon	Connors	Corbett, Spkr.	Cormack
Dix	Doderer	Dolecheck	Dotzler
Drake	Drees	Eddie	Falck
Foege	Ford	Frevert	Garman
Gipp	Greig	Greiner	Gries
Hahn	Heaton	Holmes	Holveck
Houser	Huseman	Huser	Jenkins
Jochum	Kinzer	Klemme	Koenigs
Kremer	Lamberti	Larkin	Larson
Lord	Martin	Mascher	May
Mertz	Metcalf	Meyer	Millage
Mundie	Murphy	Myers	Nelson
Osterhaus	Rayhons	Reynolds-Knight	Scherrman
Schrader	Siegrist	Sukup	Taylor
Teig	Thomas	Tyrrell	Van Fossen
Van Maanen	Vande Hoef	Veenstra	Warnstadt
Weidman	Weigel	Welter	Whitead
Wise	Rants,		
	Presiding		

The nays were, 9:

Bernau  
Moreland  
Witt

Chapman  
O'Brien

Fallon  
Richardson

Kreiman  
Shoultz

Absent or not voting, 5:

Dinkla  
Thomson

Grundberg

Hansen

Jacobs

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 2499** be immediately messaged to the Senate.

### MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 5, 1998, passed the following bill in which the concurrence of the House is asked:

Senate File 2315, a bill for an act eliminating a report of land acquisitions and exchanges by a county conservation board.

Also: That the Senate has on March 5, 1998, passed the following bill in which the concurrence of the House is asked:

Senate File 2324, a bill for an act relating to the allocation of cost-share monies as financial incentives to encourage summer construction of permanent soil and water conservation practices.

Also: That the Senate has on March 5, 1998, passed the following bill in which the concurrence of the House is asked:

Senate File 2340, a bill for an act relating to the Iowa egg council and to an assessment on the sale of eggs for support of the council.

MARY PAT GUNDERSON, Secretary

### REMOVED FROM SPECIAL ORDER CALENDAR

(House File 2494)

Siegrist of Pottawattamie asked and received unanimous consent to remove House File 2494 from the special order calendar and that the bill be placed on the regular calendar.

### HOUSE FILE 2411 REFERRED

The Speaker announced that House File 2411, presently on the calendar was referred to committee on **appropriations**.

## EXPLANATIONS OF VOTE

I was necessarily absent from the House chamber on March 4, 1998. Had I been present, I would have voted "aye" on House File 2120.

CARROLL of Poweshiek

I was necessarily absent from the House chamber on March 3, 1998. Had I been present, I would have voted "aye" on House File 2340.

MORELAND of Wapello

## SUBCOMMITTEE ASSIGNMENTS

**Senate File 347**

Natural Resources: Huseman, Chair; Bell and Weidman.

**Senate File 530**

Commerce and Regulation: Metcalf, Chair; Koenigs and Larson.

**Senate File 2037**

State Government: Van Fossen, Chair; Cataldo and Jacobs.

**Senate File 2061**

Ways and Means: Dix, Chair; Lamberti and Richardson.

**Senate File 2218**

Transportation: Rayhons, Chair; Brauns and Drees.

**Senate File 2254**

Local Government: Huseman, Chair; Arnold and Fallon.

**Senate File 2257**

Transportation: Welter, Chair; Blodgett and May.

**Senate File 2261**

Human Resources: Kremer, Chair; Foegen and Van Maanen.

**Senate File 2286**

State Government: Nelson, Chair; Jacobs and Whitehead.

**Senate File 2287**

Human Resources: Houser, Chair; Brand and Carroll.

**Senate File 2294**

Natural Resources: Rayhons, Chair; Greig and Mertz.

**Senate File 2321**

Labor and Industrial Relations: Dix, Chair; Holmes and Kinzer.

**Senate File 2338**

Human Resources: Carroll, Chair; Murphy and Veenstra.

**HOUSE STUDY BILL COMMITTEE ASSIGNMENT****H.S.B. 696 Ways and Means**

Relating to the definition of certain "commercial property" and to the assessment of land located in a mobile home park for purposes of property taxation and providing for the Act's applicability.

**COMMITTEE RECOMMENDATIONS**

**MR. SPEAKER:** The Chief Clerk of the House respectfully reports that the following committee recommendations have been received and are on file in the office of the Chief Clerk.

**ELIZABETH A. ISAACSON**  
Chief Clerk of the House

**COMMITTEE ON COMMERCE AND REGULATION**

**Senate File 2162**, a bill for an act relating to the definition of the federal Truth in Lending Act in the Iowa consumer credit code.

Fiscal Note is not required.

Recommended **Do Pass** March 5, 1998.

**COMMITTEE ON JUDICIARY**

**Senate File 2136**, a bill for an act relating to statutory corrections which may adjust language to reflect current practices, insert earlier omissions, delete redundancies and inaccuracies, delete temporary language, resolve inconsistencies and conflicts, update ongoing provisions, or remove ambiguities, and providing effective and retroactive applicability dates.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H-8264** March 5, 1998.



## AMENDMENTS FILED

H—8244	H.F.	667	Millage of Scott
H—8245	H.F.	2386	Whitead of Woodbury
H—8246	H.F.	2494	Koenigs of Mitchell
H—8247	H.F.	2494	Mundie of Webster
H—8248	H.F.	2494	Scherrman of Dubuque
H—8249	H.F.	2494	Scherrman of Dubuque
H—8250	H.F.	2494	Scherrman of Dubuque
H—8251	H.F.	2505	Blodgett of Cerro Gordo
H—8252	H.F.	2514	Blodgett of Cerro Gordo
H—8253	H.F.	2494	Mundie of Webster
H—8254	H.F.	2472	Vande Hoef of Osceola
H—8255	H.F.	2494	Kreiman of Davis
H—8256	H.F.	667	Kreiman of Davis
H—8257	H.F.	2424	Vande Hoef of Osceola
H—8258	H.F.	2424	Vande Hoef of Osceola
			Weidman of Cass
Arnold of Lucas			Cataldo of Polk
Taylor of Linn			Mertz of Kossuth
Connors of Polk			
Drake of Pottawattamie			
H—8259	H.F.	2494	Mundie of Webster
H—8260	H.F.	2494	Koenigs of Mitchell
H—8261	H.F.	2494	Mundie of Webster
H—8262	H.F.	2494	Heaton of Henry
H—8263	H.F.	2494	Mundie of Webster
H—8264	S.F.	2136	Committee on Judiciary
H—8265	H.F.	2494	Mundie of Webster
H—8266	H.F.	2504	Kreiman of Davis
H—8267	H.F.	2494	Mundie of Webster

On motion by Siegrist of Pottawattamie, the House adjourned at 4:20 p.m., until 9:00 a.m., Friday, March 6, 1998.

# JOURNAL OF THE HOUSE

Fifty-fourth Calendar Day - Thirty-seventh Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Friday, March 6, 1998

The House met pursuant to adjournment at 9:05 a.m., Greiner of Washington in the chair.

Prayer was offered by Alyce Elmitt, House Recording Clerk.

The Journal of Thursday, March 5, 1998 was approved.

## INTRODUCTION OF BILL

**House File 2533**, 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, and the state board of regents, providing related statutory changes, 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 March 5, 1998, passed the following bill in which the concurrence of the House is asked:

Senate File 2292, a bill for an act relating to the sex offender registry and providing for the Act's applicability.

Also: That the Senate has on March 5, 1998, passed the following bill in which the concurrence of the House is asked:

Senate File 2398, a bill for an act relating to the confinement and treatment of sex offenders.

MARY PAT GUNDERSON, Secretary

## SENATE MESSAGES CONSIDERED

**Senate File 2088**, by Freeman, a bill for an act supporting drainage districts, by extending the period when certain contracts must be let, and providing an effective date.

Read first time and referred to committee on **agriculture**.

**Senate File 2160**, by Borlaug, a bill for an act establishing a state protocol officer.

Read first time and referred to committee on **state government**.

**Senate File 2198**, by Borlaug, a bill for an act relating to the development of protocol to be used for international visitors.

Read first time and referred to committee on **state government**.

**Senate File 2315**, by committee on natural resources and environment, a bill for an act eliminating a report of land acquisitions and exchanges by a county conservation board.

Read first time and referred to committee on **local government**.

**Senate File 2324**, by committee on agriculture, a bill for an act relating to the allocation of cost-share moneys as financial incentives to encourage summer construction of permanent soil and water conservation practices.

Read first time and **passed on file**.

**Senate File 2340**, by committee on agriculture, a bill for an act relating to the Iowa egg council and to an assessment on the sale of eggs for support of the council.

Read first time and **passed on file**.

**Senate File 2366**, by committee on appropriations, a bill for an act relating to the licensing and employment of practitioners and the school districts employing them, making appropriations, and including retroactive applicability and effective date provisions.

Read first time and referred to committee on **education**.

**Senate File 2372**, by committee on local government, a bill for an act relating to the standard uniforms of sheriffs and deputy sheriffs.

Read first time and **passed on file**.

**Senate File 2397**, by committee on commerce, a bill for an act relating to the operation and regulation of certain insurance companies, miscellaneous provisions relating to small group health care coverage, the ability of certain insurers to bring an action in certain instances, and the elimination of countersigning resident agent provisions.

Read first time and referred to committee on **commerce and regulation**.

**Senate File 2406**, by committee on appropriations, a bill for an act establishing a school ready children grant program to be administered by community empowerment area boards and the Iowa

empowerment board, making an appropriation, and providing an effective date.

Read first time and referred to committee on **education**.

### 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

1998\234 Steven A. Reben, Pleasant Hill – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.

### SUBCOMMITTEE ASSIGNMENT

#### House File 2532

State Government: Tyrrell, Chair; Larkin and Van Fossen.

On motion by Metcalf of Polk, the House adjourned at 9:10 a.m., until 1:00 p.m., Monday, March 9, 1998.

# JOURNAL OF THE HOUSE

Fifty-seventh Calendar Day - Thirty-eighth Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Monday, March 9, 1998

The House met pursuant to adjournment at 1:10 p.m., Speaker pro tempore Van Maanen of Marion in the chair.

Prayer was offered by the Honorable Robert Osterhaus, state representative from Jackson County.

The Journal of Friday, March 6, 1998, was approved.

## PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by the Honorable Marcella Frevert, state representative from Palo Alto County.

On motion by Gipp of Winneshiek, the House adjourned at 1:13 p.m., until 8:45 a.m., Tuesday, March 10, 1998.

# JOURNAL OF THE HOUSE

Fifty-eighth Calendar Day - Thirty-ninth Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Tuesday, March 10, 1998

The House met pursuant to adjournment at 9:10 a.m., Speaker Corbett in the chair.

Prayer was offered by Elizabeth Isaacson, Chief Clerk of the House.

The Journal of Monday, March 9, 1998 was approved.

## SENATE MESSAGES CONSIDERED

**Senate File 2292**, by committee on judiciary, a bill for an act relating to the sex offender registry and providing for the Act's applicability.

Read first time and referred to committee on **judiciary**.

**Senate File 2398**, by committee on judiciary, a bill for an act relating to the confinement and treatment of sex offenders.

Read first time and referred to committee on **judiciary**.

## QUORUM CALL

A non-record roll call was requested to determine that a quorum was present. The vote revealed forty-eight members present, fifty-two absent.

On motion by Siegrist of Pottawattamie, the House was recessed at 9:18 a.m., until 1:00 p.m.

## AFTERNOON SESSION

The House reconvened at 1:08 p.m., Speaker Corbett in the chair.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Thomson of Linn on request of Siegrist of Pottawattamie; Bernau of Story and Burnett of Story on request of Schrader of Marion; Kreiman of Davis on request of Moreland of Wapello.

## QUORUM CALL

A non-record roll call was requested to determine that a quorum was present. The vote revealed ninety-one members present, nine absent.

## MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 5, 1998, adopted the following resolution in which the concurrence of the House is asked:

Senate Concurrent Resolution 110, a concurrent resolution relating to the increased utilization of the Rock Island Arsenal.

MARY PAT GUNDERSON, Secretary

## CONSIDERATION OF BILLS

## Regular Calendar

**House File 2443**, a bill for an act relating to state workers' compensation coverage for students at a community college participating in school-to-work programs, with report of committee recommending passage, was taken up for consideration.

Barry of Harrison moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2443)

The ayes were, 93:

Arnold	Barry	Bell	Blodgett
Boddicker	Bogges	Bradley	Brand
Brauns	Brunkhorst	Bukta	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	Huseman
Huser	Jacobs	Jenkins	Jochum
Kinzer	Klemme	Koenigs	Kremer
Lamberti	Lord	Martin	Mascher
May	Mertz	Metcalf	Meyer
Millage	Moreland	Mundie	Murphy
Myers	Nelson	O'Brien	Osterhaus
Rants	Rayhons	Reynolds-Knight	Richardson
Scherrman	Schrader	Shoultz	Siegrist
Sukup	Taylor	Teig	Thomas
Tyrrell	Van Fossen	Van Maanen	Vande Hoef
Veenstra	Warnstadt	Weidman	Weigel
Welter	Whitead	Wise	Witt
Mr. Speaker			
Corbett			

The nays were, none.

Absent or not voting, 7:

Bernau	Burnett	Houser	Kreiman
Larkin	Larson	Thomson	

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

**House File 2408**, a bill for an act relating to anatomical gifts by modifying certain qualification requirements for hospital reimbursement grants and requiring submission of an annual donation and compliance report, was taken up for consideration.

### SENATE FILE 2285 SUBSTITUTED FOR HOUSE FILE 2408

Blodgett of Cerro Gordo asked and received unanimous consent to substitute Senate File 2285 for House File 2408.

**Senate File 2285**, a bill for an act relating to anatomical gifts by modifying certain qualification requirements for hospital reimbursement grants and requiring submission of an annual donation and compliance report, was taken up for consideration.

Blodgett of Cerro Gordo moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2285)

The ayes were, 93:

Arnold	Barry	Bell	Blodgett
Boddicker	Bogges	Bradley	Brand
Brauns	Brunkhorst	Bukta	Carroll
Cataldo	Chapman	Chiodo	Churchill
Cohon	Connors	Cormack	Dinkla
Dix	Doderer	Dolecheck	Dotzler
Drake	Drees	Eddie	Falck
Fallon	Foege	Ford	Frevert
Garman	Gipp	Greig	Greiner
Gries	Grundberg	Hahn	Hansen
Heaton	Holmes	Holveck	Huseman
Huser	Jacobs	Jenkins	Jochum
Kinzer	Klemme	Koenigs	Kremer
Lamberti	Lord	Martin	Mascher
May	Mertz	Metcalf	Meyer
Millage	Moreland	Mundie	Murphy
Myers	Nelson	O'Brien	Osterhaus
Rants	Rayhons	Reynolds-Knight	Richardson



Scherrman	Schrader	Shoultz	Siegrist
Sukup	Taylor	Teig	Thomas
Tyrrell	Van Fossen	Van Maanen	Vande Hoef
Veenstra	Warnstadt	Weidman	Weigel
Welter	Whitead	Wise	Witt
Mr. Speaker			
Corbett			

The nays were, none.

Absent or not voting, 7:

Bernau	Burnett	Houser	Kreiman
Larkin	Larson	Thomson	

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

### HOUSE FILE 2408 WITHDRAWN

Blodgett of Cerro Gordo asked and received unanimous consent to withdraw House File 2408 from further consideration by the House.

**House File 2465**, a bill for an act relating to workers' compensation by changing the name of the division and personnel responsible, providing for the commencement of compensation during a healing period, and providing for reporting requirements, was taken up for consideration.

Gipp of Winneshiek in the chair at 1:32 p.m.

Holmes of Scott moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2465)

The ayes were, 93:

Arnold	Barry	Bell	Blodgett
Boddicker	Boggess	Bradley	Brand
Brauns	Brunkhorst	Bukta	Carroll
Cataldo	Chapman	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	Huseman
Huser	Jacobs	Jenkins	Jochum
Kinzer	Klemme	Koenigs	Kremer

Lamberti	Lord	Martin	Mascher
May	Mertz	Metcalf	Meyer
Millage	Moreland	Mundie	Murphy
Myers	Nelson	O'Brien	Osterhaus
Rants	Rayhons	Reynolds-Knight	Richardson
Scherrman	Schrader	Shoultz	Siegrist
Sukup	Taylor	Teig	Thomas
Tyrrell	Van Fossen	Van Maanen	Vande Hoef
Veenstra	Warnstadt	Weidman	Weigel
Welter	Whitead	Wise	Witt
Gipp, Presiding			

The nays were, none.

Absent or not voting, 7:

Bernau	Burnett	Houser	Kreiman
Larkin	Larson	Thomson	

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

### IMMEDIATE MESSAGES

Siegrist of Pottawattamie asked and received unanimous consent that the following bills be immediately messaged to the Senate: **Senate File 2285, House Files 2443 and 2465.**

**House File 667**, a bill for an act relating to the Iowa administrative procedure Act and providing an effective and applicability date, with report of committee recommending passage was taken up for consideration.

Millage of Scott asked and received unanimous consent to withdraw amendment H-1682 filed by him on April 10, 1997.

Dinkla of Guthrie asked and received unanimous consent to withdraw amendment H-1452 filed by him on March 27, 1997, placing amendment H-1553 filed by Rants of Woodbury on April 3, 1997, out of order.

Millage of Scott offered the following amendment H-8256 filed by Kreiman of Davis and moved its adoption:

H-8256

- 1 Amend House File 667 as follows:
- 2 1. Page 10, line 18, by inserting after the word
- 3 "provided." the following: "Agencies shall make
- 4 available to the public, to the maximum extent

5 feasible, the published summary and the full text of  
6 the regulatory analysis described in this subsection  
7 in an electronic format, including, but not limited  
8 to, access to the documents through the internet.”

Amendment H-8256 was adopted.

Rants of Woodbury offered the following amendment H-1637 filed by him and moved its adoption:

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.

Amendment H-1637 was adopted.

Millage of Scott offered the following amendment H-8244 filed by him and moved its adoption:

H-8244

- 1 Amend House File 667 as follows:
- 2 1. Page 32, line 18, by inserting after the word
- 3 "Code" the following: "Supplement".
- 4 2. Page 33, line 24, by striking the figure
- 5 "1998" and inserting the following: "1999".

Amendment H-8244 was adopted.

Millage of Scott moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 667)

The ayes were, 89:

Arnold	Barry	Bell	Blodgett
Boddicker	Boguess	Bradley	Brand
Brauns	Brunkhorst	Bukta	Carroll
Cataldo	Chapman	Chiodo	Churchill
Cohoon	Connors	Corbett, Spkr.	Cormack
Dinkla	Dix	Dolecheck	Dotzler
Drees	Eddie	Fallon	Foege
Ford	Frevert	Garman	Greig
Greiner	Gries	Grundberg	Hahn
Hansen	Heaton	Holmes	Holveck
Huseman	Huser	Jacobs	Jenkins
Jochum	Kinzer	Klemme	Koenigs
Kremer	Lamberti	Lord	Martin
Mascher	May	Mertz	Metcalf
Meyer	Millage	Moreland	Mundie
Murphy	Myers	Nelson	O'Brien
Osterhaus	Rants	Rayhons	Reynolds-Knight
Richardson	Scherrman	Schrader	Shoultz
Siegrist	Sukup	Taylor	Teig
Thomas	Tyrrell	Van Maanen	Vande Hoef
Veenstra	Warnstadt	Weidman	Weigel
Welter	Whitead	Wise	Witt
Gipp,			
Presiding			

The nays were, none.

Absent or not voting, 11:

Bernau	Burnett	Doderer	Drake
Falck	Houser	Kreiman	Larkin
Larson	Thomson	Van Fossen	

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

**House File 2136**, a bill for an act relating to agricultural drainage wells, by extending the date for complying with certain requirements, with report of committee recommending passage, was taken up for consideration.

Mertz of Kossuth moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2136)

The ayes were, 91:

Arnold	Barry	Bell	Blodgett
Boddicker	Bogges	Bradley	Brand
Brauns	Brunkhorst	Bukta	Carroll
Cataldo	Chiodo	Churchill	Cohon
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	Huseman	Huser
Jacobs	Jenkins	Jochum	Kinzer
Klemme	Koenigs	Kremer	Lamberti
Lord	Martin	Mascher	May
Mertz	Metcalf	Meyer	Millage
Moreland	Mundie	Murphy	Myers
Nelson	O'Brien	Osterhaus	Rants
Rayhons	Reynolds-Knight	Richardson	Scherrman
Schrader	Shoultz	Siegrist	Sukup
Taylor	Teig	Thomas	Tyrrell
Van Maanen	Vande Hoef	Veenstra	Warnstadt
Weidman	Weigel	Welter	Whitead
Wise	Witt	Gipp,	
		Presiding	

The nays were, none.

Absent or not voting, 9:

Bernau	Burnett	Chapman	Houser
Kreiman	Larkin	Larson	Thomson
Van Fossen			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

#### HOUSE FILE 2249 WITHDRAWN

Millage of Scott asked and received unanimous consent to withdraw House File 2249 from further consideration by the House.

## IMMEDIATE MESSAGES

Siegrist of Pottawattamie asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Files 667 and 2136.**

**House File 2317**, a bill for an act relating to drainage districts, by providing for the maintenance, repair, or replacement of improvements within drainage districts, with report of committee recommending passage, was taken up for consideration.

Mertz of Kossuth moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2317)

The ayes were, 90:

Arnold	Barry	Bell	Blodgett
Boddicker	Boggess	Bradley	Brand
Brauns	Brunkhorst	Bukta	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	Holmes
Holveck	Huseman	Huser	Jacobs
Jenkins	Jochum	Kinzer	Klemme
Koenigs	Kremer	Lamberti	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	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, 10:

Bernau	Burnett	Chapman	Heaton
Houser	Kreiman	Larkin	Larson
Mundie	Thomson		

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

**House File 2324**, a bill for an act relating to the statutory elements of certain forms of assault, was taken up for consideration.

Veenstra of Sioux moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2324)

The ayes were, 91:

Arnold	Barry	Bell	Blodgett
Boddicker	Bogges	Brand	Brauns
Brunkhorst	Bukta	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	Huseman	Huser	Jacobs
Jenkins	Jochum	Kinzer	Klemme
Koenigs	Kremer	Lamberti	Lord
Martin	Mascher	May	Mertz
Metcalf	Meyer	Millage	Moreland
Mundie	Murphy	Myers	Nelson
O'Brien	Osterhaus	Rants	Rayhons
Reynolds-Knight	Richardson	Scherrman	Schrader
Shoultz	Siegrist	Sukup	Taylor
Teig	Thomas	Tyrrell	Van Fossen
Van Maanen	Vande Hoef	Veenstra	Warnstadt
Weidman	Weigel	Welter	Whitead
Wise	Witt	Gipp,	
		Presiding	

The nays were, none.

Absent or not voting, 9:

Bernau	Bradley	Burnett	Chapman
Houser	Kreiman	Larkin	Larson
Thomson			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

**House File 2353**, a bill for an act relating to exemptions from distinguishing registration plates for motor vehicles, was taken up for consideration.

Eddie of Buena Vista moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2353)

The ayes were, 91:

Arnold	Barry	Bell	Blodgett
Boddicker	Boggess	Bradley	Brand
Brauns	Brunkhorst	Bukta	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	Huseman	Huser
Jacobs	Jenkins	Jochum	Kinzer
Klemme	Koenigs	Kremer	Lamberti
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	Tyrrell	Van Fossen
Van Maanerg	Vande Hoef	Veenstra	Warnstadt
Weidman	Weigel	Welter	Whitead
Wise	Witt	Gipp,	
		Presiding	

The nays were, 1:

Siegrist

Absent or not voting, 8:

Bernau	Burnett	Chapman	Houser
Kreiman	Larkin	Larson	Thomson

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

#### IMMEDIATE MESSAGES

Siegrist of Pottawattamie asked and received unanimous consent that the following bills be immediately messaged to the Senate: House Files 2317, 2324 and 2353.



**House File 2370**, a bill for an act relating to regulatory duties under the purview of the Iowa department of public health concerning substance abuse treatment facilities, brain and spinal cord injuries and the advisory committee on brain injuries, the technical advisory committee for operators of radiation machines and users of radioactive materials, applicant requirements for funeral director licensure, cosmetology salon licenses, the council on chemically exposed infants and children, advertising prohibitions on licensed chiropractors, and county claims for payment of certain autopsies costs, was taken up for consideration.

Nelson of Marshall offered the following amendment H-8229 filed by her and moved its adoption:

H-8229

- 1 Amend House File 2370 as follows:
- 2 1. Page 1, by striking lines 2 through 13 and
- 3 inserting the following: "amended by striking the
- 4 subsection."
- 5 2. Title page, line 2, by striking the words
- 6 "substance abuse".
- 7 3. Title page, line 3, by striking the words
- 8 "treatment facilities,".

Amendment H-8229 was adopted.

Nelson of Marshall moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2370)

The ayes were, 91:

Arnold	Barry	Bell	Blodgett
Boddicker	Bogges	Bradley	Brand
Brauns	Brunkhorst	Bukta	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	Huseman	Huser
Jacobs	Jenkins	Jochum	Kinzer
Klemme	Koenigs	Kremer	Lamberti
Lord	Martin	Mascher	May
Mertz	Metcalf	Meyer	Millage

Moreland	Mundie	Murphy	Myers
Nelson	O'Brien	Osterhaus	Rants
Rayhons	Reynolds-Knight	Richardson	Scherrman
Schrader	Shoultz	Siegrist	Sukup
Taylor	Thomas	Tyrrell	Van Fossen
Van Maanen	Vande Hoef	Veenstra	Warnstadt
Weidman	Weigel	Welter	Whitead
Wise	Witt	Gipp, Presiding	

The nays were, none.

Absent or not voting, 9:

Bernau	Burnett	Chapman	Houser
Kreiman	Larkin	Larson	Teig
Thomson			

The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

**House File 2350**, a bill for an act relating to the voluntary admission and release of persons suffering from dementia or a dementia-related illness to inpatient psychiatric treatment, 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?" (H.F. 2350)

The ayes were, 88:

Arnold	Barry	Bell	Blodgett
Boddicker	Boggest	Bradley	Brand
Brauns	Bukta	Cataldo	Chiodo
Churchill	Cphoon	Connors	Corbett, Spkr.
Cormack	Dinkla	Dix	Doderer
Dolecheck	Dotzler	Drake	Drees
Eddie	Falck	Fallon	Foege
Ford	Frevort	Garman	Greig
Greiner	Gries	Grundberg	Hahn
Hansen	Heaton	Holmes	Holveck
Huseman	Huser	Jacobs	Jenkins
Jochum	Kinzer	Klemme	Koenigs
Kremer	Lamberti	Lord	Martin
Mascher	May	Mertz	Metcalf
Meyer	Millage	Moreland	Mundie
Murphy	Myers	Nelson	O'Brien
Osterhaus	Rants	Rayhons	Reynolds-Knight
Richardson	Scherrman	Schrader	Siegrist

Sukup	Taylor	Teig	Thomas
Tyrrell	Van Fossen	Van Maanen	Vande Hoef
Veenstra	Warnstadt	Weidman	Weigel
Welter	Whitead	Wise	Gipp, Presiding

The nays were, 1:

Witt

Absent or not voting, 11:

Bernau	Brunkhorst	Burnett	Carroll
Chapman	Houser	Kreiman	Larkin
Larson	Shultz	Thomson	

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

**House File 2410**, a bill for an act relating to the removing, sale, or purchase of war relics from a cemetery and providing penalties, was taken up for consideration.

Van Maanen of Marion moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2410)

The ayes were, 90:

Arnold	Barry	Bell	Blodgett
Boddicker	Bogges	Bradley	Brand
Brauns	Brunkhorst	Bukta	Carroll
Cataldo	Chiodo	Churchill	Cohoon
Connors	Corbett, Spkr.	Cormack	Dinkla
Dix	Doderer	Dolecheck	Dotzler
Drake	Drees	Eddie	Falck
Fallon	Foege	Ford	Frevort
Garman	Greig	Greiner	Gries
Grundberg	Hahn	Hansen	Heaton
Holmes	Holveck	Huseman	Huser
Jacobs	Jenkins	Jochum	Kinzer
Klemme	Koenigs	Kremer	Lamberti
Lord	Martin	Mascher	May
Mertz	Metcalf	Meyer	Moreland
Mundie	Murphy	Myers	Nelson
O'Brien	Osterhaus	Rants	Rayhons
Reynolds-Knight	Richardson	Scherrman	Schrader
Siegrist	Sukup	Taylor	Teig
Thomas	Tyrrell	Van Fossen	Van Maanen
Vande Hoef	Veenstra	Warnstadt	Weidman

Weigel  
Witt

Welter  
Gipp,  
Presiding

Whitead

Wise

The nays were, none.

Absent or not voting, 10:

Bernau  
Kreiman  
Shultz

Burnett  
Larkin  
Thomson

Chapman  
Larson

Houser  
Millage

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

### IMMEDIATE MESSAGES

Siegrist of Pottawattamie asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Files 2370, 2350 and 2410.**

**House File 2473**, a bill for an act providing for mediation in disputes involving agricultural producers, was taken up for consideration.

Sukup of Franklin moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2473)

The ayes were, 93:

Arnold  
Boddicker  
Brauns  
Carroll  
Cohoon  
Dinkla  
Dotzler  
Falck  
Frevort  
Gries  
Heaton  
Huser  
Kinzer  
Lamberti  
May  
Millage  
Myers  
Rants  
Scherrman  
Sukup

Barry  
Boggess  
Brunkhorst  
Cataldo  
Connors  
Dix  
Drake  
Fallon  
Garman  
Grundberg  
Holmes  
Jacobs  
Klemme  
Lord  
Mertz  
Moreland  
Nelson  
Rayhons  
Schrader  
Taylor

Bell  
Bradley  
Bukta  
Chiodo  
Corbett, Spkr.  
Doderer  
Drees  
Foege  
Greig  
Hahn  
Holveck  
Jenkins  
Koenigs  
Martin  
Metcalf  
Mundie  
O'Brien  
Reynolds-Knight  
Shultz  
Teig

Blodgett  
Brand  
Burnett  
Churchill  
Cormack  
Dolecheck  
Eddie  
Ford  
Greiner  
Hansen  
Huseman  
Jochum  
Kremer  
Mascher  
Meyer  
Murphy  
Osterhaus  
Richardson  
Siegrist  
Thomas

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, 7:

Bernau	Chapman	Houser	Kreiman
Larkin	Larson	Thomson	

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

**House File 2492**, a bill for an act relating to drainage districts, by extending the period for financing repairs and improvements, was taken up for consideration.

Mundie of Webster moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2492)

The ayes were, 91:

Arnold	Barry	Bell	Blodgett
Boddicker	Bogges	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	Huseman
Huser	Jacobs	Jenkins	Kinzer
Klemme	Koenigs	Kremer	Lamberti
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	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, 9:

Bernau	Chapman	Houser	Jochum
Kreiman	Larkin	Larson	Rayhons
Thomson			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

**House File 2297**, a bill for an act relating to authorized investments by insurance companies in obligations of foreign governments and foreign corporations, was taken up for consideration.

### SENATE FILE 2279 SUBSTITUTED FOR HOUSE FILE 2297

Brunkhorst of Bremer asked and received unanimous consent to substitute Senate File 2279 for House File 2297.

**Senate File 2279**, a bill for an act relating to authorized investments by insurance companies in obligations of foreign governments and foreign corporations, was taken up for consideration.

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. 2279)

The ayes were, 93:

Arnold	Barry	Bell	Blodgett
Boddicker	Bogges	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
Holmes	Holveck	Huseman	Huser
Jacobs	Jenkins	Jochum	Kinzer
Klemme	Koenigs	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	Shultz	Siegrist
Sukup	Taylor	Teig	Thomas

Tyrrell  
Veenstra  
Welter  
Gipp,  
Presiding

Van Fossen  
Warnstadt  
Whitead

Van Maanen  
Weidman  
Wise

Vande Hoef  
Weigel  
Witt

The nays were, none.

Absent or not voting, 7:

Bernau  
Kreiman

Chapman  
Larkin

Heaton  
Thomson

Houser

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

### HOUSE FILE 2297 WITHDRAWN

Brunkhorst of Bremer asked and received unanimous consent to withdraw House File 2297 from further consideration by the House.

### IMMEDIATE MESSAGES

Barry of Harrison asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Files 2473, 2492, and Senate File 2279.**

**House File 2455**, a bill for an act relating to involvement of federal military installations with child abuse assessments, was taken up for consideration.

Boddicker of Cedar moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2455)

The ayes were, 93:

Arnold  
Boddicker  
Brauns  
Carroll  
Cohoon  
Dinkla  
Dotzler  
Falck  
Frevert  
Gries  
Heaton  
Huser  
Kinzer

Barry  
Bogges  
Brunkhorst  
Cataldo  
Connors  
Dix  
Drake  
Fallon  
Garman  
Grundberg  
Holmes  
Jacobs  
Klemme

Bell  
Bradley  
Bukta  
Chiodo  
Corbett, Spkr.  
Doderer  
Drees  
Foege  
Greig  
Hahn  
Holveck  
Jenkins  
Koenigs

Blodgett  
Brand  
Burnett  
Churchill  
Cormack  
Dolecheck  
Eddie  
Ford  
Greiner  
Hansen  
Huseman  
Jochum  
Kremer

Lamberti	Larson	Lord	Martin
Mascher	May	Mertz	Metcalf
Meyer	Millage	Moreland	Mundie
Murphy	Myers	Nelson	O'Brien
Osterhaus	Rants	Rayhons	Reynolds-Knight
Richardson	Scherrman	Schrader	Shoultz
Siegrist	Sukup	Teig	Thomas
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, 7:

Bernau	Chapman	Houser	Kreiman
Larkin	Taylor	Thomson	

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

**House File 2527**, a bill for an act providing for victim rights, providing for penalties, and an effective date, was taken up for consideration.

Churchill of Polk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2527)

The ayes were, 93:

Arnold	Barry	Bell	Blodgett
Boddicker	Bogges	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	Huseman
Huser	Jacobs	Jenkins	Jochum
Kinzer	Klemme	Koenigs	Kremer
Lamberti	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
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, 7:

Bernau	Chapman	Houser	Kreiman
Larkin	Metcalf	Thomson	

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

### IMMEDIATE MESSAGES

Siegrist of Pottawattamie asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Files 2455 and 2527.**

**House File 2251**, a bill for an act relating to public health by providing for the regulation of body piercing and providing a penalty, with report of committee recommending passage, was taken up for consideration.

Witt of Black Hawk offered amendment H-8162 filed by him as follows:

H-8162

- 1 Amend House File 2251 as follows:
- 2 1. Page 1, by inserting after line 35 the
- 3 following:
- 4 "6. The provisions of this section shall not apply
- 5 to persons who perform body piercing pursuant to a
- 6 recognized religious doctrine or cultural practice
- 7 upon persons for whom the undergoing of body piercing
- 8 has religious or cultural significance. The
- 9 performance of body piercing pursuant to this
- 10 subsection shall, however, be subject to review by the
- 11 Iowa department of public health regarding the
- 12 existence of an asserted religious doctrine or
- 13 cultural practice, and whether minimum safety and
- 14 sanitation standards are being observed."

Carroll of Poweshiek offered the following amendment H-8276, to amendment H-8162, filed by him from the floor and moved its adoption:

H-8276

1 Amend the amendment, H-8162, to House File 2251 as  
2 follows:

3 1. Page 1, by inserting after line 1 the  
4 following:

5 "\_\_\_ Page 1, line 7, by inserting after the word  
6 "health." the following: "For the purposes of this  
7 section, "body piercing" means the piercing of the  
8 human body, other than the ear lobe, for purposes of  
9 ornamentation or pursuant to religious or cultural  
10 tradition."

11 \_\_\_ Page 1, line 10, by striking the word  
12 "minor." and inserting the following: "minor, without  
13 the consent of a parent or guardian."

14 \_\_\_ Page 1, line 17, by striking the words  
15 "establish and" and inserting the following:  
16 "establish,".

17 \_\_\_ Page 1, line 18, by inserting after the word  
18 "collect" the following: ", and retain".

19 \_\_\_ Page 1, by inserting after line 22 the  
20 following:

21 "c. Establish minimum standards for individuals  
22 performing body piercing."

23 \_\_\_ Page 1, line 26, by striking the word "may"  
24 and inserting the following: "shall have the  
25 authority to".

26 2. By renumbering as necessary.

Amendment H-8276, to amendment H-8162, was adopted.

Witt of Black Hawk moved the adoption of amendment H-8162, as amended.

Amendment H-8162, as amended, was adopted placing amendment H-8275 filed by Bernau of Story and Carroll of Poweshiek from the floor, out of order.

Carroll of Poweshiek moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2251)

The ayes were, 91:

Arnold	Barry	Bell	Blodgett
Boddicker	Bogges	Bradley	Brand
Brauns	Brunkhorst	Bukta	Burnett
Carroll	Cataldo	Chiodo	Churchill
Cohoon	Connors	Corbett, Spkr.	Cormack
Dinkla	Dix	Dolecheck	Dotzler
Drake	Drees	Eddie	Falck

Foegé	Ford	Frevert	Garman
Greig	Greiner	Gries	Hahn
Hansen	Heaton	Holmes	Holveck
Huseman	Huser	Jacobs	Jenkins
Jochum	Kinzer	Klemme	Koenigs
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	Tyrrell	Van Fossen
Van Maanen	Vande Hoef	Veenstra	Warnstadt
Weidman	Weigel	Welter	Whitead
Wise	Witt	Gipp, Presiding	

The nays were, 2:

Doderer                      Fallon

Absent or not voting, 7:

Bernau                      Chapman                      Grundberg                      Houser  
Kreiman                      Larkin                      Thomson

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

**House File 2424**, a bill for an act providing for the expansion of the system of issuance of motor vehicle licenses by county treasurers, was taken up for consideration.

Bradley of Clinton offered amendment H-8217 filed by Bradley, et al., as follows:

H-8217

- 1 Amend House File 2424 as follows:
- 2 1. Page 14, by inserting before line 16 the
- 3 following:
- 4 "Sec. \_\_\_\_ REQUEST FOR PROPOSALS AND RESPONSES.
- 5 The state department of transportation shall issue a
- 6 request for proposals for the digitized photolicensing
- 7 equipment contract period beginning January 1, 2000,
- 8 on a schedule that shall make available responses to
- 9 the request for proposals, and an analysis of the
- 10 response from the successful bidder, to the first
- 11 session of the Seventy-eighth General Assembly no
- 12 later than January 2, 1999. The proposal shall
- 13 require responses on two options. One option shall be

14 issuance of motor vehicle licenses by Adams, Cass,  
 15 Fremont, Mills, Montgomery, and Page counties with the  
 16 department authorized to issue motor vehicle licenses  
 17 in all remaining ninety-three counties. Option two  
 18 shall be issuance of motor vehicle licenses by Adams,  
 19 Cass, Fremont, Mills, Montgomery, and Page counties,  
 20 and up to forty-two additional counties who have met  
 21 the conditions of section 3 of this Act, with the  
 22 department authorized to issue motor vehicle licenses  
 23 in the remaining fifty-one counties. The first  
 24 session of the Seventy-eighth General Assembly may use  
 25 the results of the responses in making a determination  
 26 on expanding county issuance of motor vehicle licenses  
 27 and shall do so before March 1, 1999.”  
 28 2. By renumbering as necessary.

Vande Hoef of Osceola asked and received unanimous consent to withdraw amendment H-8257, to amendment H-8217, filed by him on March 5, 1998.

Bradley of Clinton moved the adoption of amendment H-8217.

Roll call was requested by Bradley of Clinton and Rants of Woodbury.

Rule 75 was invoked.

On the question “Shall amendment H-8217 be adopted?” (H.F. 2424)

The ayes were, 49:

Bell	Blodgett	Boddicker	Bradley
Brauns	Brunkhorst	Bukta	Cataldo
Chiodo	Cohoon	Corbett, Spkr.	Cormack
Dix	Doderer	Foege	Ford
Hahn	Holmes	Holveck	Huser
Jacobs	Jenkins	Jochum	Koenigs
Lamberti	Martin	Mascher	Metcalf
Meyer	Millage	Murphy	Myers
Nelson	Osterhaus	Rants	Rayhons
Richardson	Scherrman	Shoultz	Sukup
Taylor	Tyrrell	Van Fossen	Warnstadt
Weigel	Welter	Whitead	Wise
Gipp,			
Presiding			

The nays were, 45:

Arnold	Barry	Bernau	Bogges
Brand	Burnett	Carroll	Churchill
Connors	Dinkla	Dolecheck	Dotzler
Drake	Drees	Eddie	Falck
Fallon	Frevert	Garman	Greig
Greiner	Gries	Grundberg	Hansen

Heaton	Huseman	Kinzer	Klemme
Kremer	Larson	Lord	May
Mertz	Moreland	Mundie	O'Brien
Reynolds-Knight	Schrader	Siegrist	Teig
Van Maanen	Vande Hoef	Veenstra	Weidman
Witt			

Absent or not voting, 6:

Chapman	Houser	Kreiman	Larkin
Thomas	Thomson		

Amendment H-8217 was adopted.

Vande Hoef of Osceola offered the following amendment H-8258 filed by Vande Hoef, et al., and moved its adoption:

H-8258

- 1 Amend House File 2424 as follows:
- 2 1. Page 14, by inserting before line 16 the
- 3 following:
- 4 "Sec. \_\_\_\_ DISPLACED DEPARTMENTAL EMPLOYEES.
- 5 State department of transportation employees, who are
- 6 members of a collective bargaining unit and who are
- 7 displaced as a result of the implementation of this
- 8 Act, shall be covered by and dealt with according to
- 9 the provisions of the applicable collective bargaining
- 10 agreement relating to contracting, subcontracting,
- 11 outsourcing, privatization, and layoffs."
- 12 2. By renumbering as necessary.

Amendment H-8258 was adopted.

Vande Hoef of Osceola moved that the bill be read a last time <sup>now</sup> and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2424)

The ayes were, 88:

Arnold	Barry	Bell	Bernau
Blodgett	Boddicker	Boggett	Bradley
Brand	Brunkhorst	Burnett	Carroll
Cataldo	Chiodo	Churchill	Cohoon
Connors	Corbett, Spkr.	Dinkla	Dix
Doderer	Dolecheck	Dotzler	Drake
Drees	Eddie	Falck	Fallon
Foege	Ford	Frevort	Garman
Greig	Greiner	Gries	Grundberg
Hahn	Hansen	Heaton	Holmes
Huseman	Huser	Jacobs	Jenkins

Jochum	Kinzer	Klemme	Koenigs
Kremer	Lamberti	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	Van Fossen	Van Maanen	Vande Hoef
Veenstra	Warnstadt	Weidman	Weigel
Whitead	Wise	Witt	Gipp, Presiding

The nays were, 7:

Brauns	Bukta	Cormack	Holveck
Murphy	Tyrrell	Welter	

Absent or not voting, 5:

Chapman	Houser	Kreiman	Larkin
Thomson			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

### IMMEDIATE MESSAGE

Siegrist of Pottawattamie asked and received unanimous consent that **House File 2251** be immediately messaged to the Senate.

**House File 2429**, a bill for an act relating to the regulation of physical exercise clubs, 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. 2429)

The ayes were, 94:

Arnold	Barry	Bell	Bernau
Blodgett	Boddicker	Bogess	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
Huseman	Huser	Jacobs	Jenkins
Jochum	Kinzer	Klemme	Koenigs
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	Van Fossen	Van Maanen
Vande Hoef	Veenstra	Warnstadt	Weidman
Weigel	Welter	Whitead	Wise
Witt	Gipp, Presiding		

The nays were, 1:

Tyrrell

Absent or not voting, 5:

Chapman	Houser	Kreiman	Larkin
Thomson			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

### IMMEDIATE MESSAGE

Siegrist of Pottawattamie asked and received unanimous consent that **House File 2429** be immediately messaged to the Senate.

### MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 10, 1998, passed the following bill in which the concurrence of the Senate was asked:

House File 2189, 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 March 10, 1998, passed the following bill in which the concurrence of the House is asked:

Senate File 2316, a bill for an act relating to entities and subject matter under the regulatory authority of the regulated industries unit of the insurance division, including business opportunities, cemeteries, and cemetery merchandise, motor vehicle service contracts, preneed funeral merchandise and services, and residential service contracts, providing for fees, and establishing penalties.

Also: That the Senate has on March 10, 1998, passed the following bill in which the concurrence of the House is asked:

Senate File 2330, a bill for an act relating to the filing of civil litigation by prisoners and providing an effective date.

MARY PAT GUNDERSON, Secretary

**MOTION TO RECONSIDER**  
(House File 2424)

I move to reconsider the vote by which House File 2424 passed the House on March 10, 1998.

VANDE HOEF of Osceola

**COMMUNICATION RECEIVED**

The following communication was received and filed in the office of the Chief Clerk:

DEPARTMENT OF PUBLIC HEALTH  
Center for Health Statistics

The Vital Statistics of Iowa, pursuant to Chapter 144.5(5), Code of Iowa.

**SUBCOMMITTEE ASSIGNMENTS**

**Senate File 2160**

State Government: Churchill, Chair; Burnett and Van Fossen.

**Senate File 2198**

State Government: Churchill, Chair; Burnett and Van Fossen.

**Senate File 2366**

Education: Gries, Chair; Brunkhorst and Wise.

**Senate File 2406**

Education: Grundberg, Chair; Boddicker, Brand, Foege and Thomson.

**AMENDMENTS FILED**

H-8268	H.F.	2208	Bradley of Clinton
H-8269	S.F.	2188	Bradley of Clinton
H-8270	H.F.	2327	Holmes of Scott
H-8271	H.F.	2339	Fallon of Polk
H-8272	H.F.	2482	Koenigs of Mitchell
H-8273	H.F.	2523	Boddicker of Cedar



H—8274	S.F.	2366	Richardson of Warren
H—8277	H.F.	382	Doderer of Johnson Mascher of Johnson Myers of Johnson
H—8278	S.F.	2235	Lamberti of Polk
H—8279	H.F.	2394	Huser of Polk Larson of Linn
H—8280	H.F.	2413	Chiodo of Polk
H—8281	H.F.	2474	Jacobs of Polk
H—8282	H.F.	2496	Grundberg of Polk Connors of Polk Jacobs of Polk Cataldo of Polk
H—8283	H.F.	2497	Weigel of Chickasaw
H—8284	S.F.	2366	Richardson of Warren
H—8285	S.F.	2366	Richardson of Warren
H—8286	H.F.	2501	Richardson of Warren
H—8287	H.F.	2501	Richardson of Warren
H—8288	H.F.	2528	Cormack of Webster
H—8289	H.F.	2335	Weigel of Chickasaw
H—8290	H.F.	2335	Koenigs of Mitchell
H—8291	H.F.	2436	Jacobs of Polk
H—8292	H.F.	2513	Jochum of Dubuque Doderer of Johnson Mascher of Johnson
H—8293	H.F.	2513	Doderer of Johnson Mascher of Johnson Jochum of Dubuque
H—8294	H.F.	2517	Hansen of Pottawattamie
H—8295	H.F.	2517	Hansen of Pottawattamie
H—8296	H.F.	2517	Hansen of Pottawattamie
H—8297	H.F.	2517	Hansen of Pottawattamie
H—8298	H.F.	2517	Jochum of Dubuque
H—8299	H.F.	2517	Hansen of Pottawattamie
H—8300	H.F.	2517	Hansen of Pottawattamie Metcalf of Polk
H—8301	H.F.	2517	Jochum of Dubuque
H—8302	H.F.	2335	Weigel of Chickasaw
H—8303	H.F.	2335	Weigel of Chickasaw
H—8304	H.F.	2369	Holveck of Polk Garman of Story

On motion by Siegrist of Pottawattamie, the House adjourned at 4:02 p.m., until 8:45 a.m., Wednesday, March 11, 1998.

# JOURNAL OF THE HOUSE

Fifty-ninth Calendar Day - Fortieth Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Wednesday, March 11, 1998

The House met pursuant to adjournment at 8:50 a.m., Speaker pro tempore Van Maanen of Marion in the chair.

Prayer was offered by Reverend Mark Sherwood, Berean Baptist Church, Perry.

The Journal of Tuesday, March 10, 1998 was approved.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Taylor of Linn, until his arrival, on request of Myers of Johnson; Thomson of Linn, until her arrival, on request of Siegrist of Pottawattamie.

## MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 10, 1998, passed the following bill in which the concurrence of the House is asked:

Senate File 367, a bill for an act relating to transfers of real property by providing that certain disclosures regarding stigmatized property are not required and by amending the definition of transfer.

Also: That the Senate has on March 10, 1998, passed the following bill in which the concurrence of the House is asked:

Senate File 2210, a bill for an act requiring a peace officer to assist an abused person in obtaining clothing, medical items, and other personal effects from the dwelling for the immediate need of the abused person and any children in that person's care.

Also: That the Senate has on March 10, 1998, passed the following bill in which the concurrence of the House is asked:

Senate File 2312, a bill for an act providing for child day care requirements for volunteers and for the number of children receiving care under the child care home pilot projects and providing an effective date.

Also: That the Senate has on March 10, 1998, passed the following bill in which the concurrence of the House is asked:

Senate File 2313, a bill for an act relating to child support, providing penalties, and providing effective dates.

Also: That the Senate has on March 10, 1998, passed the following bill in which the concurrence of the House is asked:

Senate File 2329, a bill for an act expanding the compensation available from the crime victim compensation program to victims of crime and their families.

Also: That the Senate has on March 10, 1998, passed the following bill in which the concurrence of the House is asked:

Senate File 2367, a bill for an act relating to county vital statistics by providing for the issuance of marriage licenses and eliminating the fee for county birth registrations.

MARY PAT GUNDERSON, Secretary

### SENATE MESSAGES CONSIDERED

**Senate File 2316**, by committee on commerce, a bill for an act relating to entities and subject matter under the regulatory authority of the regulated industries unit of the insurance division, including business opportunities, cemeteries, and cemetery merchandise, motor vehicle service contracts, preneed funeral merchandise and services, and residential service contracts, providing for fees, and establishing penalties.

Read first time and referred to committee on **commerce and regulation**.

**Senate File 2330**, by committee on judiciary, a bill for an act relating to the filing of civil litigation by prisoners and providing an effective date.

Read first time and referred to committee on **judiciary**.

### QUORUM CALL

A non-record roll call was requested to determine that a quorum was present. The vote revealed sixty-six members present, thirty-four absent.

### HOUSE FILE 2363 WITHDRAWN

Bradley of Clinton asked and received unanimous consent to withdraw House File 2363 from further consideration by the House.

### CONSIDERATION OF BILLS

#### Regular Calendar

**House File 2412**, a bill for an act relating to optometrists' reports to the department of transportation concerning a person's ability to operate a motor vehicle, was taken up for consideration.

Carroll of Poweshiek moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

## On the question "Shall the bill pass?" (H.F. 2412)

The ayes were, 93:

Arnold	Barry	Bell	Bernau
Blodgett	Boddicker	Boggess	Bradley
Brauns	Brunkhorst	Bukta	Burnett
Carroll	Cataldo	Chapman	Churchill
Cohon	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	Houser	Huseman
Huser	Jacobs	Jenkins	Jochum
Kinzer	Klemme	Koenigs	Kreiman
Kremer	Lamberti	Larkin	Larson
Lord	Martin	Mascher	May
Mertz	Metcalf	Meyer	Millage
Moreland	Mundie	Murphy	Myers
Nelson	O'Brien	Osterhaus	Rants
Rayhons	Reynolds-Knight	Scherrman	Schrader
Shoultz	Siegrist	Sukup	Teig
Thomas	Tyrrell	Van Fossen	Vande Hoef
Veenstra	Warnstadt	Weidman	Weigel
Welter	Whitead	Wise	Witt
Van Maanen, Presiding			

The nays were, none.

Absent or not voting, 7:

Brand	Chiodo	Ford	Holveck
Richardson	Taylor	Thomson	

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

**House File 2482**, a bill for an act relating to certain criminal acts committed on or against the property of railway corporations and providing and applying penalties, was taken up for consideration.

Koenigs of Mitchell offered amendment H-8272 filed by him as follows:

H-8272

1 Amend House File 2482 as follows:

2 1. Page 1, by inserting before line 1 the

3 following:

4 "Section 1. NEW SECTION. 327F.21 RAILROAD TRAIN

## 5 CREWS.

6 1. As used in this section, unless the context  
7 otherwise requires:

8 a. "Administrator" means the department's  
9 administrator for rail and water, or the  
10 administrator's designee.

11 b. "Certified railroad locomotive engineer" means  
12 a person certified under 49 C.F.R. 240 as a train  
13 service engineer, locomotive servicing engineer, or  
14 student engineer.

15 c. "Department" means the state department of  
16 transportation.

17 d. "Director" means the director of  
18 transportation.

19 e. "Qualified railroad trainperson" means a person  
20 who has successfully completed a railroad carrier's  
21 training program and passed an examination on railroad  
22 operation rules.

23 2. Any person operating or controlling a railroad  
24 in this state shall not allow the operation of any  
25 railroad train or locomotive in this state unless the  
26 railroad train or locomotive has a crew of at least  
27 two individuals. One of the individuals shall be a  
28 certified railroad locomotive engineer. The other  
29 individual shall be either a certified railroad  
30 locomotive engineer or a qualified railroad  
31 trainperson. A certified railroad locomotive engineer  
32 shall operate the control locomotive at all times that  
33 the railroad train or locomotive is in motion. The  
34 other crew member may dismount the railroad train or  
35 locomotive when necessary to perform switching  
36 activities and other job-related duties. However,  
37 this subsection shall not apply to the extent that it  
38 is contrary to or inconsistent with a regulation or  
39 order of the federal railroad administration.

40 3. The administrator may, pursuant to rules  
41 adopted by the department, grant an exception to the  
42 requirements of subsection 2 if the administrator  
43 determines that the exception will not endanger the  
44 life or property of any person.

45 4. A person who violates this section is, upon  
46 conviction for a first offense, subject to a "schedule  
47 one" penalty as provided under section 327C.5. A  
48 person who violates this section is, upon conviction  
49 for a second offense committed within three years of  
50 the first offense, subject to a "schedule two" penalty

## Page 2

1 as provided under section 327C.5. A person who  
2 violates this section is, upon conviction for a third  
3 or subsequent offense committed within three years of  
4 the first offense, subject to a "schedule three"

5 penalty as provided under section 327C.5.”  
 6 2. Title page, line 1, by inserting after the  
 7 words “relating to” the following: “railroad safety  
 8 by providing for a number of persons on a train crew  
 9 and”.

Welter of Jones rose on a point of order that amendment H-8272 was not germane.

The Speaker ruled the point well taken and amendment H-8272 not germane.

Schrader of Marion asked for unanimous consent to suspend the rules to consider amendment H-8272.

Objection was raised.

Schrader of Marion moved to suspend the rules to consider amendment H-8272.

Roll call was requested by Schrader of Marion and Koenigs of Mitchell.

On the question “Shall the rules be suspended to consider amendment H-8272?” (H.F. 2482)

The ayes were, 40:

Bell	Bernau	Bukta	Burnett
Cataldo	Chapman	Cohoon	Connors
Doderer	Dotzler	Drees	Falck
Fallon	Foege	Frevort	Huser
Jochum	Kinzer	Koenigs	Kreiman
Larkin	Mascher	May	Mertz
Moreland	Mundie	Murphy	Myers
O'Brien	Osterhaus	Reynolds-Knight	Scherrman
Schrader	Shoultz	Thomas	Warnstadt
Weigel	Whitead	Wise	Witt

The nays were, 52:

Arnold	Barry	Blodgett	Boddicker
Bogges	Bradley	Brauns	Brunkhorst
Carroll	Churchill	Corbett, Spkr.	Cormack
Dinkla	Dix	Dolecheck	Drake
Eddie	Garman	Gipp	Greig
Greiner	Gries	Grundberg	Hahn
Hansen	Heaton	Holmes	Houser
Huseman	Jacobs	Jenkins	Klemme
Kremer	Lamberti	Larson	Lord
Martin	Metcalf	Meyer	Millage
Nelson	Rants	Rayhons	Siegrist

Sukup  
Veenstra

Teig  
Weidman

Tyrrell  
Welter

Van Fossen  
Van Maanen,  
Presiding

Absent or not voting, 8:

Brand  
Richardson

Chiodo  
Taylor

Ford  
Thomson

Holveck  
Vande Hoef

The motion to suspend the rules lost.

Lamberti of Polk offered the following amendment H-8167 filed by Lamberti, et al., and moved its adoption:

H-8167

- 1 Amend House File 2482 as follows:
- 2 1. Page 1, line 30, by striking the word
- 3 "serious" and inserting the following: "simple".
- 4 2. Page 3, line 19, by striking the word and
- 5 figure "'A" felony." and inserting the following:
- 6 "'B" felony. However, notwithstanding section 902.9,
- 7 subsection 1, the maximum sentence for a person
- 8 convicted under this section shall be a period of
- 9 confinement of not more than fifty years."
- 10 3. Page 3, line 27, by striking the words "ten
- 11 thousand dollars or more" and inserting the following:
- 12 "more than ten thousand dollars".
- 13 4. Page 3, line 32, by striking the words "less
- 14 than".
- 15 5. Page 3, by striking line 33 and inserting the
- 16 following: "thousand dollars or less but more than
- 17 one thousand dollars to".
- 18 6. Page 4, line 3, by striking the words "five
- 19 hundred dollars or" and inserting the following:
- 20 "more than five hundred dollars".
- 21 7. Page 4, line 4, by striking the word "less"
- 22 and inserting the following: "but does not exceed one
- 23 thousand dollars".
- 24 8. Page 4, by inserting after line 5, the
- 25 following:
- 26 "f. A person commits railroad vandalism in the
- 27 sixth degree if the person intentionally commits
- 28 railroad vandalism which results in property damage
- 29 which costs more than one hundred dollars but does not
- 30 exceed five hundred dollars to replace, repair, or
- 31 restore. Railroad vandalism in the sixth degree is a
- 32 serious misdemeanor.
- 33 g. A person commits railroad vandalism in the
- 34 seventh degree if the person intentionally commits
- 35 railroad vandalism which results in property damage
- 36 which costs one hundred dollars or less to replace,

37 repair, or restore. Railroad vandalism in the seventh  
38 degree is a simple misdemeanor."

Amendment H-8167 was adopted.

Nelson of Marshall moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2482)

The ayes were, 95:

Arnold	Barry	Bell	Bernau
Blodgett	Boddicker	Bogges	Bradley
Brand	Brauns	Brunkhorst	Bukta
Burnett	Carroll	Cataldo	Chapman
Chiodo	Churchill	Cohoon	Connors
Corbett, Spkr.	Cormack	Dinkla	Dix
Doderer	Dolecheck	Dotzler	Drake
Drees	Eddie	Falck	Foege
Frevert	Garman	Gipp	Greig
Greiner	Gries	Grundberg	Hahn
Hansen	Heaton	Holmes	Holveck
Houser	Huseman	Huser	Jacobs
Jenkins	Jochum	Kinzer	Klemme
Koenigs	Kreiman	Kremer	Lamberti
Larkin	Larson	Lord	Martin
Mascher	May	Mertz	Metcalfe
Meyer	Millage	Moreland	Mundie
Murphy	Myers	Nelson	O'Brien
Osterhaus	Rants	Rayhons	Reynolds-Knight
Scherrman	Schrader	Shoultz	Siegrist
Sukup	Teig	Thomas	Tyrrell
Van Fossen	Vande Hoef	Veenstra	Warnstadt
Weidman	Weigel	Welter	Whitead
Wise	Witt	Van Maanen,	
		Presiding	

The nays were, 1:

Fallon

Absent or not voting, 4:

Ford

Richardson

Taylor

Thomson

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

**House File 2339**, a bill for an act relating to limits on coverage of the remedial account of the Iowa comprehensive petroleum underground



storage tank fund, the minimum copayment provisions in regard to the remedial account, and creating a no further action fund, was taken up for consideration.

Fallon of Polk offered the following amendment H-8183 filed by him and moved its adoption:

H-8183

- 1 Amend House File 2339 as follows:
- 2 1. Page 1, by striking line 16 and inserting the
- 3 following: "excluded from remedial account coverage.
- 4 If the owner or operator submitting the claim owns or
- 5 operates one thousand or more tanks or has a net worth
- 6 of twenty million dollars or more, the remedial
- 7 program shall pay the lesser of fifty thousand dollars
- 8 of the total cost of corrective action for that
- 9 release or total corrective action costs for that
- 10 release as determined by subsection 4. For a claim
- 11 all other claims for a".
- 12 2. Page 1, by striking line 30 and inserting the
- 13 following: "specifically excluded from remedial
- 14 account coverage. If the owner or operator submitting
- 15 the claim owns or operates one thousand or more tanks
- 16 or has a net worth of twenty million dollars or more,
- 17 the remedial program shall pay the lesser of fifty
- 18 thousand dollars of the total cost of corrective
- 19 action for that release or total corrective action
- 20 costs for that release as determined under subsection
- 21 4. For a".
- 22 3. Page 1, line 31, by striking the word "claim"
- 23 and inserting the following: "claim all other
- 24 claims".

A non-record roll call was requested.

The ayes were 33, nays 49.

Amendment H-8183 lost.

Fallon of Polk offered amendment H-8080 filed by him and Shoultz of Black Hawk as follows:

H-8080

- 1 Amend House File 2339 as follows:
- 2 1. Page 2, by striking line 8 and inserting the
- 3 following:
- 4 "a. An owner or operator ~~who reports a release to~~
- 5 ~~the".~~
- 6 2. Page 2, line 25, by striking the words "If a
- 7 site's" and inserting the following: "~~If a site's".~~

- 8 3. Page 2, lines 26 and 27, by striking the words  
 9 "actual expenses exceed, eighty thousand dollars, the"  
 10 and inserting the following: "~~actual expenses exceed,~~  
 11 ~~eighty thousand dollars, the~~".
- 12 4. Page 2, line 31, by striking the words "b.  
 13 The" and inserting the following: "b. The For a  
 14 claim by an owner or operator who has a net worth of  
 15 less than twenty million dollars and owns or operates  
 16 less than one thousand underground storage tanks, if a  
 17 site's actual expenses exceed eighty thousand dollars,  
 18 the".
- 19 5. Page 3, by inserting after line 5 the  
 20 following:
- 21 "c. For a claim by an owner or operator who has a  
 22 net worth of twenty million dollars or more or  
 23 operates one thousand underground storage tanks or  
 24 more, if a site's actual expenses exceed eighty  
 25 thousand dollars, the owner or operator shall pay the  
 26 amount as designated in paragraph "a", plus thirty  
 27 five percent of the total costs of the corrective  
 28 action for that release which exceeds eighty thousand  
 29 dollars."

Fallon of Polk offered the following amendment H-8271, to amend-  
 ment H-8080, filed by him and moved its adoption:

H-8271

- 1 Amend the amendment, H-8080, to House File 2339 as  
 2 follows:
- 3 1. Page 1, line 29, by inserting after the word  
 4 "dollars." the following: "The remedial account shall  
 5 pay the remainder, as required by federal regulations,  
 6 of the total costs of the corrective action for that  
 7 release, not to exceed one million dollars."

Amendment H-8271 was adopted.

Fallon of Polk moved the adoption of amendment H-8080, as  
 amended.

Roll call was requested by Fallon of Polk and Myers of Johnson.

On the question "Shall amendment H-8080, as amended, be  
 adopted?" (H.F. 2339)

The ayes were, 43:

Bell	Bernau	Brand	Bukta
Burnett	Chapman	Chiodo	Cohoon
Connors	Doderer	Dotzler	Drees
Falck	Fallon	Foege	Frevert
Holveck	Huser	Jochum	Kinzer

Koenigs	Kreiman	Larkin	Mascher
May	Mertz	Moreland	Mundie
Murphy	Myers	O'Brien	Osterhaus
Reynolds-Knight	Richardson	Scherrman	Schrader
Shoultz	Vande Hoef	Warnstadt	Weigel
Whitead	Wise	Witt	

The nays were, 51:

Arnold	Barry	Blodgett	Boddicker
Bogges	Bradley	Brauns	Carroll
Cataldo	Churchill	Corbett, Spkr.	Cormack
Dinkla	Dix	Drake	Eddie
Garman	Gipp	Greig	Greiner
Gries	Grundberg	Hahn	Hansen
Heaton	Holmes	Houser	Huseman
Jacobs	Jenkins	Klemme	Kremer
Larson	Lord	Martin	Metcalf
Meyer	Millage	Nelson	Rants
Rayhons	Siegrist	Sukup	Teig
Thomas	Tyrrell	Van Fossen	Veenstra
Weidman	Welter	Van Maanen, Presiding	

Absent or not voting, 6:

Brunkhorst	Dolecheck	Ford	Lamberti
Taylor	Thomson		

Amendment H-8080 lost.

Fallon of Polk asked and received unanimous consent to withdraw amendment H-8074 filed by him and Shoultz of Black Hawk on February 18, 1998.

Gipp of Winneshiek moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2339)

The ayes were, 95:

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	Dotzler	Drake	Drees
Eddie	Falck	Frallon	Foege
Frevort	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	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:

Dolecheck	Ford	Taylor	Thomson
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Under the provision of Rule 76, conflict of interest, Lamberti of Polk refrained from voting.

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

**House File 2490**, a bill for an act relating to the administration of the insurance account of the comprehensive petroleum underground storage tank fund, creating an underground storage tank insurance board, an underground storage tank insurance fund, and transferring assets and liabilities of the insurance account of the comprehensive petroleum underground storage tank fund, was taken up for consideration.

Gipp of Winneshiek moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2490)

The ayes were, 95:

Arnold	Barry	Bell	Bernau
Blodgett	Boddicker	Boguess	Bradley
Brand	Brauns	Brunkhorst	Bukta
Burnett	Carroll	Cataldo	Chapman
Chiodo	Churchill	Cohoon	Connors
Corbett, Spkr.	Cormack	Dinkla	Dix

Doderer	Dotzler	Drake	Drees
Eddie	Falck	Fallon	Foege
Frevrt	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	Tyrrell
Van Fossen	Vande Hoef	Veenstra	Warnstadt
Weidman	Weigel	Welter	Whitead
Wise	Witt	Van Maanen, Presiding	

The nays were, none.

Absent or not voting, 5:

Dolecheck	Ford	Lamberti	Taylor
Thomson			

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 2412, 2339 and 2490.**

**House File 2400**, a bill for an act providing a procedure for the preservation of a mechanic's lien for materials or labor furnished to a subcontractor and providing for related matters, was taken up for consideration.

Sukup of Franklin moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2400)

The ayes were, 95:

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	Dotzler	Drake	Drees
Eddie	Falck	Fallon	Foege
Frevert	Garman	Gipp	Greig
Greiner	Gries	Grundberg	Hahn
Hansen	Heaton	Holmes	Holveck
Houser	Huseman	Huser	Jacobs
Jenkins	Jochum	Kinzer	Klemme
Koenigs	Kreiman	Kremer	Lamberti
Larkin	Larson	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	Tyrrell
Van Fossen	Vande Hoef	Veenstra	Warnstadt
Weidman	Weigel	Welter	Whitead
Wise	Witt	Van Maanen, Presiding	

The nays were, none.

Absent or not voting, 5:

Dolecheck	Ford	Lord	Taylor
Thomson			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

**House File 2474**, a bill for an act relating to electronic commerce security, and providing penalties, was taken up for consideration.

Jacobs of Polk offered the following amendment H-8281 filed by her and moved its adoption:

H-8281

- 1 Amend House File 2474 as follows:
- 2 1. Page 4, line 23, by inserting before the word
- 3 "mortgage" the following: "deed,"
- 4 2. Page 5, line 26, by inserting before the word
- 5 "mortgage" the following: "deed,"
- 6 3. Page 22, line 28, by inserting after the word
- 7 "subscriber" the following: "or other legal entity".
- 8 4. Page 22, line 29, by inserting after the word
- 9 "subscriber" the following: "or other legal entity".
- 10 5. Page 27, line 20, by striking the word

11 "CONFORMING" and inserting the following:  
 12 "MISCELLANEOUS".  
 13 6. Page 27, by inserting after line 31 the  
 14 following:  
 15 "Sec. \_\_\_\_ CONSIDERATION OF MODEL LEGISLATION. It  
 16 is the intent of the general assembly that if the  
 17 national conference of commissioners on uniform state  
 18 laws proposes a uniform electronic commerce act, the  
 19 general assembly shall consider the proposed uniform  
 20 act during the session in which the proposed uniform  
 21 law is submitted to the states for consideration or  
 22 during its next regular session if the proposed  
 23 uniform act is submitted to the states during a period  
 24 in which the general assembly is not in session."

Amendment H-8281 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. 2474)

The ayes were, 71:

Arnold	Barry	Bell	Blodgett
Boddicker	Bogges	Bradley	Brand
Brauns	Brunkhorst	Burnett	Carroll
Cataldo	Churchill	Cohon	Connors
Corbett, Spkr.	Dix	Doderer	Drake
Eddie	Garman	Gipp	Greig
Greiner	Gries	Grundberg	Hahn
Hansen	Heaton	Holmes	Holveck
Houser	Huseman	Jacobs	Jenkins
Jochum	Klemme	Kreiman	Kremer
Lamberti	Larkin	Larson	Lord
Martin	May	Mertz	Metcalf
Meyer	Millage	Mundie	Nelson
O'Brien	Rants	Rayhons	Richardson
Siegrist	Sukup	Teig	Thomas
Tyrrell	Van Fossen	Vande Hoef	Veenstra
Warnstadt	Weidman	Weigel	Welter
Wise	Witt	Van Maanen, Presiding	

The nays were, 25:

Bernau	Bukta	Chapman	Chiodo
Cormack	Dinkla	Dotzler	Drees
Falck	Fallon	Foege	Frevert
Huser	Kinzer	Mascher	Moreland
Murphy	Myers	Osterhaus	Reynolds-Knight
Scherrman	Schrader	Shoultz	Taylor
Whitead			

Absent or not voting, 4:

Dolecheck

Ford

Koenigs

Thomson

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

**House File 2402**, a bill for an act to amend the crime of burglary in the first degree to include commission of sexual abuse as a possible element of the offense, was taken up for consideration.

Murphy of Dubuque offered the following amendment H-8179 filed by him and Scherrman of Dubuque and moved its adoption:

H-8179

- 1 Amend House File 2402 as follows:
- 2 1. Page 1, line 13, by inserting after the word
- 3 "performs" the following: "or participates in".

Amendment H-8179 was adopted.

Dinkla of Guthrie moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2402)

The ayes were, 97:

Arnold	Barry	Bell	Bernau
Blodgett	Boddicker	Bogges	Bradley
Brand	Brauns	Brunkhorst	Bukta
Burnett	Carroll	Cataldo	Chapman
Chiodo	Churchill	Cohoon	Connors
Corbett, Spkr.	Cormack	Dinkla	Dix
Doderer	Dotzler	Drake	Drees
Eddie	Falck	Fallon	Foege
Frevert	Garman	Gipp	Greig
Greiner	Gries	Grundberg	Hahn
Hansen	Heaton	Holmes	Holveck
Houser	Huseman	Huser	Jacobs
Jenkins	Jochum	Kinzer	Klemme
Koenigs	Kreiman	Kremer	Lamberti
Larkin	Larson	Lord	Martin
Mascher	May	Mertz	Metcalf
Meyer	Millage	Moreland	Mundie
Murphy	Myers	Nelson	O'Brien
Osterhaus	Rants	Rayhons	Reynolds-Knight
Richardson	Scherrman	Schrader	Shoultz
Siegrist	Sukup	Taylor	Teig
Thomas	Tyrell	Van Fossen	Vande Hoef



Veenstra  
Welter  
Van Maanen,  
Presiding

Warnstadt  
Whitead

Weidman  
Wise

Weigel  
Witt

The nays were, none.

Absent or not voting, 3:

Dolecheck

Ford

Thomson

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 2400, 2474 and 2402.**

**House File 2487**, a bill for an act relating to the fines and penalties applicable to the sale of alcohol to minors and providing an effective date, was taken up for consideration.

Scherrman of Dubuque offered the following amendment H-8209 filed by him and moved its adoption:

H-8209

- 1 Amend House File 2487, as follows:
- 2 1. Page 1, by inserting before line 1, the
- 3 following:
- 4 "Section 1. NEW SECTION. 123.49A RETENTION OF
- 5 IDENTIFICATION CARD.
- 6 As a condition of a person remaining in a licensed
- 7 premises, a liquor control licensee or wine or beer
- 8 permittee, or an employee of a licensee or permittee
- 9 may retain a motor vehicle license, a nonoperator
- 10 identification card, or other form of identification
- 11 submitted by the person to show the person's age while
- 12 the person remains in the licensed premises."
- 13 2. Title page, line 1, by inserting after the
- 14 word "penalties" the following: "and other
- 15 requirements".
- 16 3. Title page, line 2, by striking the words "to
- 17 minors".

A non-record roll call was requested.

The ayes were 52, nays 32.

Amendment H-8209 was adopted.

Sukup of Franklin moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2487)

The ayes were, 96:

Arnold	Barry	Bell	Bernau
Blodgett	Boddicker	Boggett	Bradley
Brand	Brauns	Brunkhorst	Bukta
Burnett	Carroll	Cataldo	Chapman
Chiodo	Churchill	Cohon	Connors
Corbett, Spkr.	Cormack	Dinkla	Dix
Doderer	Dotzler	Drake	Drees
Eddie	Falck	Fallon	Foege
Frevert	Garman	Gipp	Greig
Greiner	Gries	Grundberg	Hahn
Hansen	Heaton	Holmes	Holveck
Houser	Huseman	Huser	Jacobs
Jenkins	Jochum	Kinzer	Klemme
Koenigs	Kreiman	Kremer	Lamberti
Larkin	Larson	Lord	Martin
Mascher	May	Mertz	Metcalf
Millage	Moreland	Mundie	Murphy
Myers	Nelson	O'Brien	Osterhaus
Rants	Rayhons	Reynolds-Knight	Richardson
Scherrman	Schrader	Shoultz	Siegrist
Sukup	Taylor	Teig	Thomas
Tyrrell	Van Fossen	Vande Hoef	Veenstra
Warnstadt	Weidman	Weigel	Welter
Whitead	Wise	Witt	Van Maanen, Presiding

The nays were, none.

Absent or not voting, 4:

Dolecheck	Ford	Meyer	Thomson
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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 2487 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 March 11, 1998, passed the following bill in which the concurrence of the Senate was asked:

House File 2331, a bill for an act relating to utility cost reviews associated with a rate-regulated public utility's procurement of natural gas or fuel for use in generating electricity.

MARY PAT GUNDERSON, Secretary

On motion by Siegrist of Pottawattamie, the House was recessed at 11:12 a.m., until 1:00 p.m.

### AFTERNOON SESSION

The House reconvened at 1:12 p.m., Speaker pro tempore Van Maanen of Marion in the chair.

### QUORUM CALL

A non-record roll call was requested to determine that a quorum was present. The vote revealed seventy-two members present, twenty-eight absent.

### MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 11, 1998, amended and passed the following bill in which the concurrence of the House is asked:

House File 2162, a bill for an act relating to nonsubstantive Code corrections and including a retroactive applicability provision.

Also: That the Senate has on March 11, 1998, passed the following bill in which the concurrence of the House is asked:

Senate File 2080, a bill for an act relating to disposal, collection, and recycling of waste oil filters and providing an insurance premium discount.

Also: That the Senate has on March 11, 1998, passed the following bill in which the concurrence of the House is asked:

Senate File 2201, a bill for an act relating to security for damages arising from the abandonment of natural gas pipelines.

Also: That the Senate has on March 11, 1998, passed the following bill in which the concurrence of the House is asked:

Senate File 2224, a bill for an act requiring a court to order a person convicted of domestic abuse assault to complete a batterers' treatment program, and to hold such person in contempt for failure to report for or complete treatment, and requiring related reporting of the status of treatment by the judicial district department of correctional services, and extending the pilot project for an alternative batterers' treatment program.

Also: That the Senate has on March 11, 1998, passed the following bill in which the concurrence of the House is asked:

Senate File 2335, a bill for an act relating to the prohibition of sex acts between juveniles and employees and agents at juvenile placement facilities and providing a penalty.

Also: That the Senate has on March 11, 1998, passed the following bill in which the concurrence of the House is asked:

Senate File 2348, a bill for an act relating to the locations at which shared public school services may be made available to nonpublic school students.

Also: That the Senate has on March 11, 1998, passed the following bill in which the concurrence of the House is asked:

Senate File 2359, a bill for an act providing for a review of juvenile justice provisions involving child protection by the citizens' aide and providing an effective date.

Also: That the Senate has on March 11, 1998, passed the following bill in which the concurrence of the House is asked:

Senate File 2391, a bill for an act allowing probation for some operating-while-intoxicated offenders after service of a mandatory minimum sentence, permitting a .15 blood alcohol level to control the penalties applicable to an offender regardless of the margin of error associated with the test device, requiring the deletion from motor vehicle records after twelve years of certain youth license revocations for alcohol violations, and providing an effective date.

MARY PAT GUNDERSON, Secretary

## CONSIDERATION OF BILLS

### Regular Calendar

**House File 2517**, a bill for an act establishing a healthy and well kids in Iowa (HAWK-I) program to provide health insurance to eligible children, was taken up for consideration.

Speaker Corbett in the chair at 1:19 p.m.

### RULES SUSPENDED

Siegrist of Pottawattamie asked and received unanimous consent to suspend Rule 31.8, relating to the timely filing of amendments, for consideration of amendments requested from the Legislative Service Bureau on March 10, 1998.

Jochum of Dubuque offered amendment H-8315 filed by her from the floor as follows:

H-8315

1 Amend House File 2517 as follows:

2 1. Page 1, by inserting before line 1 the  
3 following:

4 "Section 1. NEW SECTION. 507F.1 CONSUMER  
5 ADVOCATE ON INSURANCE – APPOINTMENT – POLITICAL  
6 ACTIVITY – REMOVAL.

7 1. The attorney general shall appoint a competent  
8 attorney to the office of consumer advocate on  
9 insurance. The appointment is subject to senate  
10 confirmation, in accordance with section 2.32. The  
11 advocate's term of office is for four years. The term  
12 begins and ends as set forth in section 69.19.

13 2. If a vacancy occurs in the office of consumer  
14 advocate on insurance, the vacancy shall be filled for  
15 the unexpired term in the same manner as an original  
16 appointment.

17 3. The consumer advocate on insurance shall devote  
18 the advocate's entire time to the duties of the  
19 office. During the consumer advocate's term of office  
20 the advocate shall not be a member of a political  
21 committee, shall not contribute to a political  
22 campaign fund other than through the income tax  
23 checkoff for contributions to the Iowa election  
24 campaign fund and the presidential election campaign  
25 fund, and shall not take part in political campaigns  
26 or be a candidate for a political office.

27 4. The attorney general may remove the consumer  
28 advocate for malfeasance or nonfeasance in office, or  
29 for any cause which renders the advocate ineligible  
30 for appointment, or if incapable or unfit to discharge  
31 the duties of the advocate's office. The consumer  
32 advocate's removal, when so made, is final.

33 Sec. \_\_\_\_ NEW SECTION. 507F.2 DUTIES.

34 The office of the consumer advocate on insurance  
35 shall:

36 1. Adopt rules pursuant to chapter 17A and perform  
37 other duties necessary to the administration of this  
38 chapter.

39 2. Investigate the legality of all rates, charges,  
40 rules, regulations, and practices of all persons under  
41 the jurisdiction of the insurance division, and  
42 institute civil proceedings before the division of  
43 insurance or any court to correct any illegality on  
44 the part of any such person. In any investigation,  
45 the person acting for the office of the consumer  
46 advocate on insurance shall have the power to ask the  
47 commissioner of insurance to issue subpoenas, compel  
48 the attendance and testimony of witnesses, and the  
49 production of papers, books, and documents.

50 3. Make recommendations to the general assembly

Page 2

1 regarding insurance regulation.

2 4. Make recommendations to the insurance division  
3 or any other governmental agency which has an impact  
4 on insurance regulation in the state through  
5 rulemaking, and shall review and, if the advocate  
6 deems it to be in the public interest, appeal the  
7 rulemaking or contested case decisions of the  
8 insurance division or any other governmental agency  
9 which has an impact on insurance regulation in the  
10 state.

11 5. Represent the interests of the public relating  
12 to insurance reform, coverage, and rates where action  
13 is necessary for the protection of public rights.

14 6. Institute judicial review of final or  
15 interlocutory actions of the insurance division if the  
16 review is deemed to be in the public interest.

17 7. Act as attorney for and represent all consumers  
18 generally and the public generally in all proceedings  
19 before the insurance division, federal and state  
20 agencies, and related judicial review proceedings and  
21 appeals.

22 8. Appear for all consumers generally and the  
23 public generally in all actions instituted in any  
24 state or federal court which involve the validity of a  
25 rule, regulation, or order of the insurance division.

26 9. Appear and participate as a party in the name  
27 of the office of consumer advocate on insurance in the  
28 performance of the duties of the office.

29 Sec. \_\_\_\_ NEW SECTION. 507F.3 OFFICE -  
30 EMPLOYEES - EXPENSES.

31 1. The office of the consumer advocate on  
32 insurance shall be located within the office of the  
33 attorney general. Administrative support services  
34 shall be provided to the consumer advocate by the  
35 office of the attorney general.

36 2. The consumer advocate on insurance may employ  
37 attorneys, legal assistants, secretaries, clerks, and  
38 other employees the consumer advocate finds necessary  
39 for the full and efficient discharge of the duties and  
40 responsibilities of the office. The consumer advocate  
41 on insurance may employ consultants as expert  
42 witnesses or technical advisors pursuant to contract  
43 as the consumer advocate finds necessary for the full  
44 and efficient discharge of the duties of the office.  
45 Employees of the consumer advocate, other than the  
46 consumer advocate, are subject to merit employment,  
47 except as provided in section 19A.3.

48 3. The salary of the consumer advocate on  
49 insurance shall be fixed by the attorney general  
50 within the salary range set by the general assembly.

Page 3

1 The salaries of employees of the consumer advocate on

2 insurance is as provided by law. The appropriation  
3 for the office of consumer advocate on insurance shall  
4 be a separate line item contained in the appropriation  
5 from the general fund of the state to the department  
6 of justice.

7 Sec. \_\_\_\_ NEW SECTION. 507F.4 INSURANCE DIVISION  
8 RECORDS.

9 The consumer advocate on insurance has free access  
10 to all the files, records, and documents in the office  
11 of the insurance division except:

12 1. Personal information in confidential personnel  
13 records of the insurance division.

14 2. Records which represent and constitute the work  
15 product of the general counsel of the insurance  
16 division where the records relate to a proceeding  
17 before the division in which the consumer advocate is  
18 a party or a proceeding in any state or federal court  
19 in which both the division and the consumer advocate  
20 are parties.

21 3. Insurer information of a confidential nature  
22 which could jeopardize an insurer's competitive status  
23 and is provided by an insurer to the division.

24 However, such information shall be provided to the  
25 consumer advocate by the insurance division, if the  
26 division determines it to be in the public interest.

27 Sec. \_\_\_\_ NEW SECTION. 507F.5 SERVICE.

28 The consumer advocate on insurance is entitled to  
29 service of all documents required by statute or rule  
30 to be served on parties in proceedings before the  
31 insurance division and all notices, petitions,  
32 applications, complaints, answers, motions, and other  
33 pleadings filed pursuant to statute or rule with the  
34 division.

35 Sec. \_\_\_\_ NEW SECTION. 507F.6 CONSUMER ADVOCATE  
36 ON INSURANCE ADVISORY COMMITTEE.

37 The attorney general shall appoint seven members to  
38 a consumer advocate on insurance advisory committee to  
39 meet at the request of the consumer advocate for  
40 consultation regarding the protection of public rights  
41 in insurance regulation. A member shall be appointed  
42 from each congressional district with the appointee  
43 residing within the district at the time of the  
44 appointment. The remaining appointees shall be  
45 members at large. Members shall be appointed which  
46 represent the various sectors of the population and  
47 appointments shall be made in compliance with section  
48 69.16 and 69.16A. The members shall serve four-year  
49 terms and their appointments are not subject to  
50 confirmation by the senate. A vacancy shall be filled

1 in the same manner as the original appointment for the

2 unexpired portion of the member's term. Members of  
 3 the committee shall serve without compensation, but  
 4 shall be reimbursed for actual expenses from funds  
 5 appropriated to the office of the consumer advocate on  
 6 insurance."

7 2. Page 3, line 15, by striking the word "nine"  
 8 and inserting the following: "ten".

9 3. Page 3, by inserting after line 22 the  
 10 following:

11 "\_\_\_\_. The consumer advocate on insurance, if House  
 12 File 476, is enacted by the Seventy-seventh General  
 13 Assembly, 1998 Session."

14 4. Title page, line 1, by inserting after the  
 15 word "Act" the following: "relating to insurance and  
 16 insurance consumers, including appointing a consumer  
 17 advocate on insurance and".

18 5. By renumbering as necessary.

Hansen of Pottawattamie rose on a point of order that amendment  
 H-8315 was not germane.

The Speaker ruled the point well taken and amendment H-8315  
 not germane.

Jochum of Dubuque asked for unanimous consent to suspend the  
 rules to consider amendment H-8315.

Objection was raised.

Jochum of Dubuque moved to suspend the rules to consider amend-  
 ment H-8315.

Roll call was requested by Schrader of Marion and Jochum of  
 Dubuque.

On the question "Shall the rules be suspended to consider amend-  
 ment H-8315?" (H.F. 2517)

The ayes were, 43:

Bell	Bernau	Brand	Bukta
Burnett	Cataldo	Chapman	Chiodo
Cohoon	Connors	Doderer	Dotzler
Drees	Falck	Fallon	Foege
Frevert	Hahn	Holveck	Huser
Jochum	Kinzer	Koenigs	Kreiman
Larkin	Mascher	May	Mertz
Moreland	Mundie	Murphy	Myers
Osterhaus	Richardson	Scherrman	Schrader
Taylor	Thomas	Warnstadt	Weigel
Whitead	Wise	Witt	



The nays were, 53:

Arnold	Barry	Blodgett	Boddicker
Bogges	Bradley	Brauns	Brunkhorst
Carroll	Churchill	Cormack	Dinkla
Dix	Dolecheck	Drake	Eddie
Garman	Gipp	Greig	Greiner
Gries	Grundberg	Hansen	Heaton
Holmes	Houser	Huseman	Jacobs
Jenkins	Klemme	Kremer	Lamberti
Larson	Lord	Martin	Metcalf
Meyer	Millage	Nelson	Rants
Rayhons	Siegrist	Sukup	Teig
Thomson	Tyrrell	Van Fossen	Van Maanen
Vande Hoef	Veenstra	Weidman	Welter
Mr. Speaker Corbett			

Absent or not voting, 4:

Ford                      O'Brien                      Reynolds-Knight    Shultz

The motion to suspend the rules lost.

Rants of Woodbury asked and received unanimous consent that House File 2517 be temporarily deferred and that the bill retain its place on the calendar.

### MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 11, 1998, adopted the following resolution in which the concurrence of the House is asked:

Senate Concurrent Resolution 111, a concurrent resolution honoring Ms. Barbara Grohe for being named the 1998 National Superintendent of the Year.

MARY PAT GUNDERSON, Secretary

### RULES SUSPENDED

Rants of Woodbury asked and received unanimous consent to suspend the rules for the immediate consideration of Senate Concurrent Resolution 111.

### ADOPTION OF SENATE CONCURRENT RESOLUTION 111

Mascher of Johnson called up for consideration Senate Concurrent Resolution 111, a concurrent resolution honoring Ms. Barbara Grohe for being named the 1998 National Superintendent of the Year, and moved its adoption.

The motion prevailed and the resolution was adopted.

The House resumed consideration of **House File 2517**, a bill for an act establishing a healthy and well kids in Iowa (HAWK-I) program to provide health insurance to eligible children, previously deferred.

Jochum of Dubuque offered the following amendment H-8321 filed by her from the floor and moved its adoption:

H-8321

- 1 Amend House File 2517 as follows:
- 2 1. Page 1, lines 29 and 30, by striking the words
- 3 "or copayment".
- 4 2. Page 7, by striking lines 17 through 20 and
- 5 inserting the following:
- 6 " \_\_\_\_\_. The amount of any cost sharing under the
- 7 program."
- 8 3. Page 13, by striking lines 21 through 26 and
- 9 inserting the following: "may include a premium in
- 10 accordance with federal law. The amount of the
- 11 premium shall be based on a sliding fee scale
- 12 established by rule which is based on family net
- 13 income, as defined in section 422.7, and the size of
- 14 the family."
- 15 4. By relettering as necessary.

Roll call was requested by Jochum of Dubuque and Doderer of Johnson.

On the question "Shall amendment H-8321 be adopted?" (H.F. 2517)

The ayes were, 44:

Bell	Bernau	Brand	Bukta
Burnett	Cataldo	Chapman	Chiodo
Cohoon	Connors	Doderer	Dotzler
Drees	Falck	Fallon	Foege
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	Warnstadt
Weigel	Whitead	Wise	Witt

The nays were, 53:

Arnold	Barry	Blodgett	Boddicker
Bogges	Bradley	Brauns	Brunkhorst
Carroll	Churchill	Cormack	Dinkla
Dix	Dolecheck	Drake	Eddie

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
Thomas	Thomson	Tyrrell	Van Fossen
Van Maanen	Veenstra	Weidman	Welter
Mr. Speaker			
Corbett			

Absent or not voting, 3:

Ford Greiner Vande Hoef

Amendment H-8321 lost.

Hansen of Pottawattamie offered the following amendment H-8305 filed by him from the floor and moved its adoption:

H-8305

- 1 Amend House File 2517 as follows:
- 2 1. Page 2, by striking line 21, and inserting the
- 3 following: "improve the health of children and to
- 4 provide health care insurance coverage to eligible
- 5 children on a".
- 6 2. Page 4, by striking lines 19 through 24, and
- 7 inserting the following: "pursuant to this chapter.
- 8 All contracts entered into pursuant to this chapter
- 9 shall be made available to the public."
- 10 3. Page 5, line 30, by striking the word
- 11 "program" and inserting the following: "programs".
- 12 4. Page 7, line 29, by inserting after the word
- 13 "insurers" the following: ", and between public
- 14 members of the board and the administrative contractor
- 15 and participating insurers".

Amendment H-8305 was adopted.

Osterhaus of Jackson offered amendment H-8314 filed by him, Doderer of Johnson and Holveck of Polk from the floor. Division was requested as follows:

H-8314

- 1 Amend House File 2517 as follows:

H-8314A

- 2 1. Page 2, by striking line 21 and inserting the

3 following: "improve the health of children and to  
4 provide health care insurance coverage to eligible  
5 children on a".

H-8314B

6 2. Page 4, line 2, by striking the words "and  
7 the" and inserting the following: ", and by the".

H-8314C

8 3. Page 4, line 6, by inserting after the word  
9 "contractor" the following: "or with a participating  
10 insurer".

H-8314A

11 4. Page 4, by striking lines 19 through 24 and  
12 inserting the following: "pursuant to this chapter.  
13 All contracts entered into pursuant to this chapter  
14 shall be made available to the public."

15 5. Page 5, line 30, by striking the word  
16 "program" and inserting the following: "programs".

H-8314D

17 6. Page 7, line 7, by inserting after the word  
18 "drugs" the following: "and nonprescription drugs as  
19 approved by the board".

20 7. Page 7, by inserting after line 7 the  
21 following:  
22 "( ) Pharmacist care."

H-8314E

23 8. Page 7, by striking lines 18 through 20 and  
24 inserting the following: "shall be an amount which  
25 complies with federal law."

H-8314F

26 9. Page 7, by striking lines 21 through 23 and  
27 inserting the following:  
28 "\_\_\_\_. A provision that an enrollee may voluntarily  
29 disenroll from a plan within the first thirty days of  
30 a final eligibility determination. The enrollee shall  
31 only be allowed to voluntarily disenroll in this  
32 manner two times annually."

H-8314A

33 10. Page 7, line 29, by inserting after the word  
34 "insurers" the following: ", and between public

35 members of the board and the administrative contractor  
36 and participating insurers”.

H-8314E

37 11. Page 13, by striking lines 21 through 24 and  
38 inserting the following: “may include a premium and  
39 copayment amount. The amount of any premium or  
40 copayment amount shall be based on a sliding”.

41 12. By renumbering as necessary.

Osterhaus of Jackson asked and received unanimous consent to withdraw amendment H-8314A.

Hansen of Pottawattamie offered amendment H-8294 filed by him as follows:

H-8294

1 Amend House File 2517 as follows:  
2 1. Page 3, by striking lines 1 and 2 and  
3 inserting the following:  
4 “4. The department of human services shall assist  
5 the board in contracting with other entities for  
6 provision”.  
7 2. Page 3, line 23, by striking the word “Six”  
8 and inserting the following: “Four”.  
9 3. Page 3, line 27, by striking the words “Public  
10 members” and inserting the following: “At least one  
11 public member”.  
12 4. Page 4, line 28, by striking the word “an” and  
13 inserting the following: “any”.  
14 5. Page 4, line 30, by striking the word “an” and  
15 inserting the following: “any”.  
16 6. Page 5, by striking line 2 and inserting the  
17 following:  
18 “d. Develop, with the assistance of the department  
19 of human services, an outreach plan”.  
20 7. Page 6, line 8, by inserting after the word  
21 “address” the following: “, but are not limited to  
22 addressing,”.  
23 8. Page 6, line 17, by inserting after the word  
24 “program.” the following: “A plan shall provide for  
25 capitated fee form of payment of a participating  
26 insurer.”  
27 9. Page 6, lines 18 and 19, by striking the words  
28 “but are not limited to”.  
29 10. Page 7, by striking lines 21 through 23.  
30 11. Page 9, line 12, by striking the word  
31 “advisory”.  
32 12. Page 9, line 22, by striking the word  
33 “advisory”.  
34 13. Page 12, line 27, by inserting after the word

- 35 "disenrolled." the following: "An enrollee may change  
36 plan enrollment once a year on the enrollee's  
37 anniversary date."  
38 14. Page 13, by inserting after line 26 the  
39 following:  
40 "Sec. \_\_\_\_ EFFECTIVE DATE. This Act, being deemed  
41 of immediate importance, takes effect upon enactment."  
42 15. Title page, line 2, by inserting after the  
43 word "children" the following: "and providing an  
44 effective date".

Jochum of Dubuque asked and received unanimous consent to withdraw amendment H-8323, to amendment H-8294, filed by her from the floor.

Hansen of Pottawattamie offered the following amendment H-8310, to amendment H-8294, filed by him from the floor and moved its adoption:

H-8310

- 1 Amend the amendment, H-8294, to House File 2517 as  
2 follows:  
3 1. Page 1, by inserting after line 6 the  
4 following:  
5 " \_\_\_\_ Page 3, line 15, by striking the word  
6 "nine" and inserting the following: "seven"."  
7 2. By renumbering as necessary.

Amendment H-8310, to amendment H-8294, was adopted.

Foegen of Linn offered amendment H-8330, to amendment H-8294, filed by him from the floor as follows:

H-8330

- 1 Amend the amendment, H-8294 to House File 2517 as  
2 follows:  
3 1. Page 1, line 26, by inserting after the word  
4 "insurer" the following: "and shall include a  
5 requirement, as specified by rules adopted by the  
6 HAWK-I board, that a participating insurer, or  
7 insurer's agent with a capitated payment system, shall  
8 exercise ordinary care when making health care  
9 treatment decisions and is liable for damages for harm  
10 to an insured or enrollee proximately caused by the  
11 participating insurer's failure to exercise such  
12 ordinary care in a reasonable manner. As used in this  
13 paragraph, "insurer's agent" means an employee, agent  
14 or representative of a third-party payor who is acting  
15 on behalf of the insurer and over whom the insurer has  
16 the right to exercise influence or control".

Hansen of Pottawattamie rose on a point of order that amendment H-8330, to amendment H-8294, was not germane.

The Speaker ruled the point not well taken and amendment H-8330 germane.

Foegen of Linn moved the adoption of amendment H-8330, to amendment H-8294.

Roll call was requested by Schrader of Marion and Hansen of Pottawattamie.

On the question "Shall amendment H-8330, to amendment H-8294, be adopted?" (H.F. 2517)

The ayes were, 42:

Bell	Bernau	Bukta	Burnett
Cataldo	Chapman	Chiodo	Cohoon
Connors	Doderer	Dotzler	Drees
Falck	Fallon	Foegen	Frevert
Holveck	Huser	Jochum	Kinzer
Koenigs	Kreiman	Larkin	Mascher
May	Mertz	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
Bogess	Bradley	Brauns	Brunkhorst
Carroll	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	Metcalf	Millage
Mundie	Nelson	Rants	Rayhons
Siegrist	Sukup	Teig	Thomson
Tyrrell	Van Fossen	Van Maanen	Veenstra
Weidman	Welter	Mr. Speaker	
		Corbett	

Absent or not voting, 7:

Brand	Dinkla	Ford	Grundberg
Meyer	Moreland	Vande Hoef	

Amendment H-8330 lost.

Jochum of Dubuque asked and received unanimous consent to withdraw amendment H-8331, to amendment H-8294, filed by her from the floor.

Kreiman of Davis offered the following amendment H-8332, to amendment H-8294, filed by him from the floor and moved its adoption:

H-8332

1 Amend the amendment, H-8294, to House File 2517 as  
2 follows:

3 1. Page 1, by inserting after line 39 the  
4 following:

5 "Sec. \_\_\_\_ CONTINGENCY. If the state plan which  
6 includes the HAWK-I program is not approved by the  
7 secretary of the United States department of health  
8 and human services, the department of human services  
9 may expand the medical assistance program to children  
10 whose income is not more than one hundred eighty-five  
11 percent of the federal poverty level. Cost sharing  
12 may be imposed for children whose income is above one  
13 hundred fifty percent of the federal poverty level if  
14 consistent with federal regulations governing the  
15 medical assistance program."

16 2. Page 1, line 43, by striking the word "and"  
17 and inserting the following: ", providing a  
18 contingency, and".

19 3. By renumbering as necessary.

Amendment H-8332 lost.

Hansen of Pottawattamie moved the adoption of amendment H-8294, as amended.

Amendment H-8294, as amended, was adopted placing amendment H-8314F out of order.

Jochum of Dubuque asked and received unanimous consent to withdraw amendment H-8311 filed by her from the floor.

Osterhaus of Jackson moved the adoption of amendment H-8314B.

Amendment H-8314B was adopted.

Osterhaus of Jackson asked and received unanimous consent to withdraw amendment H-8314C filed by Osterhaus, et al.

Hansen of Pottawattamie offered the following amendment H-8295 filed by him and moved its adoption:



H-8295

- 1 Amend House File 2517 as follows:
- 2 1. Page 4, line 34, by striking the word "Review"
- 3 and inserting the following: "Define the benefit
- 4 package, review".
- 5 2. Page 5, line 1, by inserting after the word
- 6 "reviews." the following: "The benefit design, and
- 7 any subsequent modification, shall take into
- 8 consideration the needs of children identified as
- 9 having special needs."

Amendment H-8295 was adopted.

Hansen of Pottawattamie offered the following amendment H-8296 filed by him and moved its adoption:

H-8296

- 1 Amend House File 2517 as follows:
- 2 1. Page 5, line 15, by striking the words "an
- 3 initial" and inserting the following: "a single,
- 4 nationally recognized functional".

Amendment H-8296 was adopted.

Jochum of Dubuque offered the following amendment H-8298 filed by her and moved its adoption:

H-8298

- 1 Amend House File 2517 as follows:
- 2 1. Page 5, line 26, by inserting after the word
- 3 "program" the following: ", including but not limited
- 4 to a provision to coordinate eligibility between the
- 5 medical assistance program and the private program
- 6 which establishes medical assistance eligibility up to
- 7 one hundred thirty-three percent of the poverty
- 8 level."

Amendment H-8298 was adopted, placing amendment H-8316 filed by Jochum of Dubuque from the floor, out of order.

Jochum of Dubuque offered the following amendment H-8319 filed by her from the floor and moved its adoption:

H-8319

- 1 Amend House File 2517 as follows:
- 2 1. Page 6, line 5, by striking the words
- 3 "administrative costs," and inserting the following:
- 4 "administrative costs and the costs of insurance
- 5 commissions, but".

Amendment H-8319 lost.

Hansen of Pottawattamie offered the following amendment H-8297 filed by him and moved its adoption:

H-8297

- 1 Amend House File 2517 as follows:
- 2 1. Page 6, by inserting after line 6 the
- 3 following:
- 4 "\_\_\_ Establish a clinical advisory committee to
- 5 make recommendations to the board regarding the
- 6 clinical aspects of the HAWK-I program."
- 7 2. By renumbering as necessary.

Amendment H-8297 was adopted.

Hansen of Pottawattamie offered the following amendment H-8299 filed by him and moved its adoption:

H-8299

- 1 Amend House File 2517 as follows:
- 2 1. Page 6, by inserting after line 6, the
- 3 following:
- 4 "\_\_\_ Prescribe the elements to be included in a
- 5 health improvement program plan required to be
- 6 developed by a participating insurer. The elements
- 7 shall include but are not limited to health
- 8 maintenance and prevention, health risk assessment,
- 9 and demand management activities."
- 10 2. Page 9, by inserting after line 22, the
- 11 following:
- 12 "\_\_\_ Develop a plan for a health improvement
- 13 program for enrollees to include elements identified
- 14 by the board.
- 15 \_\_\_ Develop a plan for provider network
- 16 development including criteria for access to pediatric
- 17 subspecialty services."
- 18 3. By relettering and renumbering as necessary.

Amendment H-8299 was adopted.

Osterhaus of Jackson moved the adoption of amendment H-8314D.

Carroll of Poweshiek in the chair at 3:42 p.m.

Amendment H-8314D lost.

Hansen of Pottawattamie offered the following amendment H-8300 filed by him and Metcalf of Polk and moved its adoption:

H-8300

- 1 Amend House File 2517 as follows:  
2 1. By striking page 6, line 24, through page 7,  
3 line 7, and inserting the following:  
4 "(1) Inpatient hospital services including  
5 medical, surgical, intensive care unit, mental health,  
6 and substance abuse services.  
7 (2) Nursing care services including skilled  
8 nursing facility services.  
9 (3) Outpatient hospital services including  
10 emergency room, surgery, lab, and x-ray services and  
11 other services.  
12 (4) Physician services, both surgical and medical,  
13 including office visits, newborn care, well-baby and  
14 well-child care, immunizations, urgent care,  
15 specialist care, allergy testing and treatment, mental  
16 health visits, and substance abuse visits.  
17 (5) Ambulance services.  
18 (6) Physical therapy.  
19 (7) Speech therapy.  
20 (8) Durable medical equipment.  
21 (9) Home health care.  
22 (10) Hospice services.  
23 (11) Prescription drugs.  
24 (12) Dental services including preventative  
25 services.  
26 (13) Medically necessary hearing services.  
27 (14) Vision services including corrective lenses."

Amendment H-8300 was adopted.

Van Fossen of Scott offered the following amendment H-8313, to amendment H-8300, filed by him from the floor and requested divisions as follows:

H-8313

- 1 Amend the amendment, H-8300, to House File 2517 as  
2 follows:

H-8313A

- 3 1. Page 1, by striking line 12 and inserting the  
4 following:  
5 "(4) Physician services, including surgical and  
6 medical, and".

H-8313B

- 7 2. Page 1, line 18, by inserting after the word  
8 "therapy" the following: "and physical medicine".

Van Fossen of Scott moved the adoption of amendment H-8313A, to amendment H-8300.

Amendment H-8313A was adopted.

Van Fossen of Scott asked and received unanimous consent to withdraw amendment H-8313B, to amendment H-8300.

Hansen of Pottawattamie moved the adoption of amendment H-8300, as amended.

Amendment H-8300, as amended, was adopted.

Jochum of Dubuque offered the following amendment H-8312 filed by her from the floor and moved its adoption:

H-8312

1 Amend House File 2517 as follows:

2 1. Page 7, line 14, by inserting after the word  
3 "condition." the following: "The board may extend  
4 eligibility to additional individuals including, but  
5 not limited to, family members of eligible children,  
6 if eligibility may be extended in a manner which does  
7 not jeopardize the financial soundness of the program  
8 in providing coverage to eligible children."

9 2. Page 13, line 11, by inserting after the word  
10 "children" the following: "or other individuals  
11 determined eligible by the board".

Amendment H-8312 lost.

Osterhaus of Jackson offered the following amendment H-8306 filed by him from the floor and moved its adoption:

H-8306

1 Amend House File 2517 as follows:

2 1. Page 7, line 19, by striking the word  
3 "minimum" and inserting the following: "maximum".

4 2. Page 13, line 22, by striking the word  
5 "minimum" and inserting the following: "maximum".

6 3. Page 13, line 22, by striking the words "but  
7 which does not exceed five percent".

Amendment H-8306 lost.

Jochum of Dubuque offered the following amendment H-8317 filed by her from the floor and moved its adoption:

H-8317

1 Amend House File 2517 as follows:

- 2 1. Page 7, line 19, by striking the words "gross  
3 annual income" and inserting the following: "net  
4 income, as defined in section 422.7".  
5 2. Page 13, line 23, by striking the words  
6 "adjusted gross income" and inserting the following:  
7 "net income as defined in section 422.7".  
8 3. Page 13, line 26, by striking the words  
9 "adjusted gross income" and inserting the following:  
10 "net income as defined in section 422.7".

Amendment H-8317 lost.

Osterhaus of Jackson asked and received unanimous consent that amendment H-8314E be deferred.

Jochum of Dubuque asked and received unanimous consent to withdraw amendment H-8320 filed by her from the floor.

Hansen of Pottawattamie offered the following amendment H-8307 filed by him from the floor and moved its adoption:

H-8307

- 1 Amend House File 2517 as follows:  
2 1. Page 13, line 21, by striking the words "and  
3 coinsurance" and inserting the following: "or  
4 copayment".  
5 2. Page 13, line 24, by striking the words "and  
6 the coinsurance" and inserting the following: "or the  
7 copayment".

Amendment H-8307 was adopted, placing amendment H-8308 filed by Hansen of Pottawattamie from the floor, out of order.

Jochum of Dubuque asked and received unanimous consent to withdraw amendment H-8301 filed by her on March 10, 1998.

Jochum of Dubuque asked and received unanimous consent to withdraw amendment H-8318 filed by her from the floor.

Osterhaus of Jackson asked and received unanimous consent to withdraw amendment H-8314E.

Speaker Corbett in the chair at 4:22 p.m.

Hansen of Pottawattamie moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2517)

The ayes were, 95:

Arnold	Barry	Bell	Bernau
Blodgett	Boggess	Bradley	Brand
Brauns	Brunkhorst	Bukta	Burnett
Carroll	Cataldo	Chapman	Chiodo
Cohoon	Connors	Cormack	Dinkla
Dix	Doderer	Dolecheck	Dotzler
Drake	Drees	Eddie	Falck
Fallon	Foege	Frevert	Garman
Gipp	Greig	Greiner	Gries
Grundberg	Hahn	Hansen	Heaton
Holmes	Holveck	Houser	Huseman
Huser	Jacobs	Jenkins	Jochum
Kinzer	Klemme	Koenigs	Kreiman
Kremer	Lamberti	Larkin	Larson
Lord	Martin	Mascher	May
Mertz	Metcalf	Meyer	Millage
Moreland	Mundie	Murphy	Myers
Nelson	O'Brien	Osterhaus	Rants
Rayhons	Reynolds-Knight	Richardson	Scherrman
Schrader	Shoultz	Sukup	Taylor
Teig	Thomas	Thomson	Tyrrell
Van Fossen	Vande Hoef	Veenstra	Warnstadt
Weidman	Weigel	Welter	Whitead
Wise	Witt	Mr. Speaker	
		Corbett	

The nays were, none.

Absent or not voting, 5:

Boddicker	Churchill	Ford	Siegrist
Van Maanen			

The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

### IMMEDIATE MESSAGE

Gipp of Winneshiek asked and received unanimous consent that House File 2517 be immediately messaged to the Senate.

### MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 11, 1998, passed the following bill in which the concurrence of the House is asked:

Senate File 2192, a bill for an act relating to motor vehicle damage disclosure statements.

Also: That the Senate has on March 11, 1998, passed the following bill in which the concurrence of the House is asked:

Senate File 2308, a bill for an act concerning eligible alternative retirement benefit systems for community college employees.

Also: That the Senate has on March 11, 1998, passed the following bill in which the concurrence of the House is asked:

Senate File 2371, a bill for an act relating to infectious and contagious diseases affecting livestock and providing penalties.

Also: That the Senate has on March 11, 1998, passed the following bill in which the concurrence of the House is asked:

Senate File 2385, a bill for an act relating to the mandatory minimum term of incarceration for felony domestic abuse assault.

Also: That the Senate has on March 11, 1998, passed the following bill in which the concurrence of the House is asked:

Senate File 2386, a bill for an act relating to financial assistance to local governments for eligible disaster-related expenses, serious needs, and hazard mitigation and providing an effective date.

Also: That the Senate has on March 11, 1998, passed the following bill in which the concurrence of the House is asked:

Senate File 2387, a bill for an act relating to adoption procedural requirements including those related to investigations, reports, and counseling.

Also: That the Senate has on March 11, 1998, passed the following bill in which the concurrence of the House is asked:

Senate File 2392, a bill for an act relating to community service and inmate work programs.

MARY PAT GUNDERSON, Secretary

**House File 2394**, a bill for an act providing for an immediate suspension of a driver's license of a person charged with homicide by vehicle, with report of committee recommending passage, was taken up for consideration.

Huser of Polk offered amendment H-8279 filed by her and Larson of Linn as follows:

H-8279

- 1 Amend House File 2394 as follows:
- 2 1. Page 1, by striking lines 15 and 16 and
- 3 inserting the following: "c", the court at the
- 4 initial appearance shall issue immediate notice of
- 5 intention to suspend to the person who is charged.
- 6 The court shall order the person to surrender the
- 7 motor vehicle license or permit, if any, and issue a

8 temporary license effective for ten days. The  
9 effective date of the suspension shall be ten days  
10 after the issuance of the order as provided in section  
11 321.210C. The court shall forward”.

12 2. Page 1, by striking lines 22 through 27, and  
13 inserting the following:

14 “1. The department is authorized to adopt rules  
15 relating to the suspension of the license of an  
16 operator who has been charged with homicide by vehicle  
17 under section 707.6A, subsection 1, paragraph “b” or  
18 “c”, after receipt by the department of a record from  
19 the court under section 321.491. The effective date  
20 of a suspension shall be ten days after the issuance  
21 of an order pursuant to section 321.206, subsection  
22 2.”

23 3. Page 3, line 4, by inserting after the word  
24 “order” the following: “issuing a temporary license  
25 and”.

Larson of Linn offered the following amendment H-8333, to amend  
H-8279, filed by Larson of Linn, Huser of Polk, Kreiman of Davis  
and Chiodo of Polk from the floor and moved its adoption:

H-8333

1 Amend the amendment, H-8279, to House File 2394, as  
2 follows:

3 1. Page 1, by striking lines 2 through 25 and  
4 inserting the following:

5 “ Page 1, by striking lines 1 through 18.

6 — Page 1, by inserting after line 21 the  
7 following:

8 “1. If a trial information or indictment is filed  
9 charging a person with the offense of homicide by  
10 vehicle under section 707.6A, subsection 1, and the  
11 person’s license has not previously been suspended  
12 under chapter 321J, or under section 707.6A,  
13 subsection 2, the clerk of the district court shall,  
14 upon the filing of the information or indictment,  
15 forward notice to the department including the name  
16 and address of the party charged, the registration  
17 number of the vehicle involved, the nature of the  
18 offense, and the date of the filing of the indictment  
19 or information.”

20 — By striking page 1, line 22, through page 2,  
21 line 16 and inserting the following:

22 “2. Upon receiving notice from the clerk of the  
23 district court that an indictment or information has  
24 been filed charging an operator with homicide by  
25 vehicle under section 707.6A, subsection 1 or 2, the  
26 department shall notify the person that the person’s  
27 motor vehicle license will be suspended effective ten



28 days from the date of issuance of the notice. The  
 29 department shall adopt rules relating to the  
 30 suspension of the license of an operator pursuant to  
 31 this section which shall include, but are not limited  
 32 to, procedures for the surrender of the person's  
 33 license to the department upon the effective date of  
 34 the suspension.

35 3. If a person whose motor vehicle license has  
 36 been suspended pursuant to this section is not  
 37 convicted of the charge of homicide by vehicle under  
 38 section 707.6A, subsection 1 or 2, upon record entry  
 39 of disposition of the charge, the clerk of the  
 40 district court shall forward a notice including the  
 41 name and address of the party charged, the  
 42 registration number of the vehicle involved, the  
 43 nature of the offense charged by indictment or  
 44 information, the date of the filing of the indictment  
 45 or information, and of the disposition of the charge  
 46 to the department. Upon receipt of the notice from  
 47 the clerk, the department shall automatically rescind  
 48 the suspension and reinstate the person's motor  
 49 vehicle license without payment of any charge or  
 50 penalty."

## Page 2

1 \_\_. Page 2, line 17, by striking the figure "3."  
 2 and inserting the following: "4."

3 \_\_. Page 2, lines 18 and 19, by striking the  
 4 words and figures "1, paragraph "b" or "c"" and  
 5 inserting the following: "1 or 2".

6 \_\_. Page 2, line 21, by striking the figure "1"  
 7 and inserting the following: "2".

8 \_\_. By striking page 2, line 23, through page 4,  
 9 line 10.

10 \_\_. Page 4, by inserting after line 16 the  
 11 following:

12 "Sec. \_\_. Section 902.12, Code 1997, is amended  
 13 by adding the following new unnumbered paragraph:  
 14 **NEW UNNUMBERED PARAGRAPH.** Except as otherwise  
 15 provided in section 903A.2, a person serving a  
 16 sentence for conviction under section 707.6A,  
 17 subsection 1 or 2, shall serve one hundred percent of  
 18 the maximum term of the person's sentence and shall  
 19 not be released on parole or work release, if the  
 20 person was also convicted under section 321.261,  
 21 subsection 3, based on the same facts or event that  
 22 resulted in the conviction under section 707.6A,  
 23 subsection 1 or 2."

24 \_\_. Title page, line 1, by striking the words  
 25 "an immediate" and inserting the following: "service  
 26 of one hundred percent of the maximum sentence by and  
 27 the".

28 \_\_. By numbering and renumbering as necessary."

Amendment H-8333, to amendment H-8279, was adopted.

Huser of Polk moved the adoption of amendment H-8279, as amended.

Amendment H-8279, as amended, was adopted placing out of order amendment H-8324 filed by Chiodo of Polk 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?" (H.F. 2394)

The ayes were, 96:

Arnold	Barry	Bell	Bernau
Blodgett	Bogges	Bradley	Brand
Brauns	Brunkhorst	Bukta	Burnett
Carrroll	Cataldo	Chapman	Chiodo
Cohoon	Connors	Cormack	Dinkla
Dix	Doderer	Dolecheck	Dotzler
Drake	Drees	Eddie	Falck
Fallon	Foege	Frevert	Garman
Gipp	Greig	Greiner	Gries
Grundberg	Hahn	Hansen	Heaton
Holmes	Holveck	Houser	Huseman
Huser	Jacobs	Jenkins	Jochum
Kinzer	Klemme	Koenigs	Kreiman
Kremer	Lamberti	Larkin	Larson
Lord	Martin	Mascher	May
Mertz	Metcalf	Meyer	Millage
Moreland	Mundie	Murphy	Myers
Nelson	O'Brien	Osterhaus	Rants
Rayhons	Reynolds-Knight	Richardson	Scherrman
Schrader	Shoultz	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	Churchill	Ford	Siegrist
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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

Gipp of Winneshiek asked and received unanimous consent that **House File 2394** be immediately messaged to the Senate.

MOTION TO RECONSIDER WITHDRAWN  
(House File 2424)

Vande Hoef of Osceola asked and received unanimous consent to withdraw the motion to reconsider House File 2424, a bill for an act providing for the expansion of the system of issuance of motor vehicle licenses by county treasurers, filed by him on March 10, 1998.

**House File 382**, a bill for an act relating to the validity of certain marriages, with report of committee recommending passage, was taken up for consideration.

Doderer of Johnson asked and received unanimous consent to withdraw amendment H-8277 filed by Doderer, et al., on March 10, 1998.

Speaker pro tempore Van Maanen of Marion in the chair at 5:14 p.m.

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. 382)

The ayes were, 86:

Arnold	Barry	Bell	Blodgett
Boggess	Bradley	Brand	Brauns
Brunkhorst	Bukta	Carroll	Cataldo
Chiodo	Churchill	Cohoon	Connors
Corbett, Spkr.	Cormack	Dix	Dotzler
Drake	Drees	Eddie	Falck
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	Nelson
O'Brien	Osterhaus	Rants	Rayhons
Reynolds-Knight	Richardson	Scherrman	Schrader
Shoultz	Sukup	Taylor	Teig
Thomas	Thomson	Tyrrell	Van Fossen

Vande Hoef	Veenstra	Warnstadt	Weidman
Weigel	Welter	Whitead	Wise
Witt	Van Maanen, Presiding		

The nays were, 8:

Bernau	Burnett	Chapman	Doderer
Fallon	Grundberg	Mascher	Myers

Absent or not voting, 6:

Boddicker	Dinkla	Dolecheck	Foege
Ford	Siegrist		

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

#### IMMEDIATE MESSAGE

Gipp of Winneshiek asked and received unanimous consent that **House File 382** be immediately messaged to the Senate.

#### SENATE MESSAGE CONSIDERED

**Senate File 2348**, by committee on education, a bill for an act relating to the locations at which shared public school services may be made available to nonpublic school students.

Read first time and referred to committee on education.

#### MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 11, 1998, passed the following bill in which the concurrence of the House is asked:

Senate File 2374, a bill for an act providing for the regulation of bail enforcement businesses and their agents, limiting their actions, establishing fees, eliminating temporary county-issued identification for private security agents and investigators, and providing penalties.

Also: That the Senate has on March 11, 1998, passed the following bill in which the concurrence of the House is asked:

Senate File 2383, a bill for an act relating to amusement ride rider safety, providing a penalty, and providing an effective date.

MARY PAT GUNDERSON, Secretary

MOTIONS TO RECONSIDER  
(House File 2482)

I move to reconsider the vote by which House File 2482 passed the House on March 11, 1998.

NELSON of Marshall

I move to reconsider the vote by which House File 2482 passed the House on March 11, 1998.

SCHRADER of Marion

EXPLANATIONS OF VOTES

I was necessarily absent from the House chamber on March 11, 1998. Had I been present, I would have voted "aye" on House File 2412 and amendment H-8272 to House File 2482.

CHIODO of Polk

I was necessarily absent from the House chamber on March 10, 1998. Had I been present, I would have voted "aye" on House File 667.

DRAKE of Pottawattamie

I was necessarily absent from the House chamber on March 10, 1998. Had I been present, I would have voted "aye" on House Files 667, 2136, 2251, 2317, 2324, 2350, 2353, 2370, 2410, 2424, 2429, 2443, 2455, 2465, 2473, 2492 and Senate Files 2279, 2285 and "nay" on amendment H-8217 to House File 2424.

KREIMAN of Davis

I was necessarily absent from the House chamber due to weather on March 10, 1998. Had I been present, I would have voted "aye" on House Files 667, 2136, 2317, 2324, 2350, 2353, 2370, 2410, 2443, 2465, 2473, 2492, and Senate File 2285.

LARSON of Linn

I was necessarily absent from the House chamber due to weather on March 11, 1998. Had I been present, I would have voted "aye" on House Files 2412, 2482 and amendment H-8272 to House File 2482.

RICHARDSON of Warren

PRESENTATION OF VISITORS

The Speaker announced that the following visitors were present in the House chamber:

One hundred twenty-five seniors from Clear Lake High School, Clear Lake, accompanied by Beth Ann Schumacher and Mike Callanan. By Blodgett of Cerro Gordo.

Twenty-one seventh grade students from Sully Christian School, Sully, accompanied by Scott Roose. By Carroll of Poweshiek.

Thirty-two high school government students from English Valleys School, North English, accompanied by Bria Newell and Gene Denison. By Tyrrell of Iowa.

#### SUBCOMMITTEE ASSIGNMENTS

##### House File 2411

Appropriations: Gipp, Chair; Koenigs and Sukup.

##### Senate File 2066

Human Resources: Boddicker, Chair; Lamberti and Moreland.

##### Senate File 2085 Reassigned

Transportation: Welter, Chair; Carroll and May.

##### Senate File 2186

Human Resources: Kremer, Chair; Lord and Thomas.

##### Senate File 2257 Reassigned

Transportation: Welter, Chair; Blodgett and Huser.

##### Senate File 2292

Judiciary: Sukup, Chair; Moreland and Veenstra.

##### Senate File 2307

Human Resources: Carroll, Chair; Brand and Thomson.

##### Senate File 2330

Judiciary: Larson, Chair; Chapman and Lamberti.

##### Senate File 2331

Judiciary: Kremer, Chair; Bernau and Dinkla.

##### Senate File 2339

Judiciary: Larson, Chair; Chapman and Lamberti.

## Senate File 2398

Judiciary: Lamberti, Chair; Shultz and Sukup.

## 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 517), providing for township trustees, by providing for their representation by county attorneys.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 10, 1998.

**Committee Bill** (Formerly House File 716), relating to the transportation of public and nonpublic school students and other properly related matters.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 10, 1998.

**Committee Bill** (Formerly House Study Bill 669), relating to the extension of the reduced excise tax imposed on motor fuel containing ethanol.

Fiscal Note is not required.

Recommended **Do Pass** March 10, 1998.

## AMENDMENTS FILED

H—8309	H.F.	2275	Martin of Scott Burnett of Story
H—8322	H.F.	2162	Senate Amendment
H—8325	H.F.	2494	Koenigs of Mitchell
H—8326	H.F.	2495	Churchill of Polk Bernau of Story
H—8327	H.F.	2498	Chiodo of Polk
H—8328	H.F.	2520	Houser of Pottawattamie
H—8329	H.F.	2520	Blodgett of Cerro Gordo

H-8334	H.F.	2335	Greiner of Washington
H-8335	H.F.	2335	Weigel of Chickasaw
H-8336	H.F.	2335	Weigel of Chickasaw
H-8337	H.F.	2005	Blodgett of Cerro Gordo
H-8338	H.F.	2491	Van Fossen of Scott
H-8339	H.F.	2494	Arnold of Lucas
H-8340	H.F.	2494	Kreiman of Davis
H-8341	H.F.	2494	Carroll of Poweshiek
H-8342	H.F.	2494	Scherrman of Dubuque
H-8343	H.F.	2494	Mundie of Webster
H-8344	H.F.	2496	Martin of Scott
H-8345	H.F.	2496	Martin of Scott
H-8346	H.F.	2496	Martin of Scott
H-8347	H.F.	2101	Taylor of Linn
H-8348	S.F.	2061	Huser of Polk
H-8349	H.F.	2494	Mundie of Webster
H-8350	H.F.	2494	Koenigs of Mitchell
H-8351	H.F.	2494	Mundie of Webster
H-8352	H.F.	2494	Witt of Black Hawk
H-8353	H.F.	2335	Koenigs of Mitchell
H-8354	H.F.	2494	Teig of Hamilton
H-8355	H.F.	2494	Frevert of Palo Alto

On motion by Gipp of Winneshiek, the House adjourned at 6:10 p.m., until 8:45 a.m., Thursday, March 12, 1998.



# JOURNAL OF THE HOUSE

Sixtieth Calendar Day - Forty-first Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Thursday, March 12, 1998

The House met pursuant to adjournment at 8:50 a.m., Speaker pro tempore Van Maanen of Marion in the chair.

Prayer was sung by The Slade Family Singing Group, Dubuque.

The Journal of Wednesday, March 11, 1998 was approved.

## INTRODUCTION OF BILLS

**House File 2534**, by committee on ways and means, a bill for an act providing for township trustees, by providing for their representation by county attorneys.

Read first time and placed on the **ways and means calendar**.

**House File 2535**, by committee on ways and means, a bill for an act relating to the extension of the reduced excise tax imposed on motor fuel containing ethanol.

Read first time and placed on the **ways and means calendar**.

**House File 2536**, by Schrader and Van Maanen, a bill for an act making an appropriation to the department of corrections for assistance to counties billed for health care costs of certain escapees from a correctional facility 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 March 11, 1998, passed the following bill in which the concurrence of the House is asked:

Senate File 2296, a bill for an act appropriating funds to the department of economic development, certain board of regents institutions, the department of workforce development, the public employment relations board, making related statutory changes, and providing an effective date provision.

Also: That the Senate has on March 11, 1998, passed the following bill in which the concurrence of the House is asked:

Senate File 2381, a bill for an act making appropriations from and to the rebuild Iowa infrastructure fund for the fiscal year beginning July 1, 1998, to the

division of soil conservation for deposit in the Loess Hills development and conservation fund; department of corrections for renovation of the power plant and improvements to the water system at the Iowa correctional institution for women, for the construction of an additional cellblock at the Fort Dodge correctional facility, and for the construction of a 200-bed facility at the Iowa state penitentiary at Fort Madison; department of cultural affairs for the creation of a historical site preservation grant program; department of economic development for a welcome center at Hamburg, to be deposited in the physical infrastructure assistance fund, and for deposit in the rural enterprise fund to be used for a dry fire hydrant and rural water supply education and demonstration project; department of education for infrastructure improvements to the community colleges; department of general services for major renovation needs for state-owned buildings and facilities, for critical and deferred maintenance at Terrace Hill, for relocation of offices and other transitions costs associated with the renovation of the Lucas state office building and the old historical building, for renovation of the Lucas state office building, for developing a master plan for the capitol complex, for planning and design of a parking structure located at the northwest corner of the capitol complex, and for capitol interior restoration; department of public defense for maintenance and repair of national guard armories and facilities; department of public safety for construction of a new patrol post in district 1; department of natural resources for the purpose of funding capital projects from marine fuel tax receipts for expenditures for local cost-share grants to be used for capital expenditures to local governmental units for boating accessibility, for the construction of the Elinor Bedell state park and wildlife conservation area, for a recreational grant matching program, for the blufflands protection revolving fund, and for the dredging of lakes; department of transportation for capital improvements at all 10 of the commercial air service airports; for the Iowa state fair foundation for renovation, restoration, and improvement of the cattle barn and horse barn at the state fairgrounds and for county fair infrastructure improvements; judicial department for capital projects at the capitol building; and state board of regents for capital projects at the Iowa school for the deaf and the Iowa braille and sight saving school; making appropriations of the marine fuel tax receipts from the rebuild Iowa infrastructure fund; providing a reversion date to funds appropriated to the department of revenue and finance in the fiscal year beginning July 1, 1997, and ending June 30, 1998; making statutory changes relating to appropriations by establishing the blufflands protection fund, by reducing the overall appropriation for the restore outdoors program for the fiscal period beginning July 1, 1997, and ending June 30, 2001, as a result of the governor's item veto, by providing for coordination of vertical infrastructure databases, by eliminating a matching contribution requirement on certain funds appropriated to the department of cultural affairs for the fiscal year beginning July 1, 1997, by extending the allowable time to enter into contracts to provide alternative drainage outlets, by allocating part of the funds derived from the excise tax on the sale of motor fuel used in watercraft from the general fund to the rebuild Iowa infrastructure fund; and providing effective dates.

MARY PAT GUNDERSON, Secretary

### SENATE MESSAGES CONSIDERED

**Senate File 367**, by committee on commerce, a bill for an act relating to transfers of real property by providing that certain disclosures

regarding stigmatized property are not required and by amending the definition of transfer.

Read first time and referred to committee on **commerce and regulation**.

**Senate File 2080**, by committee on natural resources and environment, a bill for an act relating to disposal, collection, and recycling of waste oil filters and providing an insurance premium discount.

Read first time and referred to committee on **environmental protection**.

**Senate File 2192**, by committee on transportation, a bill for an act relating to motor vehicle damage disclosure statements.

Read first time and referred to committee on **transportation**.

**Senate File 2201**, by Rehberg, a bill for an act relating to security for damages arising from the abandonment of natural gas pipelines.

Read first time and referred to committee on **commerce and regulation**.

**Senate File 2210**, by Tinsman, a bill for an act requiring a peace officer to assist an abused person in obtaining clothing, medical items, and other personal effects from the dwelling for the immediate need of the abused person and any children in that person's care.

Read first time and referred to committee on **judiciary**.

**Senate File 2224**, by committee on judiciary, a bill for an act requiring a court to order a person convicted of domestic abuse assault to complete a batterers' treatment program, and to hold such person in contempt for failure to report for or complete treatment, requiring related reporting of the status of treatment by the judicial district department of correctional services, and extending the pilot project for an alternative batterers' treatment program.

Read first time and referred to committee on **judiciary**.

**Senate File 2308**, by committee on state government, a bill for an act concerning eligible alternative retirement benefit systems for community college employees.

Read first time and referred to committee on **state government**.

**Senate File 2312**, by committee on human resources, a bill for an act providing for child day care requirements for volunteers and for the number of children receiving care under the child care home pilot projects and providing an effective date.

Read first time and referred to committee on **human resources**.

**Senate File 2313**, by committee on human resources, a bill for an act relating to child support, providing penalties, and providing effective dates.

Read first time and referred to committee on **human resources**.

**Senate File 2329**, by committee on judiciary, a bill for an act expanding the compensation available from the crime victim compensation program to victims of crime and their families.

Read first time and referred to committee on **judiciary**.

**Senate File 2335**, by committee on judiciary, a bill for an act relating to the prohibition of sex acts between juveniles and employees and agents at juvenile placement facilities and providing a penalty.

Read first time and **passed on file**.

**Senate File 2359**, by committee on human resources, a bill for an act providing for a review of juvenile justice provisions involving child protection by the citizens' aide and providing an effective date.

Read first time and **passed on file**.

**Senate File 2367**, by committee on local government, a bill for an act relating to county vital statistics by providing for the issuance of marriage licenses and eliminating the fee for county birth registrations.

Read first time and **passed on file**.

**Senate File 2371**, by committee on agriculture, a bill for an act relating to infectious and contagious diseases affecting livestock and providing penalties.

Read first time and referred to committee on **agriculture**.

**Senate File 2391**, by committee on judiciary, a bill for an act allowing probation for some operating-while-intoxicated offenders after service of a mandatory minimum sentence, permitting a .15 blood alcohol level to control the penalties applicable to an offender regardless of the margin of error associated with the test device, requiring the deletion

from motor vehicle records after twelve years of certain youth license revocations for alcohol violations, and providing an effective date.

Read first time and referred to committee on **judiciary**.

On motion by Gipp of Winneshiek, the House was recessed at 9:10 a.m., until 10:30 a.m.

### LATE MORNING SESSION

The House reconvened at 10:35 a.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 March 12, 1998, passed the following bill in which the concurrence of the House is asked:

Senate File 2068, a bill for an act concerning the method by which cities pay the medical costs incurred by members of the police and fire departments of cities who are injured while on duty.

Also: That the Senate has on March 12, 1998, passed the following bill in which the concurrence of the House is asked:

Senate File 2377, a bill for an act relating to the sixth judicial district pilot probation revocation project and providing for effective dates and for repeal of the pilot project provisions.

Also: That the Senate has on March 12, 1998, passed the following bill in which the concurrence of the House is asked:

Senate File 2384, a bill for an act to provide for the assessment and payment of a thirty-five dollar installment payment fee for fines or court costs paid in installments under certain circumstances and providing for a contingent effective date.

MARY PAT GUNDERSON, Secretary

### CONSIDERATION OF BILLS Regular Calendar

**House File 2275**, a bill for an act relating to health care providers including the application of records checks to additional providers and the recording and availability of the records of the facility inspections and providing for a repeal, with report of committee recommending passage, was taken up for consideration.

Martin of Scott offered the following amendment H-8309 filed by her and Burnett of Story and moved its adoption:

H-8309

- 1 Amend House File 2275 as follows:
- 2 1. Page 1, by striking lines 24 through 26 and
- 3 inserting the following: "the department at the seat
- 4 of government and shall be available to the public by
- 5 mail, upon request and at the department's expense."

Amendment H-8309 was adopted.

Martin of Scott moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2275)

The ayes were, 99:

Arnold	Barry	Bell	Bernau
Blodgett	Boddicker	Boggett	Bradley
Brand	Brauns	Brunkhorst	Bukta
Burnett	Carroll	Cataldo	Chapman
Chiodo	Churchill	Cohoon	Connors
Corbett, Spkr.	Cormack	Dinkla	Dix
Doderer	Dolecheck	Dotzler	Drake
Drees	Eddie	Falck	Fallon
Foege	Ford	Frevert	Garman
Gipp	Greig	Greiner	Gries
Grundberg	Hahn	Hansen	Heaton
Holmes	Holveck	Houser	Huseman
Huser	Jacobs	Jenkins	Jochum
Kinzer	Klemme	Koenigs	Kreiman
Kremer	Lamberti	Larkin	Larson
Lord	Martin	Mascher	May
Mertz	Metcalf	Meyer	Millage
Moreland	Mundie	Murphy	Myers
Nelson	O'Brien	Osterhaus	Rants
Rayhons	Reynolds-Knight	Richardson	Scherrman
Schrader	Shultz	Siegrist	Sukup
Taylor	Teig	Thomas	Thomson
Tyrrell	Van Fossen	Vande Hoef	Veenstra
Warnstadt	Weidman	Weigel	Welter
Whitead	Wise	Van Maanen,	
		Presiding	

The nays were, none.

Absent or not voting, 1:

Witt

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

**House File 2502**, a bill for an act relating to the statewide notification center and providing for alternative staff and the information requirements associated with the notice of an excavation, was taken up for consideration.

Klemme of Plymouth moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2502)

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	Holveck
Houser	Huseman	Huser	Jacobs
Jenkins	Jochum	Kinzer	Klemme
Koenigs	Kreiman	Kremer	Lamberti
Larkin	Larson	Lord	Martin
Mascher	May	Mertz	Metcalf
Meyer	Millage	Moreland	Mundie
Murphy	Myers	Nelson	O'Brien
Osterhaus	Rants	Rayhons	Reynolds-Knight
Richardson	Scherrman	Schrader	Shoultz
Siegrist	Sukup	Taylor	Teig
Thomas	Thomson	Tyrrell	Van Fossen
Vande Hoef	Veenstra	Warnstadt	Weidman
Weigel	Welter	Whitead	Wise
Van Maanen, Presiding			

The nays were, none.

Absent or not voting, 3:

Connors	Holmes	Witt
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

#### IMMEDIATE MESSAGES

Siegrist of Pottawattamie asked and received unanimous consent

that the following bills be immediately messaged to the Senate: **House Files 2275 and 2502.**

**House File 2512**, a bill for an act to provide a penalty for the theft or redemption of stolen lottery tickets, was taken up for consideration.

Lamberti of Polk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2512)

The ayes were, 96:

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	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	Van Maanen, Presiding

The nays were, none.

Absent or not voting, 4:

Connors	Falck	Vande Hoef	Witt
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

#### IMMEDIATE MESSAGE

Siegrist of Pottawattamie asked and received unanimous consent that **House File 2512** be immediately messaged to the Senate.



**House File 2494**, a bill for an act regulating animal feeding operations and making penalties applicable and providing an effective date, was taken up for consideration.

On motion by Siegrist of Pottawattamie, the House was recessed at 11:02 a.m., until 1:00 p.m.

(House File 2494 pending at recess)

### AFTERNOON SESSION

The House reconvened at 1:12 p.m., Speaker Corbett in the chair.

### QUORUM CALL

A non-record roll call was requested to determine that a quorum was present. The vote revealed seventy members present, thirty absent.

### MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 12, 1998, adopted the following resolution in which the concurrence of the Senate was asked:

House Joint Resolution 2004, a joint resolution designating by name an official highest elevation in the State of Iowa.

Also: That the Senate has on March 12, 1998, passed the following bill in which the concurrence of the House is asked:

Senate File 2268, a bill for an act relating to rural water services by authorizing rural water districts to enter into agreements with other governmental entities to provide for the ownership, acquisition, construction, and equipping of sewer systems, and authorizing the issuance of revenue obligations to finance the projects and providing procedures for detaching property from one district and attaching it to another district.

Also: That the Senate has on March 12, 1998, passed the following bill in which the concurrence of the House is asked:

Senate File 2345, a bill for an act relating to juvenile justice system provisions involving foster care, termination of parental rights, and adoption preplacement investigations.

MARY PAT GUNDERSON, Secretary

Rants of Woodbury in the chair at 1:18 p.m.

The House resumed consideration of **House File 2494**, a bill for an act regulating animal feeding operations and making penalties applicable and providing an effective date.

Koenigs of Mitchell asked and received unanimous consent that amendment H-8226 be deferred.

Mertz of Kossuth asked and received unanimous consent that amendment H-8221 be deferred.

Schrader of Marion asked and received unanimous consent that amendment H-8253 be deferred.

Frevert of Palo Alto asked and received unanimous consent that amendment H-8222 be deferred.

Frevert of Palo Alto asked and received unanimous consent that amendment H-8236 be deferred.

Arnold of Lucas asked and received unanimous consent to withdraw amendment H-8339 filed by him on March 11, 1998.

Schrader of Marion asked and received unanimous consent that amendment H-8152 be deferred.

Kreiman of Davis asked and received unanimous consent to withdraw amendment H-8255 filed by him on March 5, 1998.

Kreiman of Davis asked and received unanimous consent that amendment H-8340 be deferred.

Frevert of Palo Alto offered the following amendment H-8161 filed by Frevert, et al., and moved its adoption:

H-8161

- 1 Amend House File 2494 as follows:
- 2 1. By striking page 6, line 21, through page 7,
- 3 line 6.

Speaker Corbett in the chair at 1:40 p.m.

Roll call was requested by Frevert of Palo Alto and Siegrist of Pottawattamie.

Rule 75 was invoked.

On the question "Shall amendment H-8161 be adopted?" (H.F. 2494)

The ayes were, 45:

Arnold	Bell	Bernau	Brand
Bukta	Burnett	Cataldo	Chapman
Chiodo	Cohoon	Connors	Doderer
Dotzler	Drees	Fallon	Foege
Ford	Frevert	Garman	Holveck
Huser	Jochum	Kinzer	Koenigs
Kreiman	Larkin	Mascher	May
Moreland	Mundie	Murphy	Myers

O'Brien	Osterhaus	Reynolds-Knight	Richardson
Scherrman	Schrader	Shoultz	Taylor
Warnstadt	Weigel	Whitead	Wise
Witt			

The nays were, 55:

Barry	Blodgett	Boddicker	Bogges
Bradley	Brauns	Brunkhorst	Carroll
Churchill	Cormack	Dinkla	Dix
Dolecheck	Drake	Eddie	Falck
Gipp	Greig	Greiner	Gries
Grundberg	Hahn	Hansen	Heaton
Holmes	Houser	Huseman	Jacobs
Jenkins	Klemme	Kremer	Lamberti
Larson	Lord	Martin	Mertz
Metcalf	Meyer	Millage	Nelson
Rants	Rayhons	Siegrist	Sukup
Teig	Thomas	Thomson	Tyrrell
Van Fossen	Van Maanen	Vande Hoef	Veenstra
Weidman	Welter	Mr. Speaker	
		Corbett	

Absent or not voting, none.

Amendment H-8161 lost.

Teig of Hamilton offered amendment H-8354 filed by Teig, et al., as follows:

H-8354

- 1 Amend House File 2494 as follows:
- 2 1. Page 7, line 19, by striking the word and
- 3 figure "division II," and inserting the following:
- 4 "division II; section 455B.200A."
- 5 2. Page 9, by inserting after line 11 the
- 6 following:
- 7 "a. Both of the following apply:"
- 8 3. Page 9, line 12, by striking the letter "a."
- 9 and inserting the following: "(1)".
- 10 4. Page 9, by inserting after line 14 the
- 11 following:
- 12 "(2) The confinement feeding operations have a
- 13 combined animal weight capacity of less than six
- 14 hundred twenty-five thousand pounds for animals other
- 15 than bovine or less than one million six hundred
- 16 thousand pounds for bovine."
- 17 5. Page 9, line 30, by inserting after the word
- 18 "feet" the following: "or less".
- 19 6. Page 10, line 6, by inserting after the word
- 20 "Act," the following: "and".
- 21 7. Page 10, by striking lines 7 through 10, and

22 inserting the following: "expansion of structures  
23 constructed ~~on or after May 31, 1995; or, except as~~  
24 ~~provided in section 455B.163, to the expansion of~~  
25 ~~structures constructed prior to May 31, 1995: the~~  
26 effective date of this Act."

27 8. Page 14, line 16, by inserting after the word  
28 "road" the following: ", street, bridge, or  
29 thoroughfare".

30 9. Page 15, line 11, by striking the words and  
31 figure "May 31, 1995" and inserting the following:  
32 "the effective date of this Act".

33 10. Page 15, by striking line 15 and inserting  
34 the following: "expanded on or after the effective  
35 date of this Act".

36 11. Page 15, by striking lines 20 through 29 and  
37 inserting the following:

38 "a. No portion of the animal feeding operation  
39 after expansion is closer than before expansion to a  
40 location or object for which separation is required  
41 under section 455B.162."

42 12. Page 15, by striking line 34 and inserting  
43 the following: "feeding operating structure  
44 constructed prior to the effective date of this Act,  
45 or on the".

46 13. Page 16, by striking line 1 and inserting the  
47 following: "structure constructed on or after the  
48 effective date".

49 14. Page 16, line 13, by inserting after the  
50 figure "455B.162" the following: ", subsections 1,

Page 2

1 1B, and 1C".

2 15. Page 16, by striking lines 15 and 16, and  
3 inserting the following: "operation as expanded is  
4 not more than either of the following:"

5 (1) Six hundred twenty-five thousand pounds for  
6 animals other than bovine.

7 (2) One million six hundred thousand pounds for  
8 bovine."

9 16. Page 17, line 31, by striking the word "an".

10 17. By striking page 17, line 32, through page  
11 18, line 15, and inserting the following: "the same  
12 as defined in section 455B.161."

13 18. Page 21, line 11, by inserting after the word  
14 "permit." the following: "A completed application  
15 which is not approved or denied within the sixty-day  
16 period shall be approved by default."

17 19. Page 21, line 20, by inserting after the  
18 words "permit is" the following: "proposed".

19 20. By striking page 23, line 27, through page  
20 24, line 4, and inserting the following:

21 "Adjacency shall be determined under this part in

22 the same manner as determined pursuant to section  
23 455B.161A."

24 21. Page 29, line 27, by inserting after the word  
25 "site" the following: "other than a commercial manure  
26 applicator".

27 22. Page 31, by striking lines 12 through 15 and  
28 inserting the following: "program under this section,  
29 and the department of agriculture and land stewardship  
30 in administering the certification program for  
31 pesticide applicators may cooperate together."

32 23. Page 31, line 34, by striking the words "in  
33 sight or hearing" and inserting the following: "both  
34 of the following:

35 a. Physically present at the site where the manure  
36 is located.

37 b. In sight or hearing".

38 24. Page 31, by inserting after line 35, the  
39 following:

40 "8. If a certified commercial applicator applies  
41 manure to land in a manner that causes a violation of  
42 this part, any person who holds an interest in the  
43 land or any person who owns or operates an animal  
44 feeding operation where the manure originated shall  
45 not be subject to an enforcement action under this  
46 part, including the assessment of a civil penalty  
47 under section 455B.191, arising out of the violation,  
48 unless the person or the person's agent knew or  
49 reasonably should have known of the violation and  
50 failed to order its termination."

### Page 3

1 25. Page 33, line 6, by striking the word  
2 "wellhead" and inserting the following: "surface  
3 intake, wellhead".

4 26. Page 35, line 35, by striking the figure  
5 "558A.4" and inserting the following: "558A.4A".

6 27. Page 37, line 16, by striking the figure  
7 "614.29" and inserting the following: "614.28A".

8 28. Page 40, by inserting after line 15, the  
9 following:

10 "Sec. \_\_\_\_ COUNTY APPEAL PROCESS. If the  
11 department of natural resources has not made a  
12 determination regarding the approval or denial of a  
13 permit for the construction of a confinement feeding  
14 operation or related animal feeding operation  
15 structure on the effective date of this Act, the  
16 department's decision to approve or disapprove the  
17 permit application may be contested by the county  
18 board of supervisors in the county where the  
19 confinement feeding operation or related animal  
20 feeding operation structure subject to the permit is  
21 proposed to be located, as provided in section  
22 455B.200A as enacted in this Act."

Moreland of Wapello offered the following amendment H-8366, to amendment H-8354, filed by him from the floor and moved its adoption:

H-8366

- 1 Amend the amendment, H-8354, to House File 2494, as
- 2 follows:
- 3 1. Page 2, by striking lines 13 through 16, and
- 4 inserting the following:
- 5 " Page 21, by striking lines 11 through 14,
- 6 and inserting the following: "permit. All of the
- 7 following shall apply:
- 8 a. A completed application for which the
- 9 department has not taken final agency action by
- 10 approval or disapproval within the sixty-day period
- 11 shall be approved by default. The sixty-day
- 12 requirement shall not apply to an application if the
- 13 applicant is not required to obtain a permit in order
- 14 to construct an animal feeding operation structure or
- 15 to operate an animal feeding operation.
- 16 b. Judicial review of a final agency action for
- 17 the approval or disapproval of a permit shall be de
- 18 novo, regardless of whether an approval was
- 19 affirmatively made by the department or by default,
- 20 including judicial review of a contested case in which
- 21 the county board of supervisors is a party as provided
- 22 in this section."

Amendment H-8366 was adopted.

Meyer of Sac offered the following amendment H-8368, to amendment H-8354, filed by him from the floor and moved its adoption:

H-8368

- 1 Amend the amendment, H-8354, to House File 2494 as
- 2 follows:
- 3 1. Page 2, by inserting after line 26 the
- 4 following:
- 5 " By striking page 29, line 34 through page
- 6 30, line 12, and inserting the following:
- 7 "3. a. A person required to be certified as a
- 8 commercial manure applicator must be certified by the
- 9 department each year. The person shall be certified
- 10 after completing an educational program which shall
- 11 consist of an examination required to be passed by the
- 12 person or three hours of continuing instructional
- 13 courses which the person must attend each year in lieu
- 14 of passing the examination.
- 15 b. A person required to be certified as a
- 16 confinement site manure applicator must be certified

17 by the department each three years. The person shall  
18 be certified after completing an educational program  
19 which shall consist of an examination required to be  
20 passed by the person or two hours of continuing  
21 instructional courses which the person must attend  
22 each year in lieu of passing the examination.”

23 2. Page 2, by inserting after line 50 the  
24 following:

25 “The department may charge a fee for certifying  
26 persons under this section. The fee for certification  
27 shall be based on the costs of administering and  
28 enforcing this section and paying the expenses of the  
29 department relating to certification. The department  
30 shall be reimbursed for all costs incurred. The  
31 director shall set a fee for the examination which  
32 shall be based upon the annual cost of administering  
33 the examinations. All fees collected shall be  
34 retained by the department for administration of the  
35 certification program. However, a person required to  
36 be certified as a commercial manure applicator shall  
37 not be required to pay more than thirty dollars for  
38 each certification, and a person required to be  
39 certified as a confinement site manure applicator  
40 shall not be required to pay more than fifteen dollars  
41 for each certification.”

42 3. By renumbering as necessary.

Amendment H-8368 was adopted.

Koenigs of Mitchell requested division of amendment H-8354 as follows:

Division A — All of page 1; page 2, lines 1 through 12; and lines  
17 through 37; all of page 3.

Division B — Page 2, lines 13 through 16.

Division C — Page 2, lines 38 through 50.

Koenigs of Mitchell moved the adoption of amendment H-8354A, as amended.

Amendment H-8354A, as amended, was adopted.

Koenigs of Mitchell asked and received unanimous consent to withdraw amendment H-8223 filed by him on March 4, 1998.

Koenigs of Mitchell asked and received unanimous consent to withdraw amendment H-8325 filed by him on March 11, 1998.

Carroll of Poweshiek offered the following amendment H-8341 filed by him and moved its adoption:

H-8341

1 Amend House File 2494 as follows:

2 1. Page 16, by inserting before line 17 the  
3 following:

4 "The animal feeding operation was constructed  
5 prior to the effective date of this Act and is  
6 expanded by replacing one or more unformed manure  
7 storage structures with one or more formed manure  
8 storage structures, if all of the following apply:

9 a. The animal weight capacity is not increased for  
10 that portion of the animal feeding operation that  
11 utilizes all replacement formed manure storage  
12 structures.

13 b. Use of each replaced unformed manure storage  
14 structure is discontinued within one year after the  
15 construction of the replacement formed manure storage  
16 structure.

17 c. The capacity of all replacement formed manure  
18 storage structures does not exceed the amount required  
19 to store manure produced by that portion of the animal  
20 feeding operation utilizing the formed manure storage  
21 structures during any fourteen-month period.

22 d. No portion of the replacement formed manure  
23 storage structure is closer to an object or location  
24 for which separation is required under section  
25 455B.162 than any other animal feeding operation  
26 structure which is part of the operation."

27 2. By renumbering as necessary.

Amendment H-8341 was adopted.

Mundie of Webster offered amendment H-8259 filed by him as follows:

H-8259

1 Amend House File 2494 as follows:

2 1. Page 16, line 27, by striking the word and  
3 figure "subsection 5," and inserting the following:  
4 "subsections 2 and 5,".

5 2. Page 16, line 27, by striking the word "is"  
6 and inserting the following: "are".

7 3. Page 16, by inserting after line 28 the  
8 following:

9 "2. A confinement feeding operation structure,  
10 ~~other than an earthen manure storage basin~~, if the  
11 structure is part of a confinement feeding operation  
12 which qualifies as a small animal feeding operation.  
13 However, this subsection shall not apply if the  
14 confinement feeding operation structure is an earthen  
15 manure storage basin or a formed manure storage  
16 structure."



Rants of Woodbury in the chair at 4:32 p.m.

Teig of Hamilton offered the following amendment H-8369, to amend-  
ment H-8259, filed by him from the floor and moved its adoption:

H-8369

- 1 Amend the amendment, H-8259, to House File 2494 as
- 2 follows:
- 3 1. Page 1, by striking lines 14 through 16 and
- 4 inserting the following: "confinement feeding
- 5 operation structure is an unformed manure storage
- 6 structure."

A non-record roll call was requested.

The ayes were 50, nays 36.

Amendment H-8369 was adopted.

Mundie of Webster moved the adoption of amendment H-8259, as amended.

Amendment H-8259, as amended, was adopted.

Mundie of Webster offered the following amendment H-8343 filed  
by him and moved its adoption:

H-8343

- 1 Amend House File 2494 as follows:
- 2 1. Page 18, by striking line 25 and inserting the
- 3 following: "a system used for the application of
- 4 manure to land by use of equipment which may be either
- 5 of the following:
- 6 a. A tank containing more than one thousand
- 7 gallons of liquid manure which is mounted to a
- 8 vehicle, or a wagon pulled by a vehicle, including an
- 9 implement of husbandry as defined in section 321.1,
- 10 which is designed to mechanically apply the manure to
- 11 land.
- 12 b. Mechanical equipment used for the aerial
- 13 application of'.

Amendment H-8343 was adopted.

## MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has  
on March 12, 1998, passed the following bill in which the concurrence of the House  
is asked:

Senate File 2353, a bill for an act relating to an allocation of state aid for purposes of school-based youth services programs.

Also: That the Senate has on March 12, 1998, passed the following bill in which the concurrence of the House is asked:

Senate File 2368, a bill for an act relating to the management of public rights-of-way by local government units, eliminating the power of cities to grant franchises to erect, maintain, and operate plants and systems for telecommunications services within the city, and providing an effective date.

Also: That the Senate has on March 12, 1998, passed the following bill in which the concurrence of the House is asked:

Senate File 2405, a bill for an act providing for the joint construction or acquisition, furnishing, operation, and maintenance of public buildings by a county, city, and school district.

MARY PAT GUNDERSON, Secretary

Koenigs of Mitchell offered the following amendment H-8220 filed by him and moved its adoption:

H-8220

- 1 Amend House File 2494 as follows:
- 2 1. Page 19, line 33, by inserting after the word
- 3 "The" the following: "department shall at a minimum
- 4 require that a person obtain a permit for the
- 5 construction of an animal feeding operation structure
- 6 which is part of a confinement feeding operation if
- 7 the animal weight capacity of the confinement feeding
- 8 operation is four hundred thousand pounds or more.
- 9 However, the".

Gipp of Winneshiek in the chair at 5:08 p.m.

Roll call was requested by Koenigs of Mitchell and Siegrist of Pottawattamie.

On the question "Shall amendment H-8220 be adopted?" (H.F. 2494)

The ayes were, 40:

Bernau	Brand	Bukta	Burnett
Cataldo	Chapman	Chiodo	Cohoon
Connors	Doderer	Dotzler	Drees
Fallon	Foege	Ford	Frevert
Garman	Holveck	Huser	Jochum
Kinzer	Koenigs	Kreiman	Larkin
Mascher	Moreland	Mundie	Murphy
Myers	Osterhaus	Reynolds-Knight	Richardson
Scherrman	Schrader	Shoultz	Taylor
Warnstadt	Weigel	Whitead	Witt

The nays were, 57:

Arnold	Barry	Bell	Blodgett
Boddicker	Boggess	Bradley	Brauns
Brunkhorst	Carrroll	Churchill	Corbett, Spkr.
Cormack	Dinkla	Dolecheck	Drake
Eddie	Falck	Greig	Greiner
Gries	Hahn	Hansen	Heaton
Holmes	Houser	Huseman	Jacobs
Jenkins	Klemme	Kremer	Lamberti
Larson	Lord	Martin	May
Mertz	Metcalf	Meyer	Millage
O'Brien	Rants	Rayhons	Siegrist
Sukup	Teig	Thomas	Thomson
Tyrrell	Van Fossen	Van Maanen	Vande Hoef
Veenstra	Weidman	Welter	Wise
Gipp, Presiding			

Absent or not voting, 3:

Dix	Grundberg	Nelson
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Amendment H-8220 lost.

Mundie of Webster asked and received unanimous consent to withdraw amendment H-8263 filed by him on March 5, 1998.

Witt of Black Hawk offered the following amendment H-8352 filed by him and moved its adoption:

H-8352

- 1 Amend House File 2494 as follows:
- 2 1. Page 21, by inserting after line 2 the
- 3 following:
- 4 "\_. The department shall approve or disapprove a
- 5 permit for the construction of a confinement feeding
- 6 operation or an associated animal feeding operation
- 7 structure, based on rules adopted by the department
- 8 which include consideration of the risk-based siting
- 9 analysis established pursuant to section 455B.200C."
- 10 2. Page 21, by inserting after line 23 the
- 11 following:
- 12 "\_. A county which has adopted an ordinance
- 13 establishing a confinement feeding operation siting
- 14 review board as provided in section 455B.200D shall
- 15 forward the application to the review board for
- 16 further consideration. The process for determining
- 17 siting shall proceed as provided in section 455B.200D.
- 18 The county board of supervisors may submit the report
- 19 of the confinement feeding operation siting review
- 20 board to the department."

- 21 3. Page 22, lines 6 and 7, by striking the word  
22 "comments submitted" and inserting the following:  
23 "submissions delivered".
- 24 4. Page 22, line 11, by striking the word  
25 "comments" and inserting the following:  
26 "submissions".
- 27 5. Page 24, by inserting before line 5 the  
28 following:  
29 "Sec.      NEW SECTION. 455B.200C SITING BASED ON  
30 RISK-BASED ANALYSIS.
- 31 1. The department shall adopt rules establishing a  
32 risk-based siting analysis according to  
33 recommendations made to the department by a technical  
34 advisory committee established pursuant to this  
35 section. The technical advisory committee shall  
36 compile data and develop, review, and update the  
37 siting analysis used to determine appropriate  
38 locations to construct an animal feeding operation  
39 structure associated with a confinement feeding  
40 operation, including its orientation to other objects  
41 or locations for which separation distances are  
42 required pursuant to section 455B.162. The siting  
43 analysis shall provide a calculation of risks to the  
44 natural environment and the public health, comfort,  
45 and safety. The analysis shall be created as a  
46 computer model which shall account for topography,  
47 surface water drainage characteristics, seasonal air  
48 flow, suitability of the soils and the hydrology of  
49 the site, the population density of the area, the  
50 character of residential development in the area, and

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- 1 factors related to land use planning. The analysis  
2 shall be designed to allow the department or a county  
3 confinement feeding operation siting review board to  
4 determine the appropriateness of the siting based on  
5 degrees of risk to the natural environment or the use  
6 of property by neighbors to the confinement feeding  
7 operation, including the degree to which the  
8 establishment of a conservation practice as provided  
9 in section 455B.207 may mitigate the risk. The  
10 analysis shall be used to determine whether there is a  
11 high, medium, or de minimus risk.
- 12 2. The technical advisory committee shall be  
13 composed of all of the following:
- 14 a. The presidents of the university of Iowa, Iowa  
15 state university, and the university of northern Iowa,  
16 or their designees.
- 17 b. The director of the Iowa department of public  
18 health or a designee.
- 19 c. The director of the soil conservation division  
20 of the department of agriculture and land stewardship,

21 or a designee.

22 d. The director of the center for agricultural  
23 health and safety, or a designee.

24 e. The administrator of the energy and geological  
25 resources division of the department of natural  
26 resources or a designee who is responsible for the  
27 administration of the geological survey.

28 f. The head of the waste reduction center at the  
29 university of northern Iowa, or a designee.

30 g. The president of the Iowa groundwater  
31 association or the president's designee who is a  
32 ground water professional pursuant to section 455G.18.

33 h. The chairperson of the Iowa environmental  
34 council, or the chairperson's designee.

35 i. An engineer employed by a city or county who is  
36 appointed jointly by the Iowa league of cities and  
37 Iowa state association of counties.

38 3. The members of the technical advisory committee  
39 shall be reimbursed for their actual expenses in  
40 accordance with section 7E.6, subsection 2, for  
41 performing the official duties of the advisory  
42 committee.

43 Sec. NEW SECTION. 455B.200D COUNTY  
44 CONFINEMENT FEEDING OPERATION SITING REVIEW BOARD.

45 1. Notwithstanding section 331.304A, a county may  
46 adopt an ordinance to establish a confinement feeding  
47 operation siting review board. The purpose of the  
48 board shall be to review the appropriateness of siting  
49 an animal feeding operation structure associated with  
50 a confinement feeding operation at a proposed site in

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1 the county, prior to the approval of a permit by the  
2 department for the construction of the structure, as  
3 provided in section 455B.200A.

4 2. The board shall be composed of all of the  
5 following:

6 a. A commissioner of the soil and water  
7 conservation district in the county who shall be  
8 appointed by the commissioners. If more than one  
9 district is located in the county, the board of  
10 supervisors for the county shall designate the  
11 district to be represented on a rotating basis.

12 b. Two members of the board of supervisors of the  
13 county who shall be appointed by the county board of  
14 supervisors.

15 c. The county engineer for the county, or a  
16 designee.

17 d. The head of the local board of health for the  
18 county or a designee, which may be the county  
19 sanitarian.

20 3. In performing the siting analysis, the board

21 shall determine whether the siting of the animal  
22 feeding operation presents a high, medium, or de  
23 minimus risk to the natural environment or the use of  
24 property by neighbors to the confinement feeding  
25 operation.

26 a. If the board determines that there is a high  
27 risk, the board shall reject the proposed siting which  
28 determination shall not be reversed by the department,  
29 unless the department finds that the determination is  
30 unreasonable, arbitrary, capricious, or otherwise  
31 beyond the authority delegated to the board under this  
32 section.

33 b. If the board determines that there is a medium  
34 risk, the board shall reject the proposed siting which  
35 determination may be reversed by the department, if  
36 the department applies the siting analysis and  
37 determines that there is a de minimus risk. The board  
38 is not required to report its determination to the  
39 county board of supervisors if the board agrees to  
40 review an amended siting proposal submitted by the  
41 applicant. The board and the applicant must execute  
42 an agreement to suspend the time limits for delivering  
43 submissions by the county to the department and for  
44 departmental approval or disapproval of a construction  
45 permit as required by section 455B.200A. The county  
46 shall deliver the agreement to the department  
47 according to procedures required by the department.  
48 The time limits as provided in section 455B.200A shall  
49 be suspended according to the terms and conditions  
50 provided in the agreement. The review board may

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1 consider amendments which provide a different site,  
2 the change in the orientation or size of the animal  
3 feeding operation structure, or the installation of  
4 conservation practices as provided in section  
5 455B.207. The board shall not approve an amended  
6 proposal unless the board determines that there is a  
7 de minimus risk.

8 c. If the board determines that there is a de  
9 minimus risk, the board shall approve the proposed  
10 siting, which determination may be reversed by the  
11 department, if the department finds that the  
12 determination is unreasonable, arbitrary, capricious,  
13 or otherwise beyond the authority delegated to the  
14 board under this section."

15 6. Page 35, by inserting after line 29 the  
16 following:

17 "Sec. — NEW SECTION. 455B.207 CONSERVATION  
18 PRACTICES PROGRAM — COST-SHARE MONEYS.

19 1. The division of soil conservation of the  
20 department of agriculture and land stewardship shall

21 establish and administer a program to provide  
 22 financial incentives to support conservation practices  
 23 on land where confinement feeding operations are  
 24 located. A landowner who chooses to participate in  
 25 the program must establish the conservation practice  
 26 according to an agreement in which the landowner  
 27 promises to establish and maintain the conservation  
 28 practice in return for financial incentives.

29 2. A conservation practice includes any practice  
 30 which is designed to protect environmental quality  
 31 from activities associated with a confinement feeding  
 32 operation, including all of the following:

33 a. Water quality practices designed to protect  
 34 water sources, including but not limited to the stream  
 35 buffer strip establishment, erosion control structure  
 36 construction, the establishment of permanent grass and  
 37 buffer zones, filter strips, and erosion control  
 38 structures, and practices to mitigate the effects of  
 39 concentrated contamination on surface and subsurface  
 40 water quality from manure originating from confinement  
 41 feeding operations.

42 b. Air quality practices, including but not  
 43 limited to the establishment of stands of fast growing  
 44 trees or wind barriers around confinement feeding  
 45 operations and agricultural land where manure is  
 46 stored or applied.

47 3. The financial incentives shall be allocated by  
 48 the division on a cost-share basis which does not  
 49 exceed fifty percent of the estimated cost of  
 50 establishing the practices, or fifty percent of the

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1 actual cost, whichever is less.

2 4. The division shall adopt rules necessary to  
 3 administer this section."

4 7. Page 41, by inserting before line 14, the  
 5 following:

6 "Sec. \_\_\_\_ STUDY. The university of Iowa, Iowa  
 7 state university, and the university of northern Iowa,  
 8 under the direction of the state board of regents,  
 9 shall cooperate in performing a study of the social  
 10 and economic impacts associated with the expansion of  
 11 confinement feeding operations in this state. The  
 12 universities shall prepare and submit a report to the  
 13 general assembly not later than January 1, 2000."

14 8. By renumbering as necessary.

Amendment H-8352 lost.

#### MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 12, 1998, passed the following bill in which the concurrence of the House is asked:

Senate File 2112, a bill for an act concerning the sunset provision relating to the employment security administrative contribution surcharge and providing an effective date.

Also: That the Senate has on March 12, 1998, passed the following bill in which the concurrence of the House is asked:

Senate File 2269, a bill for an act providing for the conversion of the existing advisory boards for athletic training and massage therapy into full regulatory examining boards.

Also: That the Senate has on March 12, 1998, passed the following bill in which the concurrence of the House is asked:

Senate File 2281, a bill for an act relating to compensation for the legal defense of indigent persons in criminal, appellate, and certain civil cases.

Also: That the Senate has on March 12, 1998, passed the following bill in which the concurrence of the House is asked:

Senate File 2320, a bill for an act relating to gambling by imposing a moratorium on new licenses to conduct gambling on excursion gambling boats and at pari-mutuel racetracks with gambling games, limiting the location of future excursion gambling boats, prohibiting gambling licensees from allowing the loaning of money by credit card or other electronic means for gambling purposes, and imposing a scheduled fine for gambling by persons under twenty-one years of age.

Also: That the Senate has on March 12, 1998, passed the following bill in which the concurrence of the House is asked:

Senate File 2356, a bill for an act relating to revolving funds to be administered by the department of general services and providing for funding for the revolving funds.

Also: That the Senate has on March 12, 1998, passed the following bill in which the concurrence of the House is asked:

Senate File 2369, a bill for an act adding an offense for operating while intoxicated for persons driving a motor vehicle after taking certain controlled substances, making penalties applicable, and making related changes.

Also: That the Senate has on March 12, 1998, passed the following bill in which the concurrence of the House is asked:

Senate File 2399, a bill for an act providing for the merger of a limited partnership with other business entities.

Also: That the Senate has on March 12, 1998, passed the following bill in which the concurrence of the House is asked:

Senate File 2404, a bill for an act relating to cooperatives organized under Code chapter 501.

MARY PAT GUNDERSON, Secretary



Teig of Hamilton moved the adoption of amendment H-8354B, as amended.

Speaker Corbett in the chair at 5:45 p.m.

Rants of Woodbury in the chair at 6:19 p.m.

Roll call was requested by Schrader of Marion and Koenigs of Mitchell.

On the question "Shall amendment H-8354B, as amended, be adopted?" (H.F. 2494)

The ayes were, 53:

Arnold	Barry	Blodgett	Boddicker
Bogess	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
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:

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	

Absent or not voting, none.

Amendment H-8354B, as amended, was adopted.

Koenigs of Mitchell offered the following amendment H-8237 filed by him and moved its adoption:

H-8237

- 1 Amend House File 2494 as follows:
- 2 1. Page 21, by inserting after line 23 the
- 3 following:
- 4 "\_\_\_ The county board of supervisors shall notify
- 5 the department that it approves or disapproves the
- 6 application within twenty days from that date that the
- 7 application was delivered to the board according to
- 8 procedures adopted by the department. The board's
- 9 consideration of the application shall be limited to
- 10 the appropriateness of the site of the proposed
- 11 confinement feeding operation. The county shall
- 12 consider the location where the construction is
- 13 proposed, including the suitability of the soils and
- 14 the hydrology of the site, the population density of
- 15 the area, the character of residential development in
- 16 the area, and factors related to land use planning.
- 17 The department shall not reverse a decision by the
- 18 board to approve or disapprove an application based on
- 19 the appropriateness of the site as provided in this
- 20 paragraph."
- 21 2. By striking page 22, line 17, through page 23,
- 22 line 7.
- 23 3. By renumbering as necessary.

Amendment H-8237 lost.

Koenigs of Mitchell offered amendment H-8246 filed by him as follows:

H-8246

- 1 Amend House File 2494 as follows:
- 2 1. Page 24, by inserting before line 5, the
- 3 following:
- 4 "Sec. \_\_\_ NEW SECTION. 455B.200C CLASSIFICATION
- 5 OF CHRONIC VIOLATORS.
- 6 1. A person shall be classified as a chronic
- 7 violator if the person has committed three or more
- 8 violations as described in this section prior to, on,
- 9 or after July 1, 1996. In addition, in relation to
- 10 each violation, the person must have been subject to
- 11 either of the following:
- 12 a. The assessment of a civil penalty by the
- 13 department or the commission in an amount equal to
- 14 three thousand dollars or more.
- 15 b. A court order or judgment for a legal action
- 16 brought by the attorney general after referral by the
- 17 department or commission.
- 18 2. Each violation must have occurred within five
- 19 years prior to the date of the latest violation,

20 counting any violation committed by a confinement  
21 feeding operation in which the person holds a  
22 controlling interest. A violation occurs on the date  
23 the department issues an administrative order to the  
24 person assessing a civil penalty of three thousand  
25 dollars or more, or on the date the department  
26 notifies a person in writing that the department will  
27 recommend that the commission refer, or the commission  
28 refers the case to the attorney general for legal  
29 action, or the date of entry of the court order or  
30 judgment, whichever occurs first. A violation under  
31 this section shall not be counted if the civil penalty  
32 ultimately imposed is less than three thousand  
33 dollars, the department or commission does not refer  
34 the action to the attorney general, the attorney  
35 general does not take legal action, or a court order  
36 or judgment is not entered against the person. A  
37 person shall be removed from the classification of  
38 chronic violator on the date on which the person and  
39 all confinement feeding operations in which the person  
40 holds a controlling interest have committed less than  
41 three violations described in this section for the  
42 prior five years.

43 3. For purposes of counting violations, a  
44 continuing and uninterrupted violation shall be  
45 considered as one violation. Different types of  
46 violations shall be counted as separate violations  
47 regardless of whether the violations were committed  
48 during the same period. The violation must be a  
49 violation of a state statute, or a rule adopted by the  
50 department, which applies to a confinement feeding

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1 operation and any related animal feeding operation  
2 structure, including an anaerobic lagoon, earthen  
3 manure storage basin, formed manure storage structure,  
4 or egg washwater storage structure, or any related  
5 pollution control device or practice. The structure,  
6 device, or practice must be part of the confinement  
7 feeding operation. The violation must be one of the  
8 following:

9 a. Constructing or operating a related animal  
10 feeding operation structure or installing or using a  
11 related pollution control device or practice, for  
12 which the person must obtain a permit, in violation of  
13 statute or rules adopted by the department, including  
14 the terms or conditions of the permit.

15 b. Intentionally making a false statement or  
16 misrepresenting information to the department as part  
17 of an application for a construction permit for the  
18 related animal feeding operation structure, or the  
19 installation of the related pollution control device

20 or practice, for which the person must obtain a  
21 construction permit from the department.

22 c. Failing to obtain a permit or approval by the  
23 department for a permit to construct or operate a  
24 confinement feeding operation or use a related animal  
25 feeding operation structure or pollution control  
26 device or practice, for which the person must obtain a  
27 permit from the department.

28 d. Operating a confinement feeding operation,  
29 including a related animal feeding operation structure  
30 or pollution control device or practice, which causes  
31 pollution to the waters of the state, if the pollution  
32 was caused intentionally, or caused by a failure to  
33 take measures required to abate the pollution which  
34 resulted from an act of God.

35 e. Failing to submit a manure management plan as  
36 required, or operating a confinement feeding operation  
37 required to have a manure management plan without  
38 having submitted the manure management plan."

39 2. Page 24, line 14, by striking the figure  
40 "657.11" and inserting the following: "455B.200C".

41 3. Page 37, by inserting after line 24, the  
42 following:

43 "Sec. \_\_. Section 657.11, Code 1997, is repealed."

44 4. By renumbering as necessary.

Eddie of Buena Vista rose on a point of order that amendment H-8246 was not germane.

The Speaker ruled the point well taken and amendment H-8246 not germane.

Koenigs of Mitchell asked and received unanimous consent to withdraw amendment H-8260 filed by him on March 5, 1998.

Mundie of Webster offered the following amendment H-8349 filed by him and moved its adoption:

H-8349

1 Amend House File 2494 as follows:

2 1. Page 24, by inserting before line 5, the  
3 following:

4 "Sec. \_\_. NEW SECTION. 455B.200C COUNTY  
5 NOTIFICATION.

6 1. A person who constructs an animal feeding  
7 operation structure which is part of a confinement  
8 feeding operation, other than a small animal feeding  
9 operation, shall notify the county board of  
10 supervisors of the construction, if all of the  
11 following apply:

12 a. The confinement feeding operation has two or

- 13 more buildings used to confine animals.  
 14 b. The confinement feeding operation utilizes a  
 15 formed manure storage structure which is not required  
 16 to be constructed pursuant to a permit under section  
 17 455B.200A.  
 18 2. The county may notify persons of the  
 19 construction and provide a forum for public comment,  
 20 including a public hearing."

Speaker Corbett in the chair at 6:32 p.m.

Roll call was requested by Mundie of Webster and Myers of Johnson.

On the question "Shall amendment H-8349 be adopted?" (H.F. 2494)

The ayes were, 48:

Arnold	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:

Barry	Blodgett	Boddicker	Bogges
Bradley	Brauns	Brunkhorst	Carroll
Cormack	Dinkla	Dix	Dolecheck
Drake	Eddie	Gipp	Greig
Greiner	Gries	Grundberg	Hahn
Hansen	Heaton	Holmes	Houser
Huseman	Jacobs	Jenkins	Klemme
Kremer	Lamberti	Larson	Lord
Martin	Metcalf	Meyer	Millage
Nelson	Rants	Rayhons	Siegrist
Sukup	Teig	Thomson	Tyrrell
Van Fossen	Van Maanen	Vande Hoef	Veenstra
Weidman	Welter	Mr. Speaker	
		Corbett	

Absent or not voting, 1:

Churchill

Amendment H-8349 lost.

Scherrman of Dubuque offered the following amendment H-8249 filed by him and moved its adoption:

H-8249

- 1 Amend House File 2494 as follows:  
2 1. Page 28, line 9, by inserting after the figure  
3 "455B.200A." the following: "A person required to  
4 submit a manure management plan must submit any  
5 changes to the manure management plan to the  
6 department as required by the department. The  
7 department shall send or require the person to send a  
8 copy of the changes to the county board of supervisors  
9 in the county in this state where the confinement  
10 feeding operation is located."

Amendment H-8249 lost.

Frevert of Palo Alto offered the following amendment H-8355 filed by her and moved its adoption:

H-8355

- 1 Amend House File 2494 as follows:  
2 1. Page 28, by inserting after line 14 the  
3 following:  
4 "Sec. \_\_\_\_ Section 455B.203, subsection 2,  
5 paragraph a, Code 1997, is amended to read as follows:  
6 a. Calculations necessary to determine the land  
7 area required for the application of manure from a  
8 confinement feeding operation. The calculations shall  
9 be based on nitrogen use levels in order to obtain  
10 optimum crop yields according to a crop schedule  
11 specified in the plan, and. The calculations shall  
12 also be based on phosphorus and potassium levels. The  
13 calculations shall be made according to requirements  
14 adopted by the department after receiving  
15 recommendations from the animal agriculture consulting  
16 organization provided for in 1995 Iowa Acts, chapter  
17 195, section 37 Iowa state university."  
18 2. By renumbering as necessary.

Amendment H-8355 lost.

Teig of Hamilton moved the adoption of amendment H-8354C, as amended.

A non-record roll call was requested.

The ayes were 47, nays 37.

Amendment H-8354C, as amended, was adopted.

Mundie of Webster offered the following amendment H-8267 filed by him and moved its adoption:

H-8267

1 Amend House File 2494 as follows:

2 1. Page 35, by inserting after line 5 the  
3 following:

4 "\_\_\_ A county may conduct samples of subsurface  
5 water within a one-half-mile radius of an animal  
6 feeding operation prior to its construction, according  
7 to procedures adopted by the county. The county shall  
8 as it determines feasible keep a record of the results  
9 on file with the county."

Amendment H-8267 was adopted.

Mundie of Webster offered the following amendment H-8247 filed by him and moved its adoption:

H-8247

1 Amend House File 2494 as follows:

2 1. Page 35, by inserting after line 24 the  
3 following:

4 "4. The department shall conduct random  
5 inspections of animal feeding operations, including  
6 animal feeding operation structures, unformed manure  
7 storage structures, and formed manure storage  
8 structures, as defined in section 455B.161, and manure  
9 management practices employed by the operation as  
10 provided in sections 455B.202 and 455B.203B, to ensure  
11 that such operations comply with all applicable  
12 requirements of this chapter and rules adopted by the  
13 department pursuant to this chapter. However, in  
14 order to access the operation, the departmental  
15 inspector must comply with standard disease control  
16 restrictions customarily required by the operation.  
17 The department shall complete a written report for  
18 each inspection which shall be available as a public  
19 record as provided in chapter 22."

Roll call was requested by Schrader of Marion and Mundie of Webster.

On the question "Shall amendment H-8247 be adopted?" (H.F. 2494)

The ayes were, 48:

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	Lord	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	Blodgett	Boddicker
Bogges	Bradley	Brauns	Brunkhorst
Carroll	Churchill	Cormack	Dinkla
Dix	Dolecheck	Drake	Eddie
Gipp	Greig	Greiner	Gries
Hahn	Hansen	Heaton	Holmes
Houser	Huseman	Jacobs	Jenkins
Klemme	Kremer	Lamberti	Larson
Martin	Metcalf	Meyer	Nelson
Rants	Rayhons	Siegrist	Sukup
Teig	Thomson	Tyrrell	Van Fossen
Van Maanen	Vande Hoef	Veenstra	Weidman
Welter	Mr. Speaker		
	Corbett		

Absent or not voting, 2:

Grundberg                      Millage

Amendment H-8247 lost.

Scherrman of Dubuque asked and received unanimous consent to withdraw amendment H-8250 filed by him on March 5, 1998.

Scherrman of Dubuque offered the following amendment H-8342 filed by him and moved its adoption:

H-8342

1 Amend House File 2494 as follows:

2 1. Page 35, by inserting after line 24 the

3 following:

4 "Sec.     . NEW SECTION. 455B.205A ENVIRONMENTAL

5 HEALTH SPECIALISTS.

6 1. A local board of health serving a county or

7 district as provided in chapter 137 may contract with

8 the department in order to carry out this section.

9 The department shall enter into a contract with the

10 local board of health, if the agreement for the

11 services is cost-effective and the quality of the

12 services provided ensures compliance with requirements

13 of this chapter, including rules adopted by the

14 department. If the local board of health acts in a

15 manner that is inconsistent with the provisions of

16 this chapter or the contract, the department may

17 revoke the contract.



- 18 2. A local board of health which is a party to a  
 19 contract with the department shall designate  
 20 environmental health specialists who shall monitor  
 21 confinement feeding operations and the application of  
 22 manure on land within the board's jurisdiction,  
 23 according to procedures consistent with departmental  
 24 requirements. In conducting monitoring operations,  
 25 the environmental health specialists shall do all of  
 26 the following:
- 27 a. Ensure compliance with manure management plans  
 28 as provided in section 455B.203.
- 29 b. Inspect unformed manure storage structures. An  
 30 inspection shall include a visual determination  
 31 regarding a structure's freeboard level, seepage of  
 32 manure from the structure, erosion, adequate  
 33 vegetation cover, and the presence of an opening  
 34 allowing manure to drain from the structure.
- 35 c. Test drinking water wells which may be  
 36 contaminated by animal feeding operation structures.
- 37 3. An environmental health specialist shall be  
 38 deemed to be an agent of the department for the  
 39 purpose of carrying out duties under a contract,  
 40 including the inspection of premises. An  
 41 environmental health specialist shall have the same  
 42 authority under this chapter provided to the  
 43 department, unless the contract specifies otherwise.  
 44 In order to conduct monitoring, the environmental  
 45 health specialist must comply with standard  
 46 biosecurity requirements customarily required by the  
 47 confinement feeding operation."
- 48 2. By renumbering as necessary.

Rants of Woodbury in the chair at 8:30 p.m.

A non-record roll call was requested.

The ayes were 39, nays 47.

Amendment H-8342 lost.

Scherrman of Dubuque offered the following amendment H-8248  
 filed by him and moved its adoption:

H-8248

- 1 Amend House File 2494 as follows:  
 2 1. Page 35, line 27, by striking the word  
 3 "earthen" and inserting the following: "unformed".  
 4 2. Page 35, line 28, by striking the word "basin"  
 5 and inserting the following: "structure".

Roll call was requested by Meyer of Sac and Brunkhorst of Bremer.

## On the question "Shall amendment H-8248 be adopted?" (H.F. 2494)

The ayes were, 39:

Bernau	Brand	Bukta	Burnett
Chapman	Chiodo	Cohoon	Connors
Doderer	Dotzler	Drees	Fallon
Foege	Ford	Frevert	Garman
Holveck	Huser	Jochum	Kinzer
Koenigs	Kreiman	Larkin	Mascher
Moreland	Mundie	Murphy	Myers
Osterhaus	Reynolds-Knight	Richardson	Scherrman
Schrader	Shoultz	Taylor	Warnstadt
Weigel	Whitead	Witt	

The nays were, 59:

Arnold	Barry	Bell	Blodgett
Boddicker	Bogges	Bradley	Brauns
Brunkhorst	Carroll	Churchill	Corbett, Spkr.
Cormack	Dinkla	Dix	Dolecheck
Drake	Eddie	Falck	Gipp
Greig	Greiner	Gries	Grundberg
Hahn	Hansen	Heaton	Holmes
Houser	Huseman	Jacobs	Jenkins
Klemme	Kremer	Lamberti	Larson
Lord	Martin	May	Mertz
Metcalf	Meyer	Nelson	O'Brien
Rayhons	Siegrist	Sukup	Teig
Thomas	Thomson	Tyrrell	Van Fossen
Van Maanen	Vande Hoef	Veenstra	Weidman
Welter	Wise	Rants,	
		Presiding	

Absent or not voting, 2:

Cataldo                      Millage

Amendment H-8248 lost.

Koenigs of Mitchell asked and received unanimous consent to withdraw amendment H-8350 filed by him on March 11, 1998, placing amendment H-8370 filed by Koenigs of Mitchell from the floor out of order.

Mertz of Kossuth offered the following amendment H-8224 filed by her and moved its adoption:

H-8224

- 1 Amend House File 2494 as follows:
- 2 1. Page 35, by inserting after line 29 the

3 following:

4 "Sec. \_\_\_\_ NEW SECTION. 455B.207 CONFINEMENT  
5 FEEDING OPERATIONS – COUNTY POWERS AND DUTIES.

6 The board of supervisors in the county where a  
7 confinement feeding operation is located may enforce  
8 sections 455B.201 through 455B.206, including rules  
9 adopted pursuant to those sections. The board must  
10 deliver a notice by certified mail to the department,  
11 stating that an operation may be in violation of the  
12 sections or departmental rules. The board shall  
13 deliver the notice only after approval of the action  
14 by resolution. The notice shall be in writing and  
15 shall state the location of the operation, the name  
16 and address of the owner, and an explanation of the  
17 possible violation. The board may inform the  
18 department that the board reserves its right to  
19 enforce the sections or rules as provided in this  
20 section, if the department fails to initiate an  
21 investigation or enforcement action or continue an  
22 enforcement action which results in an administrative  
23 hearing or a settlement of the case. The county may  
24 begin enforcement proceedings after thirty days  
25 following delivery of the notice, unless the  
26 department commences and maintains active enforcement  
27 of the sections or its rules. The county shall not  
28 initiate or continue an enforcement action if the  
29 county receives notice and results of the  
30 investigation by the department that the department  
31 has conducted an investigation and has determined that  
32 the operation is not in violation of the sections or  
33 departmental rules. Once the county begins an  
34 enforcement action, it shall be the party in interest  
35 in the case and have sole authority and responsibility  
36 to proceed with the action. The county may refer any  
37 case to the attorney general. The department of  
38 natural resources may assume the enforcement action  
39 from the county. However, if the department assumes  
40 the enforcement action, the department shall be  
41 required to resolve the action. The county shall  
42 bring the enforcement action according to the same  
43 procedures used for a county infraction as provided in  
44 section 331.307. However, the civil penalty may be  
45 for any amount that could be assessed by the  
46 department."

47 2. By renumbering as necessary.

Amendment H-8224 lost.

Heaton of Henry offered the following amendment H-8262 filed by  
him and moved its adoption:

H-8262

1 Amend House File 2494 as follows:

- 2 1. Page 36, line 1, by striking the word "estate"  
3 and inserting the following: "property".
- 4 2. Page 36, by striking line 2 and inserting the  
5 following: "if the acknowledgement is required to be  
6 signed pursuant to section 558A.4A. The failure to".
- 7 3. Page 36, by striking lines 27 through 29 and  
8 inserting the following:  
9 "A person conveyed real property located within a  
10 separation distance required between an animal feeding  
11 operation and a residence pursuant to section 455B.162  
12 must sign an".
- 13 4. Page 36, line 30, by inserting after the word  
14 "acknowledgment." the following: "An acknowledgment  
15 is not required for any type of conveyance to the same  
16 extent that a disclosure is not required for a  
17 transfer pursuant to section 558A.1, subsection 4,  
18 paragraphs "a" through "h"."
- 19 5. Page 37, line 4, by inserting after the word  
20 "AREAS." the following: "UNDER IOWA CODE SECTION  
21 455B.165, AN ANIMAL FEEDING OPERATION MAY EXPAND  
22 CLOSER TO A RESIDENCE IF THE ANIMAL FEEDING OPERATION  
23 WAS ESTABLISHED BEFORE THE RESIDENCE WAS CONSTRUCTED.  
24 THE ANIMAL FEEDING OPERATION MAY HAVE A LEGAL DEFENSE  
25 FROM LAWSUITS INVOLVING ACTIVITIES CUSTOMARILY  
26 ASSOCIATED WITH THE CARE AND FEEDING OF LIVESTOCK."
- 27 6. Page 37, by striking lines 13 and 14 and  
28 inserting the following:  
29 "2. A person conveyed real property may bring a  
30 cause of action to invalidate the conveyance based on  
31 a failure to file a signed acknowledgment with".
- 32 7. Page 37, line 19, by striking the words  
33 "transfer of" and inserting the following:  
34 "conveyance of real".

Amendment H-8262 was adopted.

Wise of Lee offered the following amendment H-8177 filed by Wise,  
et al.:

H-8177

- 1 Amend House File 2494 as follows:  
2 1. Page 37, by inserting after line 24 the  
3 following:  
4 "Sec. \_\_\_\_ Section 657.11, subsections 2, 3, 5, 6,  
5 7, and 8, Code 1997, are amended to read as follows:  
6 2. ~~If a person has received all permits required~~  
7 ~~pursuant to chapter 455B for an animal feeding~~  
8 ~~operation, as defined in section 455B.161, there shall~~  
9 ~~be a rebuttable presumption that an An animal feeding~~  
10 ~~operation is, as defined in section 455B.161, shall~~  
11 ~~not be found to be a public or private nuisance under~~  
12 ~~this chapter or under principles of common law, and~~

13 ~~that the animal feeding operation does~~ shall not be  
 14 found to unreasonably and continuously for substantial  
 15 periods of time interfere with another person's  
 16 comfortable use and enjoyment of the person's life or  
 17 property under any other cause of action. The  
 18 ~~rebuttable presumption also applies to persons who are~~  
 19 ~~not required to obtain a permit pursuant to chapter~~  
 20 ~~455B for an animal feeding operation as defined in~~  
 21 ~~section 455B.161. The rebuttable presumption~~ However,  
 22 this section shall not apply if the person bringing  
 23 the action proves that an injury to a the person or  
 24 damage to the person's property is proximately caused  
 25 by a either of the following:

26 a. The failure to comply with a federal statute or  
 27 regulation or a state statute or rule which applies to  
 28 the animal feeding operation.

29 b. ~~3. The rebuttable presumption may be overcome~~  
 30 ~~by clear and convincing evidence of both~~ Both of the  
 31 following:

32 a. (1) The animal feeding operation unreasonably  
 33 and continuously for substantial periods of time  
 34 interferes with another the person's comfortable use  
 35 and enjoyment of the person's life or property.

36 b. (2) The injury or damage is proximately caused  
 37 by the negligent operation of the animal feeding  
 38 operation failed to use existing prudent generally  
 39 accepted management practices reasonable for the  
 40 operation.

41 ~~5. The rebuttable presumption created by this~~ This  
 42 section shall apply regardless of the established date  
 43 of operation or expansion of the animal feeding  
 44 operation. The rebuttable presumption A defense  
 45 against a cause of action provided in this section  
 46 includes, but is not limited to, a defense for actions  
 47 arising out of the care and feeding of animals; the  
 48 handling or transportation of animals; the treatment  
 49 or disposal of manure resulting from animals; the  
 50 transportation and application of animal manure; and

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1 the creation of noise, odor, dust, or fumes arising  
 2 from an animal feeding operation.

3 ~~6. An animal feeding operation that complies with~~  
 4 ~~the requirements in chapter 455B for animal feeding~~  
 5 ~~operations shall be deemed to meet any common law~~  
 6 ~~requirements regarding the standard of a normal person~~  
 7 ~~living in the locality of the operation.~~

8 ~~7. A~~ If a court determines that a claim is  
 9 frivolous, a person who brings the claim as part of a  
 10 losing cause of action against a person for whom the  
 11 rebuttable presumption created who may raise a defense  
 12 under this section is not rebutted, shall be liable to

13 the person against whom the action was brought for all  
 14 costs and expenses incurred in the defense of the  
 15 action, ~~if the court determines that a claim is~~  
 16 ~~frivolous.~~

17 8. ~~The rebuttable presumption created in this This~~  
 18 ~~section does not apply to an injury to a person or~~  
 19 ~~damages to property caused by the animal feeding~~  
 20 ~~operation before May 31, 1995.~~

21 Sec. \_\_\_\_ Section 657.11, subsection 4, unnumbered  
 22 paragraph 1, Code 1997, is amended to read as follows:

23 4. ~~The rebuttable presumption This section~~ does  
 24 ~~not apply to a person against whom a cause of action~~  
 25 ~~is brought as provided in this section~~ during any  
 26 period that the person is classified as a chronic  
 27 violator under this subsection as to any confinement  
 28 feeding operation in which the person holds a  
 29 controlling interest, as defined by rules adopted by  
 30 the department of natural resources. ~~The rebuttable~~  
 31 ~~presumption This section~~ shall apply to the person on  
 32 and after the date that the person is removed from the  
 33 classification of chronic violator. For purposes of  
 34 this subsection, "confinement feeding operation" means  
 35 ~~an animal feeding operation in which animals are~~  
 36 ~~confined to areas which are totally roofed, and which~~  
 37 ~~are regulated by the department of natural resources~~  
 38 ~~or the environmental protection commission the same as~~  
 39 ~~defined in section 455B.161."~~

40 2. By renumbering as necessary.

Wise of Lee asked and received unanimous consent to withdraw  
 amendment H-8359, to amendment H-8177, filed by him from the  
 floor.

Eddie of Buena Vista rose on a point of order that amendment  
 H-8177 was not germane.

The Speaker ruled the point well taken and amendment H-8177  
 not germane.

Weigel of Chickasaw offered the following amendment H-8231 filed  
 by him:

H-8231

1 Amend House File 2494 as follows:

2 1. Page 37, by inserting after line 24 the  
 3 following:

4 "Sec. \_\_\_\_ Section 657.11, subsection 4, Code  
 5 1997, is amended by striking the subsection.

6 Sec. \_\_\_\_ NEW SECTION. 657.11A CHRONIC  
 7 VIOLATORS.

8 1. As used in this section, unless the context

9 otherwise requires:

10 a. "Commission" means the environmental protection  
11 commission created in section 455A.6.

12 b. "Confinement feeding operation" means the same  
13 as defined in section 455B.161.

14 c. "Department" means the department of natural  
15 resources.

16 d. "Suspect site" means a confinement feeding  
17 operation or land where a confinement feeding  
18 operation could be constructed, if the site is subject  
19 to a suspect transaction.

20 e. "Suspect transaction" means a transaction in  
21 which a person classified as a chronic violator under  
22 this section does any of the following:

23 (1) Transfers a controlling interest in a suspect  
24 site to any of the following:

25 (a) An employee of the chronic violator or  
26 business in which the person holds a controlling  
27 interest.

28 (b) A person who holds an interest in a business,  
29 including a confinement feeding operation, in which  
30 the chronic violator holds a controlling interest.

31 (c) A person related to the chronic violator as  
32 spouse, parent, grandparent, lineal ascendant of a  
33 grandparent or spouse and any other lineal descendant  
34 of the grandparent or spouse, or a person acting in a  
35 fiduciary capacity for a related person.

36 (2) Provides financing for the construction or  
37 operation of a confinement feeding operation to any  
38 person, including by providing a contribution, loan to  
39 the person, or providing collateral for a contribution  
40 or loan made by a third person.

41 2. The rebuttable presumption provided in section  
42 657.11 does not apply to a person during any period  
43 that the person is classified as a chronic violator  
44 under this section as to any confinement feeding  
45 operation in which the person holds a controlling  
46 interest, as defined by rules adopted by the  
47 department of natural resources. The rebuttable  
48 presumption shall apply to the person on and after the  
49 date that the person is removed from the  
50 classification of chronic violator.

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1 3. A person shall be classified as a chronic  
2 violator if the person has committed three or more  
3 violations as described in this subsection prior to,  
4 on, or after July 1, 1996. In addition, in relation  
5 to each violation, the person must have been subject  
6 to either of the following:

7 a. The assessment of a civil penalty by the  
8 department or the commission in an amount equal to

9 three thousand dollars or more.

10 b. A court order or judgment for a legal action  
11 brought by the attorney general after referral by the  
12 department or commission.

13 4. Each violation must have occurred within five  
14 years prior to the date of the latest violation,  
15 counting any violation committed by a confinement  
16 feeding operation in which the person holds a  
17 controlling interest. A violation occurs on the date  
18 the department issues an administrative order to the  
19 person assessing a civil penalty of three thousand  
20 dollars or more, or on the date the department  
21 notifies a person in writing that the department will  
22 recommend that the commission refer, or the commission  
23 refers the case to the attorney general for legal  
24 action, or the date of entry of the court order or  
25 judgment, whichever occurs first. A violation under  
26 this subsection shall not be counted if the civil  
27 penalty ultimately imposed is less than three thousand  
28 dollars, the department or commission does not refer  
29 the action to the attorney general, the attorney  
30 general does not take legal action, or a court order  
31 or judgment is not entered against the person. A  
32 person shall be removed from the classification of  
33 chronic violator on the date on which the person and  
34 all confinement feeding operations in which the person  
35 holds a controlling interest have committed less than  
36 three violations described in this subsection for the  
37 prior five years.

38 5. For purposes of counting violations, a  
39 continuing and uninterrupted violation shall be  
40 considered as one violation. Different types of  
41 violations shall be counted as separate violations  
42 regardless of whether the violations were committed  
43 during the same period. The violation must be a  
44 violation of a state statute, or a rule adopted by the  
45 department, which applies to a confinement feeding  
46 operation and any related animal feeding operation  
47 structure, including an anaerobic lagoon, earthen  
48 manure storage basin, formed manure storage structure,  
49 or egg washwater storage structure, or any related  
50 pollution control device or practice. The structure,

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1 device, or practice must be part of the confinement  
2 feeding operation. The violation must be one of the  
3 following:

4 a. Constructing or operating a related animal  
5 feeding operation structure or installing or using a  
6 related pollution control device or practice, for  
7 which the person must obtain a permit, in violation of  
8 statute or rules adopted by the department, including



- 9 the terms or conditions of the permit.
- 10 b. Intentionally making a false statement or  
11 misrepresenting information to the department as part  
12 of an application for a construction permit for the  
13 related animal feeding operation structure, or the  
14 installation of the related pollution control device  
15 or practice, for which the person must obtain a  
16 construction permit from the department.
- 17 c. Failing to obtain a permit or approval by the  
18 department for a permit to construct or operate a  
19 confinement feeding operation or use a related animal  
20 feeding operation structure or pollution control  
21 device or practice, for which the person must obtain a  
22 permit from the department.
- 23 d. Operating a confinement feeding operation,  
24 including a related animal feeding operation structure  
25 or pollution control device or practice, which causes  
26 pollution to the waters of the state, if the pollution  
27 was caused intentionally, or caused by a failure to  
28 take measures required to abate the pollution which  
29 resulted from an act of God.
- 30 e. Failing to submit a manure management plan as  
31 required, or operating a confinement feeding operation  
32 required to have a manure management plan without  
33 having submitted the manure management plan.
- 34 6. A suspect transaction shall be presumed to be  
35 made in order to avoid a cause of action for nuisance  
36 brought against the person classified as a chronic  
37 violator. The person receiving control of the  
38 operation pursuant to the suspect transaction shall be  
39 deemed to be an agent of the chronic violator, unless  
40 the chronic violator and the person receiving the  
41 controlling interest in the confinement feeding  
42 operation because of the suspect transaction, prove by  
43 clear and convincing evidence all of the following:
- 44 a. That the suspect transaction was for a  
45 legitimate business purpose made by parties exercising  
46 independent and reasonable judgment.
- 47 b. That the chronic violator does not exercise a  
48 controlling influence over the business affairs of the  
49 confinement feeding operation.
- 50 7. If the person receiving control of a suspect

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- 1 site is deemed to be an agent of a chronic violator,  
2 the presumption that the confinement feeding operation  
3 is not a public or private nuisance as provided in  
4 section 657.11 shall not apply for as long as the  
5 chronic violator, including the agent, or the  
6 confinement feeding operation is classified as a  
7 chronic violator.”
- 8 2. By renumbering as necessary.

Eddie of Buena Vista rose on a point of order that amendment H-8231 was not germane.

The Speaker ruled the point well taken and amendment H-8231 not germane.

Schrader of Marion asked for unanimous consent to suspend the rules to consider amendment H-8231.

Objection was raised.

Schrader of Marion moved to suspend the rules to consider amendment H-8231.

Roll call was requested by Schrader of Marion and Carroll of Poweshiek.

On the question "Shall the rules be suspended to consider amendment H-8231?"

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	Boddicker	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	Metcalf
Meyer	Nelson	Rayhons	Siegrist
Sukup	Teig	Thomson	Tyrrell
Van Fossen	Van Maanen	Vande Hoef	Veenstra
Weidman	Welter	Rants,	
		Presiding	

Absent or not voting, 2:

Blodgett

Millage

The motion to suspend the rules lost.

Mundie of Webster asked and received unanimous consent to withdraw amendment H-8261 filed by him on March 5, 1998.

Mundie of Webster offered the following amendment H-8265 filed by him and moved its adoption:

H-8265

- 1 Amend House File 2494 as follows:
- 2 1. Page 40, line 16, by striking the word "The".
- 3 2. Page 40, line 17, by inserting before the word
- 4 "members" the following:
- 5 "1. The".
- 6 3. Page 40, by inserting after line 21, the
- 7 following:
- 8 "2. Representatives of the following organizations
- 9 shall also be appointed as part of the animal
- 10 agriculture consulting organization: the Iowa
- 11 environmental council, the Iowa association of county
- 12 conservation boards, prairie fire, the Iowa farmers
- 13 union, and the Iowa Izaak Walton league of America."

Amendment H-8265 lost.

Mundie of Webster asked and received unanimous consent to withdraw amendment H-8351 filed by him on March 11, 1998.

Koenigs of Mitchell offered the following amendment H-8226 filed by him:

H-8226

- 1 Amend House File 2494 as follows:
- 2 1. Page 1, by inserting after line 10 the
- 3 following:
- 4 "Sec. \_\_\_\_ Section 13.13, subsection 2, Code 1997,
- 5 is amended to read as follows:
- 6 2. The farm assistance program coordinator shall
- 7 contract with a nonprofit organization chartered in
- 8 this state to provide mediation services as provided
- 9 in chapters 654A, 654B, and 654C, and to conduct
- 10 neighbor meetings pursuant to section 455B.205A. The
- 11 contract may be terminated by the coordinator upon
- 12 written notice and for good cause. The organization
- 13 awarded the contract is designated as the farm

14 mediation service for the duration of the contract.  
15 The organization may, upon approval by the  
16 coordinator, provide mediation services other than as  
17 provided by law. The farm mediation service is not a  
18 state agency for the purposes of chapters 19A, 20, and  
19 669.

20 Sec. \_\_\_\_ Section 13.15, Code 1997, is amended to  
21 read as follows:

22 13.15 RULES AND FORMS — FEES.

23 1. The farm mediation service shall recommend  
24 rules to the farm assistance program coordinator. The  
25 coordinator shall adopt rules pursuant to chapter 17A  
26 to set the compensation of mediators and to implement  
27 this subchapter and chapters 654A, 654B, and 654C, and  
28 section 455B.205A.

29 2. The rules shall provide for an hourly mediation  
30 fee not to exceed fifty dollars for the borrower and  
31 one hundred dollars for the creditor. The hourly  
32 mediation fee may be waived for any party  
33 demonstrating financial hardship upon application to  
34 the farm mediation service.

35 3. The compensation of a mediator shall be no more  
36 than twenty-five dollars per hour, and all parties  
37 shall contribute an equal amount of the cost.

38 However, if a meeting is held under section 455B.205A,  
39 the animal feeding operation shall pay the mediator  
40 the costs of the mediator in conducting the meeting.

41 4. The coordinator shall adopt voluntary mediation  
42 application and mediation request forms. The  
43 coordinator shall adopt forms necessary to administer  
44 section 455B.205A.

45 Sec. \_\_\_\_ NEW SECTION. 13.17 GOOD NEIGHBOR  
46 MEETINGS.

47 The farm assistance program coordinator, provided  
48 in this subchapter, shall contract with the farm  
49 mediation service to conduct meetings in order to  
50 provide for a good neighbor policy relating to animal

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1 feeding operations as provided in section 455B.205A.  
2 The meeting shall not be considered mediation under  
3 this subchapter or chapters 654A and 654B.”

4 2. Page 20, by inserting after line 12 the  
5 following:

6 “ \_\_\_\_ The application for a construction permit  
7 shall include a section for a good neighbor policy as  
8 required pursuant to section 455B.205A, which the  
9 applicant is not required to complete unless the  
10 applicant elects to be eligible for protection from  
11 legal action as provided in section 657.11. The  
12 department shall file a permittee's amendments to the  
13 good neighbor policy section with the application.”

14 3. Page 35, by inserting after line 24 the  
15 following:  
16 "Sec. \_\_\_\_ NEW SECTION. 455B.205A GOOD NEIGHBOR  
17 POLICY.

18 1. The purpose of this section is to codify the  
19 spirit of informal conduct to the expansion of animal  
20 feeding operations in this state, which has  
21 traditionally existed between farmers and neighbors,  
22 based on a common set of farmer-neighbor expectations  
23 relating to conversion, cooperation, tolerance, and  
24 community harmony, when a farmer implements good faith  
25 business practices.

26 2. A person who, on and after the effective date  
27 of this Act, shall not obtain a construction permit  
28 pursuant to section 455B.200A, unless the person  
29 develops a good neighbor policy prior to receiving the  
30 permit in order to provide that the animal feeding  
31 operation subject to the permit is eligible for  
32 protection from legal action as provided in section  
33 657.11. In order to satisfy this requirement, the  
34 applicant shall satisfy the requirements of this  
35 section. The good neighbor policy shall continue in  
36 effect after a transfer in ownership of the operation.  
37 The portion of the application providing for a good  
38 neighbor policy may be amended by the operation's  
39 permittee after complying with the requirements of  
40 this section and filing the amended portion with the  
41 department.

42 3. The applicant or permittee shall provide a  
43 written notice to all residents located within one  
44 mile of any animal feeding operation structure subject  
45 to the permit. The notice shall provide a time and  
46 place in the county in which the operation is to be  
47 located where all of the following shall be available  
48 for public inspection:

49 a. The site plans for the construction of each  
50 structure subject to a construction permit.

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1 b. A completed application required pursuant to  
2 section 455B.200A, including a proposed good neighbor  
3 policy, or proposed amendments to the good neighbor  
4 policy, as provided in this section.

5 c. A manure management plan, if required pursuant  
6 to section 455B.203.

7 4. At least one neighbors meeting shall be held in  
8 order to provide persons residing within one mile of  
9 the site subject to the construction permit, with the  
10 opportunity to express comments regarding the  
11 operation, and the good neighbor policy. A  
12 representative of the animal feeding operation shall  
13 attend the meeting. A mediator designated by the farm

14 mediation service shall conduct the meeting and  
15 certify to the department of natural resources that  
16 the meeting was conducted as required pursuant to this  
17 section.

18 5. The good neighbor portion of an application for  
19 a permit for the construction of an animal feeding  
20 operation or an amendment to the portion shall include  
21 all of the following:

22 a. Procedures to notify neighbors of events,  
23 including the cleaning of structures or the disposal  
24 of manure, that may cause special discomfort to  
25 neighbors.

26 b. A method to ensure that communication between  
27 the animal feeding operation and neighbors is  
28 maintained, including methods for neighbors to notify  
29 an animal feeding operation when special occasions  
30 occur such as weddings, holidays, parties, or  
31 funerals.

32 c. The establishment of a nonjudicial dispute  
33 resolution forum for neighbors and an animal feeding  
34 operation to informally reach solutions to matters of  
35 concern affecting the parties.

36 d. Methods to reduce impacts on the fair market  
37 value of neighboring property due to the construction  
38 or operation of an animal feeding operation structure,  
39 which may include the purchase or lease of property  
40 around an animal operation structure, or the payment  
41 of compensation to neighboring property owners.

42 e. The implementation of practices and the  
43 installation of systems to ensure that animal diseases  
44 originating from the operation do not contaminate  
45 animals located on neighboring property.

46 f. Practices and systems designed to reduce the  
47 discomfort to neighbors arising from an animal feeding  
48 operation. The application may include practical and  
49 inexpensive methods utilized by the operation to  
50 reduce odor, including planting trees around animal

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1 feeding operation structures and providing that open  
2 manure storage structures be covered with materials  
3 which inhibit odor, such as straw, foam pellets, or  
4 mats.

5 6. The Iowa cooperative extension service in  
6 agriculture and home economics at Iowa state  
7 university shall assist in carrying out the purpose of  
8 this section by developing a model good neighbor  
9 policy which may be used by animal feeding operations  
10 in complying with this section. The service shall  
11 provide different versions of the policy based on  
12 various possible situations. In developing different  
13 versions, the service shall consider the type and size

14 of animal feeding operations, the type and size of  
 15 animal feeding operation structures utilized by  
 16 operations, the different species of animals  
 17 maintained at operations, varying distances to  
 18 neighboring residents, different types of locations of  
 19 existing or planned animal feeding operations located  
 20 in close proximity to the operation to be constructed.  
 21 The services shall develop its model good neighbor  
 22 policy based upon the sensibilities of a reasonable  
 23 rural resident in the county who is familiar with and  
 24 appreciates the importance of animal agriculture.”  
 25 4. By renumbering as necessary.

Eddie of Buena Vista rose on a point of order that amendment H-8226 was not germane.

The Speaker ruled the point well taken and amendment H-8226 not germane.

Mertz of Kossuth asked and received unanimous consent to withdraw amendment H-8221 filed by her on March 4, 1998.

Gipp of Winneshiek in the chair at 9:32 p.m.

Mundie of Webster offered the following amendment H-8253 filed by him and moved its adoption:

H-8253

1 Amend House File 2494 as follows:  
 2 1. Page 5, line 5, by striking the word and figure  
 3 “subsection 1,” and inserting the following:  
 4 “subsections 1 and 2”.  
 5 2. Page 5, line 5, by striking the word “is” and  
 6 inserting the following: “are”.  
 7 3. Page 5, by inserting after line 16 the  
 8 following:  
 9 “2. The If a county provides cleanup under section  
 10 204.5 after acquiring real estate following nonpayment  
 11 of taxes, the department shall determine if a claim is  
 12 eligible to be satisfied under this section  
 13 subsection, and do one of the following:  
 14 a. Pay the amount of the claim required in this  
 15 section, based on the fixed amount specified in the  
 16 bid submitted by the county upon completion of the  
 17 work.  
 18 b. Obtain a lower fixed amount bid for the work  
 19 from another qualified person, other than a  
 20 governmental entity, and pay the amount of the claim  
 21 required in this section, based on the fixed amount in  
 22 this bid upon completion of the work. The department  
 23 is not required to comply with section 18.6 in  
 24 implementing this section.

25 2A. If a county provides cleanup of a condition  
 26 causing a clear, present, and impending danger to the  
 27 public health or environment, as provided in section  
 28 204.5, the county may make a claim against the fund to  
 29 pay cleanup costs incurred by the county, according to  
 30 procedures and requirements established by rules  
 31 adopted by the department. The department shall  
 32 determine if a claim is eligible to be satisfied under  
 33 this subsection, and pay the amount of the claim  
 34 required in this section."

35 4. Page 6, line 10, by striking the words "The  
 36 department" and inserting the following: "If the  
 37 department fails to provide cleanup within twenty-four  
 38 hours after being notified of a condition requiring  
 39 cleanup, the county may provide for the cleanup as  
 40 provided in this paragraph. The department or  
 41 county".

Amendment H-8253 was adopted.

Frevert of Palo Alto asked and received unanimous consent to withdraw amendment H-8222 filed by her on March 4, 1998.

Frevert of Palo Alto offered the following amendment H-8236 filed by her and moved its adoption:

H-8236

- 1 Amend House File 2494 as follows:  
 2 1. Page 6, line 21, by striking the words  
 3 "LIMITATIONS ON".  
 4 2. Page 6, line 22, by inserting after the word  
 5 "LEGISLATION" the following: "- CONFINEMENT FEEDING  
 6 OPERATIONS".  
 7 3. By striking page 6, line 23, through page 7,  
 8 line 6, and inserting the following:  
 9 "1. As used in this section:  
 10 a. "Animal feeding operation structure" means the  
 11 same as defined in section 455B.161.  
 12 b. "Confinement feeding operation" means the same  
 13 as defined in section 455B.161.  
 14 c. "Small animal feeding operation" means the same  
 15 as defined in section 455B.161.  
 16 2. a. Notwithstanding section 335.2, a county may  
 17 adopt a confinement feeding operations siting  
 18 ordinance, pursuant to section 331.302. The purpose  
 19 of the ordinance shall be to designate appropriate  
 20 sites in the county where a confinement feeding  
 21 operation is authorized to be constructed, regardless  
 22 of whether the county has adopted an ordinance under  
 23 chapter 335. The ordinance shall authorize a person  
 24 to construct confinement feeding operation buildings  
 25 and related animal feeding operation structures in



26 appropriate locations in order to preserve and protect  
 27 natural resources, including water sources and fragile  
 28 environmental locations; lessen congestion and  
 29 overcrowding of confinement feeding operations,  
 30 especially near cities; and to protect the health and  
 31 welfare of the public. This section does not  
 32 authorize a county to restrict agricultural operations  
 33 within an agricultural area established pursuant to  
 34 section 352.6.

35 b. A confinement feeding operations siting  
 36 ordinance shall not apply to a proposed confinement  
 37 feeding operation or to the proposed expansion of a  
 38 confinement feeding operation, if the confinement  
 39 feeding operation is a small animal feeding  
 40 operation."

41 4. Page 21, line 20, by inserting after the word  
 42 "located." the following: "All of the following shall  
 43 apply, unless the county has adopted a confinement  
 44 feeding operation siting ordinance as provided in  
 45 section 331.304A."

Roll call was requested by Myers of Johnson and Weigel of Chickasaw.

On the question "Shall amendment H-8236 be adopted?" (H.F. 2494)

The ayes were, 41:

Arnold	Bernau	Brand	Bukta
Burnett	Chapman	Chiodo	Cohoon
Connors	Dinkla	Doderer	Dotzler
Drees	Fallon	Foege	Ford
Frevert	Garman	Holveck	Huser
Jochum	Kinzer	Koenigs	Kreiman
Larkin	Mascher	Moreland	Mundie
Murphy	Myers	Osterhaus	Reynolds-Knight
Richardson	Scherrman	Schrader	Shoultz
Taylor	Warnstadt	Weigel	Whitead
Witt			

The nays were, 57:

Barry	Bell	Blodgett	Boddicker
Bogess	Bradley	Brauns	Brunkhorst
Carroll	Cataldo	Churchill	Corbett, Spkr.
Cormack	Dix	Dolecheck	Drake
Eddie	Falck	Greig	Greiner
Gries	Grundberg	Hahn	Hansen
Heaton	Holmes	Houser	Huseman
Jacobs	Jenkins	Klemme	Kremer
Lamberti	Larson	Lord	Martin
May	Mertz	Metcalf	Meyer
Nelson	O'Brien	Rants	Rayhons

Siegrist	Sukup	Teig	Thomas
Thomson	Tyrrell	Van Fossen	Van Maanen
Vande Hoef	Veenstra	Weidman	Welter
Gipp, Presiding			

Absent or not voting, 2:

Millage	Wise
---------	------

Amendment H-8236 lost.

Connors of Polk asked and received unanimous consent that amendment H-8152 be deferred.

Kreiman of Davis asked and received unanimous consent to withdraw amendment H-8340 filed by him on March 11, 1998.

Bernau of Story asked and received unanimous consent to withdraw amendment H-8152 filed by Wise, et al., on March 2, 1998, placing amendment H-8361, filed from the floor, out of order.

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.

Speaker Corbett in the chair at 10:53 p.m.

On the question "Shall the bill pass?" (H.F. 2494)

The ayes were, 51:

Barry	Blodgett	Boddicker	Boggess
Bradley	Brauns	Brunkhorst	Carroll
Churchill	Cormack	Dinkla	Dix
Dolecheck	Drake	Eddie	Gipp
Greig	Greiner	Gries	Grundberg
Hahn	Hansen	Heaton	Holmes
Houser	Huseman	Jacobs	Jenkins
Klemme	Kremer	Lamberti	Larson
Lord	Martin	Metcalf	Meyer
Nelson	Rants	Rayhons	Siegrist
Sukup	Teig	Thomson	Tyrrell
Van Fossen	Van Maanen	Vande Hoef	Veenstra
Weidman	Welter	Mr. Speaker	
		Corbett	

The nays were, 48:

Arnold	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

Absent or not voting, 1:

Millage

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 2494** be immediately messaged to the Senate.

#### HOUSE FILE 2405 REREFERRED

The Speaker announced that House File 2405, previously referred to committee on **local government** was rereferred to committee on **ways and means**.

#### SENATE FILE 2192 PASSED ON FILE

The Speaker announced that Senate File 2192, previously referred to committee on **transportation** was **passed on file**.

#### EXPLANATION OF VOTE

I was necessarily absent from the House chamber on March 12, 1998. Had I been present, I would have voted "aye" on House Files 2275, 2502 and 2512.

WITT of Black Hawk

#### SPECIAL PRESENTATION

Schrader of Marion presented to the House former State Representative David Osterberg from Linn County.

#### PRESENTATION OF VISITORS

The Speaker announced that the following visitors were present in the House chamber:

Fifty-one seniors from Clear Creek-Amana High School, Tiffin, accompanied by Joy Lindquist. By Foege of Linn, Myers of Johnson and Tyrrell of Iowa.

## SUBCOMMITTEE ASSIGNMENTS

**Senate File 2192**

Transportation: Weidman, Chair; Arnold and Cohoon.

**Senate File 2210**

Judiciary: Boddicker, Chair; Doderer and Greiner.

**Senate File 2224**

Judiciary: Churchill, Chair; Doderer and Larson.

**Senate File 2308**

State Government: Nelson, Chair; Gipp and Larkin.

**Senate File 2316**

Commerce and Regulation: Van Fossen, Chair; Doderer and Sukup.

**Senate File 2329**

Judiciary: Veenstra, Chair; Holveck and Kremer.

**Senate File 2391**

Judiciary: Lamberti, Chair; Dinkla and Moreland.

**Senate File 2397**

Commerce and Regulation: Sukup, Chair; Metcalf and Wise.

## HOUSE STUDY BILL COMMITTEE ASSIGNMENT

**H.S.B. 697 Ways and Means**

Relating to bidding on parcels at tax sale.

## COMMITTEE RECOMMENDATIONS

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendations have been received and are on file in the office of the Chief Clerk.

ELIZABETH A. ISAACSON  
Chief Clerk of the House

## COMMITTEE ON AGRICULTURE

**Senate File 2052**, a bill for an act relating to programs involving government finance, by providing for the issuance of private activity bonds to administer programs by governmental entities, including the Iowa agricultural development

authority and political subdivisions, and providing program assistance to beginning farmers.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H-8360** March 11, 1998.

#### COMMITTEE ON COMMERCE AND REGULATION

**Senate File 2316**, a bill for an act relating to entities and subject matter under the regulatory authority of the regulated industries unit of the insurance division, including business opportunities, cemeteries, and cemetery merchandise, motor vehicle service contracts, preneed funeral merchandise and services, and residential service contracts, providing for fees, and establishing penalties.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H-8372** March 12, 1998.

**Senate File 2397**, a bill for an act relating to the operation and regulation of certain insurance companies, miscellaneous provisions relating to small group health care coverage, the ability of certain insurers to bring an action in certain instances, and the elimination of countersigning resident agent provisions.

Fiscal Note is not required.

Recommended **Do Pass** March 12, 1998.

#### COMMITTEE ON JUDICIARY

**Senate File 2220**, a bill for an act relating to the definition of a chronic runaway.

Fiscal Note is not required.

Recommended **Do Pass** March 12, 1998.

#### COMMITTEE ON NATURAL RESOURCES

**Senate File 2294**, a bill for an act relating to the payment of snowmobile and all-terrain vehicle title fees.

Fiscal Note is not required.

Recommended **Do Pass** March 12, 1998.

#### COMMITTEE ON STATE GOVERNMENT

**Senate Joint Resolution 9**, a joint resolution proposing an amendment to the Constitution of the State of Iowa relating to the qualifications of electors.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H-8357** March 11, 1998.

**Senate File 58**, a bill for an act establishing English as the common language of the state.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H-8356** March 11, 1998.

**Senate File 2153**, a bill for an act relating to affidavits of candidacy filed by candidates for public office.

Fiscal Note is not required.

Recommended **Do Pass** March 11, 1998.

**Senate File 2310**, a bill for an act relating to professional engineering licensure requirements for applicants with certain educational qualifications.

Fiscal Note is not required.

Recommended **Do Pass** March 11, 1998.

**Senate File 2319**, a bill for an act revising the definition of the practice of land surveying.

Fiscal Note is not required.

Recommended **Do Pass** March 11, 1998.

### AMENDMENTS FILED

H-8356	S.F.	58	Committee on State Government
H-8357	S.J.R.	9	Committee on State Government
H-8358	H.F.	2533	Brunkhorst of Bremer
H-8360	S.F.	2052	Committee on Agriculture
H-8362	H.F.	2470	Murphy of Dubuque
H-8363	H.F.	2533	Millage of Scott
H-8364	H.F.	2533	Heaton of Henry Wise of Lee
H-8365	H.F.	2496	Larkin of Lee
H-8367	H.F.	2528	Heaton of Henry
H-8371	H.F.	2528	Schrader of Marion
H-8372	S.F.	2316	Committee on Commerce and Regulation
H-8373	H.F.	2335	Weigel of Chickasaw
H-8374	H.F.	2496	Martin of Scott
H-8375	H.F.	2513	Osterhaus of Jackson
H-8376	H.F.	2513	Osterhaus of Jackson
H-8377	H.F.	2514	Blodgett of Cerro Gordo
H-8378	H.F.	2514	Blodgett of Cerro Gordo Welter of Jones May of Worth

H—8379	H.F.	677	Murphy of Dubuque Kinzer of Scott Reynolds-Knight of Van Buren
H—8380	H.F.	2475	Witt of Black Hawk Greiner of Washington
H—8381	H.F.	2498	Brunkhorst of Bremer Millage of Scott
H—8382	H.F.	2498	Brunkhorst of Bremer Brauns of Muscatine
H—8383	H.F.	2498	Brunkhorst of Bremer Chiodo of Polk Fallon of Polk
H—8384	H.F.	2513	Richardson of Warren Fallon of Polk
H—8385	H.F.	2513	Richardson of Warren
H—8386	H.F.	2528	Eddie of Buena Vista Drees of Carroll Weidman of Cass Wise of Lee
H—8387	S.F.	2192	Chiodo of Polk Eddie of Buena Vista Rayhons of Hancock Carroll of Poweshiek Blodgett of Cerro Gordo
H—8388	H.F.	2482	Nelson of Marshall Welter of Jones
H—8389	H.F.	2496	Larkin of Lee
H—8390	H.F.	2514	Murphy of Dubuque Grundberg of Polk Huser of Polk Churchill of Polk Metcalf of Polk Ford of Polk Dotzler of Black Hawk Lamberti of Polk Connors of Polk Chiodo of Polk Jacobs of Polk
H—8391	H.F.	2335	Koenigs of Mitchell
H—8392	H.F.	2348	Foege of Linn Houser of Pottawattamie Myers of Johnson
H—8393	H.F.	2498	Murphy of Dubuque
H—8394	H.F.	2514	Brauns of Muscatine Welter of Jones Blodgett of Cerro Gordo Cohon of Des Moines May of Worth Huser of Polk Warnstadt of Woodbury

H-8395	H.F.	2281	Jacobs of Polk Huser of Polk
H-8396	H.F.	2281	Carroll of Poweshiek Huser of Polk Jacobs of Polk
H-8397	H.F.	2513	Richardson of Warren
H-8398	H.F.	2520	Houser of Pottawattamie

On motion by Siegrist of Pottawattamie, the House adjourned at 11:20 p.m., until 9:00 a.m., Friday, March 13, 1998.



# JOURNAL OF THE HOUSE

Sixty-first Calendar Day - Forty-second Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Friday, March 13, 1998

The House met pursuant to adjournment at 9:00 a.m., Speaker Corbett in the chair.

Prayer was offered by the Honorable Dolores Mertz, state representative from Kossuth County.

The Journal of Thursday, March 12, 1998 was approved.

## PETITION FILED

The following petition was received and placed on file:

By Vande Hoef of Osceola, from ninety residents of Lyon County favoring the passage of House File 2120 which would require the placement of all tobacco products behind the counter.

## INTRODUCTION OF BILL

**House File 2537**, by committee on ways and means, a bill for an act relating to the transportation of public and nonpublic school students and other properly related matters.

Read first time and placed on the **ways and means calendar**.

## SENATE MESSAGES CONSIDERED

**Senate File 2068**, by Halvorson and Lundby, a bill for an act concerning the method by which cities pay the medical costs incurred by members of the police and fire departments of cities who are injured while on duty.

Read first time and referred to committee on **local government**.

**Senate File 2112**, by committee on business and labor, a bill for an act concerning the sunset provision relating to the employment security administrative contribution surcharge and providing an effective date.

Read first time and referred to committee on **labor and industrial relations**.

**Senate File 2268**, by committee on local government, a bill for an act relating to rural water services by authorizing rural water districts

to enter into agreements with other governmental entities to provide for the ownership, acquisition, construction, and equipping of sewer systems, and authorizing the issuance of revenue obligations to finance the projects and providing procedures for detaching property from one district and attaching it to another district.

Read first time and referred to committee on **local government**.

**Senate File 2269**, by committee on state government, a bill for an act providing for the conversion of the existing advisory boards for athletic training and massage therapy into full regulatory examining boards.

Read first time and referred to committee on **state government**.

**Senate File 2281**, by committee on judiciary, a bill for an act relating to compensation for the legal defense of indigent persons in criminal, appellate, and certain civil cases.

Read first time and referred to committee on **judiciary**.

**Senate File 2296**, by committee on appropriations, a bill for an act appropriating funds to the department of economic development, certain board of regents institutions, the department of workforce development, the public employment relations board, making related statutory changes, and providing an effective date provision.

Read first time and referred to committee on **appropriations**.

**Senate File 2320**, by committee on state government, a bill for an act relating to gambling by imposing a moratorium on new licenses to conduct gambling on excursion gambling boats and at pari-mutuel race-tracks with gambling games, limiting the location of future excursion gambling boats, prohibiting gambling licensees from allowing the loaning of money by credit card or other electronic means for gambling purposes, and imposing a scheduled fine for gambling by persons under twenty-one years of age.

Read first time and **passed on file**.

**Senate File 2345**, by committee on human resources, a bill for an act relating to juvenile justice system provisions involving foster care, termination of parental rights, and adoption replacement investigations.

Read first time and referred to committee on **judiciary**.

**Senate File 2353**, by committee on education, a bill for an act relating to an allocation of state aid for purposes of school-based youth services programs.

Read first time and referred to committee on **education**.

**Senate File 2368**, by committee on commerce, a bill for an act relating to the management of public rights-of-way by local government units, eliminating the power of cities to grant franchises to erect, maintain, and operate plants and systems for telecommunications services within the city, and providing an effective date.

Read first time and referred to committee on **commerce and regulation**.

**Senate File 2369**, by committee on judiciary, a bill for an act adding an offense for operating while intoxicated for persons driving a motor vehicle after taking certain controlled substances, making penalties applicable, and making related changes.

Read first time and referred to committee on **judiciary**.

**Senate File 2374**, by committee on judiciary, a bill for an act providing for the regulation of bail enforcement businesses and their agents, limiting their actions, establishing fees, eliminating temporary county-issued identification for private security agents and investigators, and providing penalties.

Read first time and referred to committee on **judiciary**.

**Senate File 2377**, by committee on judiciary, a bill for an act relating to the sixth judicial district pilot probation revocation project and providing for effective dates and for repeal of the pilot project provisions.

Read first time and referred to committee on **judiciary**.

**Senate File 2381**, by committee on appropriations, a bill for an act making appropriations from and to the rebuild Iowa infrastructure fund for the fiscal year beginning July 1, 1998, to the division of soil conservation for deposit in the Loess Hills development and conservation fund; department of corrections for renovation of the power plant and improvements to the water system at the Iowa correctional institution for women, for the construction of an additional cellblock at the Fort Dodge correctional facility, and for the construction of a 200-bed facility at the Iowa state penitentiary at Fort Madison; department of cultural affairs for the creation of a historical site preservation grant program; department of economic development for a welcome center at Hamburg, to be

deposited in the physical infrastructure assistance fund, and for deposit in the rural enterprise fund to be used for a dry fire hydrant and rural water supply education and demonstration project; department of education for infrastructure improvements to the community colleges; department of general services for major renovation needs for state-owned buildings and facilities, for critical and deferred maintenance at Terrace Hill, for relocation of offices and other transitions costs associated with the renovation of the Lucas state office building and the old historical building, for renovation of the Lucas state office building, for developing a master plan for the capitol complex, for planning and design of a parking structure located at the northwest corner of the capitol complex, and for capitol interior restoration; department of public defense for maintenance and repair of national guard armories and facilities; department of public safety for construction of a new patrol post in district 1; department of natural resources for the purpose of funding capital projects from marine fuel tax receipts for expenditures for local cost-share grants to be used for capital expenditures to local governmental units for boating accessibility, for the construction of the Elinor Bedell state park and wildlife conservation area, for a recreational grant matching program, for the blufflands protection revolving fund, and for the dredging of lakes; department of transportation for capital improvements at all 10 of the commercial air service airports; for the Iowa state fair foundation for renovation, restoration, and improvement of the cattle barn and horse barn at the state fairgrounds and for county fair infrastructure improvements; judicial department for capital projects at the capitol building; and state board of regents for capital projects at the Iowa school for the deaf and the Iowa braille and sight saving school; making appropriations of the marine fuel tax receipts from the rebuild Iowa infrastructure fund; providing a reversion date to funds appropriated to the department of revenue and finance in the fiscal year beginning July 1, 1997, and ending June 30, 1998; making statutory changes relating to appropriations by establishing the blufflands protection fund, by reducing the overall appropriation for the restore outdoors program for the fiscal period beginning July 1, 1997, and ending June 30, 2001, as a result of the governor's item veto, by providing for coordination of vertical infrastructure databases, by eliminating a matching contribution requirement on certain funds appropriated to the department of cultural affairs for the fiscal year beginning July 1, 1997, by extending the allowable time to enter into contracts to provide alternative drainage outlets, by allocating part of the funds derived from the excise tax on the sale of motor fuel used in

watercraft from the general fund to the rebuild Iowa infrastructure fund; and providing effective dates.

Read first time and referred to committee on **appropriations**.

**Senate File 2383**, by committee on state government, a bill for an act relating to amusement ride rider safety, providing a penalty, and providing an effective date.

Read first time and **passed on file**.

**Senate File 2384**, by committee on judiciary, a bill for an act to provide for the assessment and payment of a thirty-five dollar installment payment fee for fines or court costs paid in installments under certain circumstances and providing for a contingent effective date.

Read first time and referred to committee on **judiciary**.

**Senate File 2385**, by committee on judiciary, a bill for an act relating to the mandatory minimum term of incarceration for felony domestic abuse assault.

Read first time and referred to committee on **judiciary**.

**Senate File 2386**, by committee on state government, a bill for an act relating to financial assistance to local governments for eligible disaster-related expenses, serious needs, and hazard mitigation and providing an effective date.

Read first time and referred to committee on **state government**.

**Senate File 2387**, by committee on judiciary, a bill for an act relating to adoption procedural requirements including those related to investigations, reports, and counseling.

Read first time and referred to committee on **judiciary**.

**Senate File 2392**, by committee on judiciary, a bill for an act relating to community service and inmate work programs.

Read first time and referred to committee on **judiciary**.

**Senate File 2404**, by committee on agriculture, a bill for an act relating to cooperatives organized under Code chapter 501.

Read first time and **passed on file**.

**Senate File 2405**, by committee on state government, a bill for an act providing for the joint construction or acquisition, furnishing, operation, and maintenance of public buildings by a county, city, and school district.

Read first time and referred to committee on **local government**.

## BILLS ENROLLED, SIGNED AND SENT TO GOVERNOR

The Chief Clerk of the House submitted the following report:

Mr. Speaker: The Chief Clerk of the House respectfully reports that the following bills have been examined and found correctly enrolled, signed by the Speaker of the House and the President of the Senate, and presented to the Governor for his approval on this 13th day of March, 1998: House Files 299, 2189 and 2331.

ELIZABETH A. ISAACSON  
Chief Clerk of the House

Report adopted.

## COMMUNICATIONS RECEIVED

The following communications were received and filed in the office of the Chief Clerk:

### COMMUNITY HEALTH MANAGEMENT INFORMATION SYSTEM

The Annual Report, pursuant to Chapter 1033, 1994 Acts of the Seventy-fifth General Assembly.

### DEPARTMENT OF TRANSPORTATION

The 1997 Iowa Airport Sufficiency Ratings, pursuant to Chapter 328.12(11), Code of Iowa.

### MUNICIPAL FIRE AND POLICE RETIREMENT SYSTEM OF IOWA

The Annual Report, pursuant to Chapter 411.5, Code of Iowa.

## CERTIFICATES OF RECOGNITION

MR. SPEAKER: The Chief Clerk of the House respectfully reports that certificates of recognition have been issued as follows.

ELIZABETH A. ISAACSON  
Chief Clerk of the House

1998\235 Susie Bogaard, Lisbon – For celebrating her 85th birthday.

1998\236 Ronald Kessler, Solon – For celebrating his 90th birthday.

1998\237 Mark Fritz, Cedar Rapids – For celebrating his 90th birthday.

1998\238 Jane Cook, Cedar Rapids – For celebrating her 80th birthday.

1998\239 Katherine Holland, Oxford – For celebrating her 80th birthday.

1998\240 Eleanor Netherton, Cedar Rapids – For celebrating her 85th birthday.

1998\241 Mabel Berridge, Oxford – For celebrating her 90th birthday.

- 1998\242 Clarence and Joan Beardsley, Cedar Rapids – For celebrating their 50th wedding anniversary.
- 1998\243 Pat McMillan, Elgin – For winning the Class 1A championship in the 140 lb. weight class of the 1998 State Wrestling Tournament.
- 1998\244 Lance Guyer, West Union – For winning the Class 2A championship in the 189 lb. weight class of the 1998 State Wrestling Tournament.
- 1998\245 Travis Henning, Monona – For winning the Class 2A Heavyweight Championship of the 1998 State Wrestling Tournament.
- 1998\246 Renata Sack, Waterloo – For retiring as Executive Director of Cedar Arts Forum; in appreciation of her dedication, contributions and commitment to the Arts in our community.
- 1998\247 Mr. and Mrs. Charles E. Buerstetta, Davenport – For celebrating their 65th wedding anniversary.
- 1998\248 Alice Kostal, Davenport – For celebrating her 90th birthday.
- 1998\249 Rosezella Nissen, Clinton – For celebrating her 90th birthday.
- 1998\250 Chester and Beryl Cartwright, Osceola – For celebrating their 63rd wedding anniversary on February 14, 1998.
- 1998\251 Arthur Handke, Edgewood – For celebrating his 81st birthday.
- 1998\252 Mr. and Mrs. Lorance Mackey, Farley – For celebrating their 50th wedding anniversary.
- 1998\253 Dagny and David Kinkaid, Camanche – For celebrating their 72nd wedding anniversary.
- 1998\254 Matt Gilbertson, Cedar Falls – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 1998\255 Ryan James Daack, Dubuque – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 1998\256 Willard and Donna Macy, Fairfield – For celebrating their 50th wedding anniversary.
- 1998\257 Dolores and Gordon Elleson, Clinton – For celebrating their 50th wedding anniversary.
- 1998\258 Carl and Leone Carlsen, Clinton – For celebrating their 60th wedding anniversary.
- 1998\259 Donna and Arlo Krabbenhoft, Clinton – For celebrating their 50th wedding anniversary.
- 1998\260 Wilbur and Genevieve Kuehl, DeWitt – For celebrating their 60th wedding anniversary.

- 1998\261 Clarence and Maxine Kuehl, Clinton – For celebrating their 50th wedding anniversary.
- 1998\262 Edward P. Kaczinski, Clinton – For celebrating his 90th birthday.
- 1998\263 Loretta Gilbert, Clinton – For celebrating her 90th birthday.
- 1998\264 Aaron Butcher, Dubuque – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 1998\265 Donna Dwyer, M.G. Clark Elementary School – For being awarded the Iowa Distinguished Teacher Award.
- 1998\266 Lawrence and Ethel Nason, Sioux City – For celebrating their 50th wedding anniversary.
- 1998\267 Alexia Abernathy, George Washington High School, Cedar Rapids – For being named one of the state's top two youth volunteers in The Prudential Spirit of Community Awards.
- 1998\268 Helen Brom, Iowa City – For celebrating her 80th birthday on March 27, 1998.
- 1998\269 Lloyd and Ruth Dage, Independence – For celebrating their 60th wedding anniversary.
- 1998\270 Lloyd and Elizabeth Dee, Baxter – For celebrating their 60th wedding anniversary.
- 1998\271 Raymond Dorothy, Stockport – For celebrating his 100th birthday.
- 1998\272 Mr. and Mrs. Donald Scherer, Eldon – For celebrating their 50th wedding anniversary.

#### SUBCOMMITTEE ASSIGNMENTS

##### House File 2303

Ways and Means: Van Fossen, Chair; Jenkins and Weigel.

##### House File 2483 Reassigned

Appropriations: Jacobs, Chair; Cataldo and Nelson.

##### House File 2525

Appropriations: Grundberg, Chair; Houser and Murphy.

##### House File 2536

Appropriations: Churchill, Chair; Cormack and Reynolds-Knight.



**Senate File 367**

Commerce and Regulation: Van Fossen, Chair; Jacobs and Osterhaus.

**Senate File 2201**

Commerce and Regulation: Dix, Chair; Koenigs and Sukup.

**Senate File 2348**

Education: Garman, Chair; Mascher and Veenstra.

**HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS****House Study Bill 696**

Ways and Means: Larson, Chair; Chapman and Drake.

**House Study Bill 697**

Ways and Means: Dinkla, Chair; Chapman and Lamberti.

**AMENDMENTS FILED**

H—8399	H.F.	2496	Mascher of Johnson
H—8400	H.F.	2496	Mascher of Johnson
H—8401	H.F.	2496	Mascher of Johnson
H—8402	H.F.	2522	Murphy of Dubuque
H—8403	H.F.	2520	Blodgett of Cerro Gordo
H—8404	H.F.	2514	Thomson of Linn

On motion by Gipp of Winneshiek, the House adjourned at 9:10 a.m., until 1:00 p.m., Monday, March 16, 1998.

# JOURNAL OF THE HOUSE

Sixty-fourth Calendar Day - Forty-third Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Monday, March 16, 1998

The House met pursuant to adjournment at 1:08 p.m., Speaker Corbett in the chair.

Prayer was offered by Rabbi Fink of Synagogue Temple B'Nai Jeshurun, Des Moines.

The Journal of Friday, March 13, 1998 was approved.

## PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by the Centennial Elementary School sixth graders, Altoona.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Chapman of Linn and Brand of Tama, until their arrival, on request of Bernau of Story.

## SENATE MESSAGES CONSIDERED

**Senate File 2356**, by committee on state government, a bill for an act relating to revolving funds to be administered by the department of general services and providing for funding for the revolving funds.

Read first time and referred to committee on **state government**.

**Senate File 2399**, by committee on judiciary, a bill for an act providing for the merger of a limited partnership with other business entities.

Read first time and referred to committee on **judiciary**.

## CONSIDERATION OF BILLS

### Regular Calendar

**House File 2435**, a bill for an act relating to the entrepreneurs with disabilities program, was taken up for consideration.

Drake of Pottawattamie moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2435)

The ayes were, 94:

Arnold	Barry	Bell	Bernau
Blodgett	Boddicker	Boggess	Bradley
Brauns	Brunkhorst	Bukta	Burnett
Carroll	Cataldo	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	Schrader	Shoultz
Siegrist	Sukup	Teig	Thomas
Thomson	Tyrrell	Van Fossen	Van Maanen
Vande Hoef	Veenstra	Warnstadt	Weidman
Weigel	Welter	Whitead	Wise
Witt	Mr. Speaker		
	Corbett		

The nays were, none.

Absent or not voting, 6:

Brand	Chapman	Chiodo	Eddie
Grundberg	Taylor		

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

HOUSE FILE 2229 WITHDRAWN

Drake of Pottawattamie asked and received unanimous consent to withdraw House File 2229 from further consideration by the House.

House File 2456, a bill for an act changing the designation of the judiciary in the Code from the judicial department to the judicial branch, 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. 2456)

The ayes were, 94:

Arnold	Barry	Bell	Bernau
Blodgett	Boddicker	Boggess	Bradley
Brauns	Brunkhorst	Bukta	Burnett
Carroll	Cataldo	Churchill	Cohon
Connors	Cormack	Dinkla	Dix
Doderer	Dolecheck	Dotzler	Drake
Drees	Falck	Fallon	Ford
Frevert	Garman	Gipp	Greig
Greiner	Gries	Grundberg	Hahn
Hansen	Heaton	Holmes	Holveck
Houser	Huseman	Huser	Jacobs
Jenkins	Jochum	Kinzer	Klemme
Koenigs	Kreiman	Kremer	Lamberti
Larkin	Larson	Lord	Martin
Mascher	May	Mertz	Metcalf
Meyer	Millage	Moreland	Mundie
Murphy	Myers	Nelson	O'Brien
Osterhaus	Rants	Rayhons	Reynolds-Knight
Richardson	Scherrman	Schrader	Shoultz
Siegrist	Sukup	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, 6:

Brand	Chapman	Chiodo	Eddie
Foege	Taylor		

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

**House File 2478**, a bill for an act relating to confidentiality in the mediation process, was taken up for consideration.

Millage of Scott moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

## On the question "Shall the bill pass?" (H.F. 2478)

The ayes were, 95:

Arnold	Barry	Bell	Bernau
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Blodgett	Boddicker	Bogges	Bradley
Brauns	Brunkhorst	Bukta	Burnett
Carroll	Cataldo	Chapman	Churchill
Cohoon	Connors	Cormack	Dinkla
Dix	Doderer	Dolecheck	Dotzler
Drake	Drees	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	Teig
Thomas	Thomson	Tyrrell	Van Fossen
Van Maanen	Vande Hoef	Veenstra	Warnstadt
Weidman	Weigel	Welter	Whitead
Wise	Witt	Mr. Speaker	
		Corbett	

The nays were, none.

Absent or not voting, 5:

Brand	Chiodo	Eddie	Heaton
Taylor			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

#### IMMEDIATE MESSAGES

Siegrist of Pottawattamie asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Files 2435, 2456 and 2478.**

**House File 2480**, a bill for an act to repeal the future repeal of the interception of communications chapter, was taken up for consideration.

Boddicker of Cedar moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2480)

The ayes were, 96:

Arnold	Barry	Bell	Bernau
Blodgett	Boddicker	Boggess	Bradley
Brauns	Brunkhorst	Bukta	Burnett
Carroll	Cataldo	Chapman	Churchill
Cohoon	Connors	Cormack	Dinkla
Dix	Doderer	Dolecheck	Dotzler
Drake	Drees	Falck	Fallon
Foege	Ford	Frevert	Garman
Gipp	Greig	Greiner	Gries
Grundberg	Hahn	Hansen	Heaton
Holmes	Holveck	Houser	Huseman
Huser	Jacobs	Jenkins	Jochum
Kinzer	Klemme	Koenigs	Kreiman
Kremer	Lamberti	Larkin	Larson
Lord	Martin	Mascher	May
Mertz	Metcalf	Meyer	Millage
Moreland	Mundie	Murphy	Myers
Nelson	O'Brien	Osterhaus	Rants
Rayhons	Reynolds-Knight	Richardson	Scherrman
Schrader	Shoultz	Siegrist	Sukup
Teig	Thomas	Thomson	Tyrrell
Van Fossen	Van Maanen	Vande Hoef	Veenstra
Warnstadt	Weidman	Weigel	Welter
Whitead	Wise	Witt	Mr. Speaker Corbett

The nays were, none.

Absent or not voting, 4:

Brand	Chiodo	Eddie	Taylor
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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 2480** be immediately messaged to the Senate.

**House File 2348**, a bill for an act relating to institutions and facilities administered by the department of human services and to similar and related services, with report of committee recommending amendment and passage, was taken up for consideration.

Houser of Pottawattamie offered the following amendment H-8149 filed by the committee on human resources and moved its adoption:

H-8149

1 Amend House File 2348 as follows:

- 2 1. By striking page 3, line 28, through page 4,  
3 line 26.

The committee amendment H-8149 was adopted.

Foege of Linn offered the following amendment H-8392 filed by Foege, et al., and moved its adoption:

H-8392

- 1 Amend House File 2348 as follows:  
2 1. Page 1, by inserting after line 32 the  
3 following:  
4 "It is the intent of the general assembly that the  
5 department of human services shall provide ongoing  
6 training to the institutions' employees as necessary  
7 to maintain the quality of the support made available  
8 to community-based providers of services."  
9 2. Page 2, line 13, by inserting after the word  
10 "services" the following: ", the governor's  
11 developmental disabilities council, the Iowa  
12 association of rehabilitation and residential  
13 facilities, and the Iowa state association of  
14 counties".  
15 3. Page 7, by striking lines 15 and 16.  
16 4. By renumbering as necessary.

Amendment H-8392 was adopted.

Heaton of Henry moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2348)

The ayes were, 94:

Arnold	Barry	Bell	Bernau
Blodgett	Boddicker	Boggess	Bradley
Brauns	Brunkhorst	Bukta	Burnett
Carroll	Cataldo	Chapman	Churchill
Cohon	Connors	Cormack	Dinkla
Dix	Doderer	Dolecheck	Dotzler
Drake	Drees	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
Richardson	Scherrman	Schrader	Shoultz
Siegrist	Sukup	Taylor	Teig
Thomas	Thomson	Tyrrell	Van Fossen
Van Maanen	Vande Hoef	Veenstra	Warnstadt
Weidman	Weigel	Welter	Whitead
Wise	Mr. Speaker		
	Corbett		

The nays were, 3:

Fallon	Reynolds-Knight	Witt
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Absent or not voting, 3:

Brand	Chiodo	Eddie
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

**House File 677**, a bill for an act relating to an exception from mandatory participation in a course by parties to an action involving child custody or visitation, with report of committee recommending passage, was taken up for consideration.

Murphy of Dubuque offered the following amendment H-8379 filed by Murphy, et al., and moved its adoption:

H-8379

- 1 Amend House File 677 as follows:
- 2 1. Page 1, by inserting after line 18 the
- 3 following:
- 4 "Sec.     . **NEW SECTION.** 598.41A VISITATION —
- 5 **HISTORY OF CRIMINAL OFFENSES AGAINST A MINOR.**
- 6 Notwithstanding section 598.41, the court shall
- 7 consider in the award of visitation rights to a parent
- 8 of a child, the criminal history of the parent if the
- 9 parent has been convicted of a criminal offense
- 10 against a minor, a sexually violent offense against a
- 11 minor, or sexual exploitation of a minor. As used in
- 12 this section, "criminal offense against a minor",
- 13 "sexually violent offense", and "sexual exploitation"
- 14 mean as defined in section 692A.1."
- 15 2. Title page, line 1, by inserting after the
- 16 word "to" the following: "child custody and
- 17 visitation including the consideration of a parent's
- 18 criminal history in the awarding of visitation rights
- 19 and including".

Amendment H-8379 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. 677)

The ayes were, 98:

Arnold	Barry	Bell	Bernau
Blodgett	Boddicker	Boggess	Bradley
Brand	Brauns	Brunkhorst	Bukta
Burnett	Carroll	Cataldo	Chapman
Churchill	Cohoon	Connors	Cormack
Dinkla	Dix	Doderer	Dolecheck
Dotzler	Drake	Drees	Falck
Fallon	Foege	Ford	Frevert
Garman	Gipp	Greig	Greiner
Gries	Grundberg	Hahn	Hansen
Heaton	Holmes	Holveck	Houser
Huseman	Huser	Jacobs	Jenkins
Jochum	Kinzer	Klemme	Koenigs
Kreiman	Kremer	Lamberti	Larkin
Larson	Lord	Martin	Mascher
May	Mertz	Metcalf	Meyer
Millage	Moreland	Mundie	Murphy
Myers	Nelson	O'Brien	Osterhaus
Rants	Rayhons	Reynolds-Knight	Richardson
Scherrman	Schrader	Shoultz	Siegrist
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:

Chiodo                      Eddie

The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

**House File 2337**, a bill for an act concerning the method for imposition of the drug abuse resistance education surcharge, was taken up for consideration.

Garman of Story moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2337)

The ayes were, 99:

Arnold	Barry	Bell	Bernau
Blodgett	Boddicker	Bogges	Bradley
Brand	Brauns	Brunkhorst	Bukta
Burnett	Carroll	Cataldo	Chapman
Chiodo	Churchill	Cohoon	Connors
Cormack	Dinkla	Dix	Doderer
Dolecheck	Dotzler	Drake	Drees
Falck	Fallon	Foegen	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:

Eddie

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

HOUSE FILE 2025 WITHDRAWN

Chapman of Linn asked and received unanimous consent to withdraw House File 2025 from further consideration by the House.

HOUSE FILE 154 WITHDRAWN

Huser of Polk asked and received unanimous consent to withdraw House File 154 from further consideration by the House.

IMMEDIATE MESSAGES

Siegrist of Pottawattamie asked and received unanimous consent

that the following bills be immediately messaged to the Senate: **House Files 2348, 677 and 2337.**

**House File 2438**, a bill for an act relating to the regulation of commercial feed, was taken up for consideration.

Heaton of Henry moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2438)

The ayes were, 100:

Arnold	Barry	Bell	Bernau
Blodgett	Boddicker	Boggett	Bradley
Brand	Brauns	Brunckhorst	Bukta
Burnett	Carroll	Cataldo	Chapman
Chiodo	Churchill	Cohoon	Connors
Cormack	Dinkla	Dix	Doderer
Dolecheck	Dotzler	Drake	Drees
Eddie	Falck	Fallon	Foege
Ford	Frevert	Garman	Gipp
Greig	Greiner	Gries	Grundberg
Hahn	Hansen	Heaton	Holmes
Holveck	Houser	Huseman	Huser
Jacobs	Jenkins	Jochum	Kinzer
Klemme	Koenigs	Kreiman	Kremer
Lamberti	Larkin	Larson	Lord
Martin	Mascher	May	Mertz
Metcalf	Meyer	Millage	Moreland
Mundie	Murphy	Myers	Nelson
O'Brien	Osterhaus	Rants	Rayhons
Reynolds-Knight	Richardson	Scherrman	Schrader
Shoultz	Siegrist	Sukup	Taylor
Teig	Thomas	Thomson	Tyrrell
Van Fossen	Van Maanen	Vande Hoef	Veenstra
Warnstadt	Weidman	Weigel	Welter
Whitead	Wise	Witt	Mr. Speaker Corbett

The nays were, none.

Absent or not voting, none.

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

**House File 2369**, a bill for an act relating to the human immunodeficiency virus including the testing of an alleged offender for the human immunodeficiency virus, the intentional transmission of the human immunodeficiency virus, making penalties applicable, establishing

penalties, and providing for an affirmative defense, was taken up for consideration.

Holveck of Polk offered the following amendment H-8304 filed by him and Garman of Story and moved its adoption:

H-8304

1 Amend House File 2369 as follows:

2 1. Page 1, by striking lines 20 through 23 and  
3 inserting the following: "degree of consanguinity,  
4 and the county attorney who may use the results as  
5 evidence in the prosecution of sexual assault or  
6 prosecution of the offense of criminal transmission of  
7 HIV under chapter 709C. For the purposes of this  
8 paragraph".

9 2. Page 1, by inserting after line 31, the  
10 following:

11 "NEW SUBSECTION. 1B. "Authorized representative"

12 means an individual authorized by the victim to  
13 request an HIV-related test of a convicted or alleged  
14 offender who is any of the following:

15 a. The parent, guardian, or custodian of the  
16 victim if the victim is a minor.

17 b. The physician of the victim.

18 c. The victim counselor or person requested by the  
19 victim who is authorized to provide the counseling  
20 required pursuant to section 141.22.

21 d. The victim's spouse.

22 e. The victim's legal counsel."

23 3. By striking page 2, line 20, through page 4,  
24 line 34, and inserting the following:

25 "Sec. \_\_\_\_ Section 709B.2, Code 1997, is amended  
26 to read as follows:

27 709B.2 HIV-RELATED TEST - CONVICTED OR ALLEGED  
28 SEXUAL ASSAULT OFFENDER.

29 1. If a person is convicted of sexual assault or  
30 adjudicated delinquent for an act of sexual assault,  
31 the county attorney, if requested by the petitioner,  
32 shall petition the court for an order requiring the  
33 convicted offender to submit to an HIV-related test,  
34 provided that all of the following conditions are met:

35 a. The sexual assault for which the offender was  
36 convicted or adjudicated delinquent included  
37 sufficient contact between the victim and the  
38 convicted offender to be deemed a significant exposure  
39 pursuant to section 709B.1.

40 b. The authorized representative of the  
41 petitioner, the county attorney, or the court sought  
42 to obtain written informed consent from the convicted  
43 offender to the testing.

44 c. Written informed consent was not provided by

45 the convicted offender.

46 2. If a person is an alleged offender, the county  
47 attorney, if requested by the victim, shall make  
48 application to the court for the issuance of a search  
49 warrant, in accordance with chapter 808, for the  
50 purpose of requiring the alleged offender to submit to

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1 an HIV-related test, if all of the following  
2 conditions are met:

3 a. The application states that the victim believes  
4 that the sexual assault for which the alleged offender  
5 is charged included sufficient contact between the  
6 victim and the alleged offender to be deemed a  
7 significant exposure pursuant to section 709B.1 and  
8 states the factual basis for the belief that a  
9 significant exposure exists.

10 b. The authorized representative of the victim,  
11 the county attorney, or the court sought to obtain  
12 written informed consent to the testing from the  
13 alleged offender.

14 c. Written informed consent was not provided by  
15 the alleged offender.

16 2. 3. Upon receipt of the petition or application ,  
17 the court shall:

18 a. Prior to the scheduling of a hearing, refer the  
19 victim for counseling by a victim counselor or a  
20 person requested by the victim who is authorized to  
21 provide the counseling required pursuant to section  
22 141.22, regarding the nature, reliability, and  
23 significance of the HIV-related test and of the  
24 serologic status of the convicted offender.

25 b. Schedule a hearing to be held as soon as is  
26 practicable.

27 c. Cause written notice to be served on the  
28 convicted or alleged offender who is the subject of  
29 the proceeding, in accordance with the rules of civil  
30 procedure relating to the service of original notice,  
31 or if the convicted or alleged offender is represented  
32 by legal counsel, provide written notice to the  
33 convicted or alleged offender and the convicted or  
34 alleged offender's legal counsel.

35 d. Provide for the appointment of legal counsel  
36 for a convicted or alleged offender if the convicted  
37 or alleged offender desires but is financially unable  
38 to employ counsel.

39 e. Furnish legal counsel with copies of the  
40 petition or application, written informed consent, if  
41 obtained, and copies of all other documents related to  
42 the petition or application, including, but not  
43 limited to, the charges and orders.

44 3. 4. Unless a petitioner chooses to be

45 represented by private counsel, the county attorney  
46 shall represent the victim's interest in all  
47 proceedings under this section.  
48 4. 5. a. A hearing under this section shall be  
49 conducted in an informal manner consistent with  
50 orderly procedure and in accordance with the Iowa

Page 3

1 rules of evidence. The hearing shall be limited in  
2 scope to the review of questions of fact only as to  
3 the issue of whether the sexual assault for which the  
4 offender was convicted or adjudicated delinquent or  
5 for which the alleged offender was charged provided  
6 sufficient contact between the victim and the  
7 convicted or alleged offender to be deemed a  
8 significant exposure, and to questions of law.

9 b. In determining whether the contact should be  
10 deemed a significant exposure for a convicted  
11 offender, the court shall base the determination on  
12 the testimony presented during the proceedings on the  
13 sexual assault charge, the minutes of the testimony or  
14 other evidence included in the court record, or if a  
15 plea of guilty was entered, based upon the complaint  
16 or upon testimony provided during the hearing. In  
17 determining whether the contact should be deemed a  
18 significant exposure for an alleged offender, the  
19 court shall base the determination on the application  
20 and the factual basis provided in the application  
21 for the belief of the applicant that a significant  
22 exposure exists.

23 c. The victim may testify at the hearing, but  
24 shall not be compelled to testify. The court shall  
25 not consider the refusal of a victim to testify at the  
26 hearing as material to the court's decision regarding  
27 issuance of an order or search warrant requiring  
28 testing.

29 d. The hearing shall be in camera unless the  
30 convicted or alleged offender and the petitioner or  
31 victim agree to a hearing in open court and the court  
32 approves. The report of the hearing proceedings shall  
33 be sealed and no report of the proceedings shall be  
34 released to the public, except with the permission of  
35 all parties and the approval of the court.

36 e. Stenographic notes or electronic or mechanical  
37 recordings shall be taken of all court hearings unless  
38 waived by the parties.

39 5. 6. Following the hearing, the court shall  
40 require a convicted or alleged offender to undergo an  
41 HIV-related test only if the petitioner or victim  
42 proves all of the following by a preponderance of the  
43 evidence:

44 a. The sexual assault constituted a significant

45 exposure.

46 b. An authorized representative of the petitioner,  
47 the county attorney, or the court sought to obtain  
48 written informed consent from the convicted or alleged  
49 offender.

50 c. Written informed consent was not provided by

#### Page 4

1 the convicted or alleged offender.

2 ~~6. 7.~~ A convicted offender who is required to  
3 undergo an HIV-related test may appeal to the court  
4 for review of questions of law only, but may appeal  
5 questions of fact if the findings of fact are clearly  
6 erroneous."

7 4. Page 4, line 35, by inserting after the figure  
8 "5," the following: "6,".

9 5. Page 5, by striking lines 28 through 30, and  
10 inserting the following:

11 ~~"5.—Notwithstanding subsection 4, test results~~  
12 ~~shall not be disclosed to a convicted offender who~~  
13 ~~elects against disclosure."~~

14 6. Page 5, by inserting before line 31, the  
15 following:

16 "6. If testing is ordered under this chapter, the  
17 court shall also order periodic testing of the  
18 convicted offender during the period of incarceration,  
19 probation, or parole or of the alleged offender during  
20 a period of six months following the initial test if  
21 the physician or other practitioner who ordered the  
22 initial test of the convicted or alleged offender  
23 certifies that, based upon prevailing scientific  
24 opinion regarding the maximum period during which the  
25 results of an HIV-related test may be negative for a  
26 person after being HIV-infected, additional testing is  
27 necessary to determine whether the convicted or  
28 alleged offender was HIV-infected at the time the  
29 sexual assault or alleged sexual assault was  
30 perpetrated. The results of the test conducted  
31 pursuant to this subsection shall be released only to  
32 the physician or other practitioner who orders the  
33 test of the convicted or alleged offender, the  
34 convicted or alleged offender, the victim counselor or  
35 person requested by the victim who is authorized to  
36 provide the counseling required pursuant to section  
37 141.22, who shall disclose the results to the  
38 petitioner, ~~and~~ the physician of the victim, if  
39 requested by the victim and the county attorney who  
40 may use the results as evidence in the prosecution of  
41 the sexual assault or in the prosecution of the  
42 offense of criminal transmission of HIV under chapter  
43 709C."

Veenstra of Sioux in the chair at 1:55 p.m.

Amendment H-8304 was adopted.

Garman of Story moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2369)

The ayes were, 100:

Arnold	Barry	Bell	Bernau
Blodgett	Boddicker	Boguess	Bradley
Brand	Brauns	Brunkhorst	Bukta
Burnett	Carroll	Cataldo	Chapman
Chiodo	Churchill	Cohoon	Connors
Corbett, Spkr.	Cormack	Dinkla	Dix
Doderer	Dolecheck	Dotzler	Drake
Drees	Eddie	Falck	Fallon
Foege	Ford	Frevert	Garman
Gipp	Greig	Greiner	Gries
Grundberg	Hahn	Hansen	Heaton
Holmes	Holveck	Houser	Huseman
Huser	Jacobs	Jenkins	Jochum
Kinzer	Klemme	Koenigs	Kreiman
Kremer	Lamberti	Larkin	Larson
Lord	Martin	Mascher	May
Mertz	Metcalf	Meyer	Millage
Moreland	Mundie	Murphy	Myers
Nelson	O'Brien	Osterhaus	Rants
Rayhons	Reynolds-Knight	Richardson	Scherrman
Schrader	Shoultz	Siegrist	Sukup
Taylor	Teig	Thomas	Thomson
Tyrrell	Van Fossen	Van Maanen	Vande Hoef
Warnstadt	Weidman	Weigel	Welter
Whitead	Wise	Witt	Veenstra, Presiding

The nays were, none.

Absent or not voting, none.

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

**House File 2335**, a bill for an act relating to persons holding interests in agricultural land and providing penalties and an effective date, was taken up for consideration.

Greiner of Washington offered amendment H-8146 filed by her as follows:



H-8146

- 1 Amend House File 2335 as follows:
- 2 1. Page 1, by striking lines 16 through 19 and
- 3 inserting the following: "organized under chapter
- 4 497, 498, 499, or 501."
- 5 2. Page 11, by striking lines 19 through 23 and
- 6 inserting the following: .
- 7 "\_\_\_\_. "Cooperative association" means the same as
- 8 defined in section 10.1."

The House stood at ease at 2:15 p.m., until the fall of the gavel.

The House resumed session at 3:45 p.m., Veenstra of Sioux in the chair.

Greiner of Washington offered the following amendment H-8334, to amendment H-8146, filed by her and moved its adoption:

H-8334

- 1 Amend the amendment, H-8146, to House File 2335 as
- 2 follows:
- 3 1. Page 1, line 4, by inserting after the figure
- 4 "501." the following: "However, a cooperative
- 5 association shall not include an agricultural
- 6 association as defined in section 499.2."

Amendment H-8334 was adopted.

Greiner of Washington moved the adoption of amendment H-8146, as amended.

Roll call was requested by Greiner of Washington and Chiodo of Polk.

Rule 75 was invoked.

On the question "Shall amendment H-8146, as amended, be adopted?" (H.F. 2335)

The ayes were, 49:

Barry	Bernau	Boddicker	Brand
Brauns	Brunkhorst	Bukta	Burnett
Cataldo	Chapman	Chiodo	Churchill
Cohoon	Cormack	Dix	Doderer
Fallon	Foege	Ford	Frevert
Garman	Greiner	Grundberg	Heaton
Holveck	Huser	Jochum	Kinzer
Koenigs	Kreiman	Larkin	Mascher
May	Mertz	Moreland	Murphy
Myers	Osterhaus	Rayhons	Reynolds-Knight

Scherrman  
Van Maanen  
Wise

Schrader  
Warnstadt

Shoultz  
Weigel

Taylor  
Whitead

The nays were, 49:

Arnold	Bell	Blodgett	Boggess
Carroll	Corbett, Spkr.	Dinkla	Dolecheck
Dotzler	Drake	Drees	Eddie
Falck	Gipp	Greig	Gries
Hahn	Hansen	Holmes	Houser
Huseman	Jacobs	Jenkins	Klemme
Kremer	Lamberti	Larsen	Lord
Martin	Metcalf	Meyer	Millage
Mundie	Nelson	O'Brien	Rants
Richardson	Siegrist	Sukup	Teig
Thomas	Thomson	Tyrrell	Van Fossen
Vande Hoef	Weidman	Welter	Witt
Veenstra, Presiding			

Absent or not voting, 2:

Bradley                      Connors

Amendment H-8146 lost

Weigel of Chickasaw asked and received unanimous consent to withdraw amendment H-8289 filed by him on March 10, 1998, placing amendment H-8336 out of order.

Weigel of Chickasaw asked and received unanimous consent that amendment H-8302 be deferred.

Weigel of Chickasaw offered amendment H-8303 filed by him as follows:

H-8303

- 1 Amend House File 2335 as follows:
- 2 1. Page 5, by inserting after line 4 the
- 3 following:
- 4 " —. A person shall not hold an interest in more
- 5 than two farmers entities."
- 6 2. Page 6, by inserting after line 27 the
- 7 following:
- 8 " —. A person shall not hold an interest in more
- 9 than two farmers entities."
- 10 3. Page 8, by inserting after line 23 the
- 11 following:
- 12 " —. A person shall not hold an interest in more
- 13 than two farmers entities."

- 14 4. Page 10, by inserting after line 2, the  
15 following:  
16 "\_\_\_ A person shall not hold an interest in more  
17 than two farmers entities."  
18 5. By renumbering as necessary.

Weigel of Chickasaw offered the following amendment H-8408, to amendment H-8303, filed by him from the floor and moved its adoption:

H-8408

- 1 Amend the amendment, H-8303, to House File 2335, as  
2 follows:  
3 1. Page 1, by striking lines 2 through 17 and  
4 inserting the following:  
5 "\_. By striking page 6, line 35, through page  
6 7, line 1, and inserting the following: "interest in  
7 agricultural land of more than six hundred and forty  
8 acres."  
9 "\_. Page 8, lines 32 and 33, by striking the  
10 words "one thousand five hundred" and inserting the  
11 following: "six hundred and forty"."

Amendment H-8408 was adopted.

Shoultz of Black Hawk offered amendment H-8424, to amendment H-8303, filed by him from the floor as follows:

H-8424

- 1 Amend the amendment, H-8303, to House File 2335, as  
2 follows:  
3 1. Page 1, by inserting before line 18, the  
4 following:  
5 "\_. Page 10, by inserting before line 10, the  
6 following:  
7 "SUBCHAPTER \_\_\_ - PUBLIC RIGHTS  
8 Sec. \_\_\_ NEW SECTION. 10.9A PUBLIC RIGHTS.  
9 1. A farmers entity shall post a conspicuous  
10 notice on land which is held by a farmers entity. The  
11 notice shall identify that the land is held by a  
12 farmers entity and provide identifying information  
13 regarding the farmers entity as provided by rules  
14 adopted by the department of natural resources.  
15 2. Land which is held by a farmers entity shall be  
16 subject to special public rights. A person shall be  
17 allowed to hunt, fish, and camp on such land subject  
18 to rules adopted by the department of natural  
19 resources. However, a person shall comply with  
20 reasonable requirements established by the farmers  
21 entity relating to the time, place, and manner of

- 22 public use. A person shall not discharge a firearm  
23 within one quarter of a mile from a building located  
24 on the land.””  
25 2. By renumbering as necessary.

Greig of Emmet rose on a point of order that amendment H-8424, to amendment H-8303, was not germane.

The Speaker ruled the point well taken and amendment H-8424 not germane.

Weigel of Chickasaw moved the adoption of amendment H-8303, as amended.

Amendment H-8303, as amended, was adopted.

Koenigs of Mitchell asked and received unanimous consent to withdraw amendment H-8290 filed by him on March 10, 1998.

Koenigs of Mitchell asked and received unanimous consent to withdraw amendment H-8353 filed by him on March 11, 1998.

Weigel of Chickasaw offered amendment H-8373 filed by him as follows:

H-8373

- 1 Amend House File 2335 as follows:  
2 1. Page 8, by inserting after line 23 the  
3 following:  
4 “Sec. \_\_\_\_ NEW SECTION. 10.8A PROCEDURE FOR  
5 ACQUISITION – MAJORITY VOTE OF THE MEMBERSHIP.  
6 A farmers cooperative association shall not acquire  
7 agricultural land or acquire an interest in a farmers  
8 entity under this chapter, unless a resolution  
9 authorizing the acquisition is adopted by a majority  
10 vote of all the members of the farmers cooperative  
11 association, at a meeting called for that purpose  
12 according to the terms of the resolution which shall  
13 be consistent with the articles of incorporation or  
14 articles of association for the farmers cooperative  
15 association.”

Greiner of Washington offered the following amendment H-8407, to amendment H-8373, filed by her from the floor and moved its adoption:

H-8407

- 1 Amend the amendment, H-8373, to House File 2335 as  
2 follows:  
3 1. Page 1, by striking lines 10 through 15 and

4 inserting the following: "vote of the members of the  
 5 farmers cooperative association present or represented  
 6 having voting privileges, at an annual meeting or  
 7 special meeting of the membership, provided that at  
 8 least ten days' prior written notice of the impending  
 9 membership vote has been mailed to all members of the  
 10 association with a copy or summary of the resolution."

Amendment H-8407 was adopted.

Greig of Emmet rose on a point of order that amendment H-8373, as amended, was not germane.

The Speaker ruled the point not well taken and amendment H-8373, as amended, germane.

Weigel of Chickasaw moved the adoption of amendment H-8373, as amended.

A non-record roll call was requested.

The ayes were 36, nays 49.

Amendment H-8373 lost.

Koenigs of Mitchell offered the following amendment H-8391 filed by him and moved its adoption:

H-8391

1 Amend House File 2335 as follows:  
 2 1. Page 8, by inserting after line 23 the  
 3 following:  
 4 "Sec.     . NEW SECTION. 10.8A DISSENTING MEMBERS  
 5 AND SHAREHOLDERS.  
 6 If a farmers cooperative association is acquiring  
 7 agricultural land or acquiring an interest in a  
 8 farmers entity, the farmers cooperative association  
 9 shall notify its members and shareholders prior to the  
 10 acquisition. The notice shall be delivered to each  
 11 member and shareholder in person or by mail directed  
 12 to each member's or shareholder's address as shown on  
 13 the books of the association. A member or shareholder  
 14 of the farmers cooperative association may dissent, by  
 15 filing a demand within twenty days after the farmers  
 16 cooperative association delivers the notice. The  
 17 farmers cooperative association shall pay to the  
 18 member or shareholder, upon surrender of that person's  
 19 certificate of membership or shares of stock, the fair  
 20 value of that member's or shareholder's interest as  
 21 provided in section 499.66 as if a member were  
 22 dissenting to a merger or consolidation. A member or  
 23 shareholder who fails to make demand within the

- 24 twenty-day period is conclusively presumed to have  
 25 consented to the acquisition."

A non-record roll call was requested.

The ayes were 40, nays 52.

Amendment H-8391 lost.

Weigel of Chickasaw asked and received unanimous consent to withdraw amendment H-8302 filed by him on March 10, 1998, placing amendment H-8335 out of order.

### MOTION TO RECONSIDER LOST

Dotzler of Black Hawk called up for consideration the motion to reconsider amendment H-8146, as amended, filed by him from the floor, and moved to reconsider the vote by which amendment H-8146, as amended, lost.

Roll call was requested by Heaton of Henry and Greiner of Washington.

Rule 75 was invoked.

On the question "Shall the House reconsider the vote on amendment H-8146?" (H.F. 2335)

The ayes were, 49:

Bell	Bernau	Boddicker	Brand
Brauns	Brunkhorst	Bukta	Burnett
Cataldo	Chapman	Chiodo	Churchill
Cohoon	Connors	Dix	Doderer
Dotzler	Fallon	Foege	Ford
Frevert	Garman	Greiner	Heaton
Holveck	Huser	Jochum	Kinzer
Koenigs	Kreiman	Larkin	Mascher
May	Mertz	Moreland	Murphy
Myers	Osterhaus	Reynolds-Knight	Richardson
Scherrman	Schrader	Shoultz	Taylor
Warnstadt	Weigel	Whitead	Wise
Witt			

The nays were, 50:

Arnold	Barry	Blodgett	Bogges
Bradley	Carroll	Corbett, Spkr.	Cormack
Dinkla	Dolecheck	Drake	Drees
Eddie	Falck	Greig	Gries
Grundberg	Hahn	Hansen	Holmes
Houser	Huseman	Jacobs	Jenkins

Klemme	Kremer	Lamberti	Larson
Lord	Martin	Metcalf	Meyer
Millage	Mundie	Nelson	O'Brien
Rants	Rayhons	Siegrist	Sukup
Teig	Thomas	Thomson	Tyrrell
Van Fossen	Van Maanen	Vande Hoef	Weidman
Welter	Veenstra, Presiding		

Absent or not voting, 1:

Gipp

The motion to reconsider lost.

Greig of Emmet moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2335)

The ayes were, 64:

Barry	Bell	Blodgett	Boddicker
Bogges	Bradley	Brand	Brauns
Brunkhorst	Carroll	Cataldo	Chiodo
Churchill	Corbett, Spkr.	Cormack	Dinkla
Dolecheck	Drake	Eddie	Falck
Ford	Gipp	Greig	Gries
Grundberg	Hahn	Hansen	Holmes
Houser	Huseman	Jacobs	Jenkins
Klemme	Kremer	Lamberti	Larkin
Larson	Lord	Martin	Mascher
May	Mertz	Metcalf	Meyer
Millage	Mundie	Myers	Nelson
O'Brien	Rants	Rayhons	Siegrist
Teig	Thomas	Thomson	Tyrrell
Van Fossen	Van Maanen	Vande Hoef	Warnstadt
Weidman	Welter	Wise	Veenstra, Presiding

The nays were, 35:

Arnold	Bernau	Bukta	Burnett
Chapman	Cphoon	Connors	Dix
Dotzler	Drees	Fallon	Foege
Frevert	Garman	Greiner	Heaton
Holveck	Huser	Jochum	Kinzer
Koenigs	Kreiman	Moreland	Murphy
Osterhaus	Reynolds-Knight	Richardson	Scherrman
Schrader	Shoultz	Sukup	Taylor
Weigel	Whitead	Witt	

Absent or not voting, 1:

Doderer

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

### MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 16, 1998, passed the following bill in which the concurrence of the Senate was asked:

House File 2218, a bill for an act appropriating federal funds made available from federal block grants and other federal grants, allocating portions of federal block grants, and providing procedures if federal funds are more or less than anticipated or if federal block grants are more or less than anticipated.

Also: That the Senate has on March 16, 1998, passed the following bill in which the concurrence of the House is asked:

Senate File 2161, a bill for an act relating to the reporting and partner notification requirements relative to the human immunodeficiency virus.

Also: That the Senate has on March 16, 1998, passed the following bill in which the concurrence of the House is asked:

Senate File 2200, a bill for an act relating to the expenses, powers, and duties of county agricultural extension councils.

Also: That the Senate has on March 16, 1998, passed the following bill in which the concurrence of the House is asked:

Senate File 2274, a bill for an act relating to certain funds paid to or administered by the department of corrections, by making changes to procedures for the charging of payments for goods and services of Iowa prison industries, providing for the nonreversion of revolving farm fund balance investment proceeds, and making changes relating to the distribution and accounting for inmate earnings from private employers.

Also: That the Senate has on March 16, 1998, passed the following bill in which the concurrence of the House is asked:

Senate File 2311, a bill for an act relating to partnerships by replacing the existing law with a uniform partnership law and providing an effective date.

Also: That the Senate has on March 16, 1998, passed the following bill in which the concurrence of the House is asked:

Senate File 2317, a bill for an act relating to compensation by manufacturers or distributors for warrant work on vessels and providing a remedy.

Also: That the Senate has on March 16, 1998, passed the following bill in which the concurrence of the House is asked:



Senate File 2325, a bill for an act amending the Uniform Securities Act, by regulating persons involved in managing investments, providing for the administration of the securities bureau, providing fees, and providing for penalties.

Also: That the Senate has on March 16, 1998, passed the following bill in which the concurrence of the House is asked:

Senate File 2332, a bill for an act relating to agriculture, regulating the sale of agricultural products advertised as organic, providing for fees and appropriations, and providing penalties and an effective date.

Also: That the Senate has on March 16, 1998, passed the following bill in which the concurrence of the House is asked:

Senate File 2364, a bill for an act relating to the sales, services, and use taxes exemption for the sales of food and beverages for human consumption by certain organizations, providing refunds, and including effective and retroactive applicability date provisions.

Also: That the Senate has on March 16, 1998, passed the following bill in which the concurrence of the House is asked:

Senate File 2400, a bill for an act relating to the powers and duties of county treasurers and including an applicability date provision.

MARY PAT GUNDERSON, Secretary

### IMMEDIATE MESSAGES

Siegrist of Pottawattamie asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Files 2438, 2369 and 2335.**

### EXPLANATIONS OF VOTES

I was necessarily absent from the House chamber on March 16, 1998. Had I been present, I would have voted "aye" on House Files 677, 2348, 2435, 2456, 2478, and 2480.

CHIODO of Polk

I was necessarily absent from the House chamber on Monday afternoon, March 16, 1998. Had I been present, I would have voted "aye" on House Files 677, 2337, 2348, 2435, 2456, 2478, and 2480.

EDDIE of Buena Vista

### SPECIAL PRESENTATIONS

Prior to convening, Fallon of Polk entertained the House with Irish music performed by him and Daniel Glynn, Kim Glynn, Leon Johnson, Bettie Swarts, Dean Wipperman, Sarah Hobart and Kristin Fallon.

Representatives Boddicker of Cedar and Fallon of Polk sang "Danny Boy."

Siegrist of Pottawattamie presented to the House former State Representative Larry Allen from Pottawattamie County.

### CERTIFICATES OF RECOGNITION

MR. SPEAKER: The Chief Clerk of the House respectfully reports that certificates of recognition have been issued as follows.

**ELIZABETH A. ISAACSON**  
Chief Clerk of the House

- 1998\273 Coach Ed Hanson and the Solon High School Lady Spartans – For winning the 1998 2A Iowa State Girls' Basketball Championship.
- 1998\274 Principal Tom Madson and the Mount Vernon High School Academic Decathlon Team – For winning the 1998 Iowa Academic Decathlon Tournament championship.
- 1998\275 Marvin Ingels, Hebron Lodge No. 374 – For receiving his 50 year certificate and pin.
- 1998\276 Gene and Esther Peebler, Agency – For celebrating their 50th wedding anniversary.
- 1998\277 Dorothy Camp, Indianola – For celebrating her 105th birthday.
- 1998\278 Arnold Bair, North English – For being named Iowa County Volunteer of the Year for 1998.
- 1998\279 Charles and Dorothy McVey, Osceola – For celebrating their 50th wedding anniversary.
- 1998\280 Bill and Evelyn Campbell, Indianola – For celebrating their 56th wedding anniversary.
- 1998\281 Josh Henry, Dubuque – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.

### SUBCOMMITTEE ASSIGNMENTS

#### House File 2405

Ways and Means: Dix, Chair; Drake, Lord, Myers and Richardson.

#### Senate File 2068

Local Government: Vande Hoef, Chair; Connors and Martin.

#### Senate File 2112

Labor and Industrial Relations: Barry, Chair; Falck and Kremer.

**Senate File 2268**

Local Government: Arnold, Chair; Klemme and Mundie.

**Senate File 2269**

State Government: Nelson, Chair; Connors and Van Fossen.

**Senate File 2356**

State Government: Gipp, Chair; Chiodo and Jacobs.

**Senate File 2386**

State Government: Hansen, Chair; Tyrrell and Whitead.

**Senate File 2405**

Local Government: Brauns, Chair; Vande Hoef and Whitead.

**AMENDMENTS FILED**

H—8405	H.F.	2167	Teig of Hamilton
H—8406	H.F.	2447	Richardson of Warren
H—8409	H.F.	2005	Carroll of Poweshiek Larson of Linn Richardson of Warren
H—8410	H.F.	2413	Weidman of Cass
H—8411	H.F.	2513	Shoultz of Black Hawk Bukta of Clinton Chiodo of Polk Doderer of Johnson Jochum of Dubuque Moreland of Wapello Schrader of Marion Taylor of Linn
H—8412	H.F.	2514	Thomson of Linn
H—8413	H.F.	2528	Richardson of Warren
H—8414	H.F.	2528	Richardson of Warren
H—8415	H.F.	2528	Richardson of Warren
H—8416	H.F.	2528	Weidman of Cass Lamberti of Polk
H—8417	H.F.	2528	Lamberti of Polk Weidman of Cass
H—8418	H.F.	2537	Weigel of Chickasaw Koenigs of Mitchell May of Worth
			Mertz of Kossuth Drees of Carroll

	Scherrman of Dubuque		Osterhaus of Jackson
	Thomas of Clayton		Foege of Linn
	Wise of Lee		Brand of Tama
	O'Brien of Boone		Larkin of Lee
H-8419	H.F.	2496	Larkin of Lee
H-8420	H.F.	2533	Mascher of Johnson
H-8421	H.F.	2528	Carroll of Poweshiek
H-8422	S.F.	2192	O'Brien of Boone
H-8423	H.F.	2528	Welter of Jones
H-8425	H.F.	2498	Weigel of Chickasaw
			Brunkhorst of Bremer
H-8426	H.F.	2506	Dotzler of Black Hawk
H-8427	H.F.	2506	Dotzler of Black Hawk
H-8428	H.F.	2506	Dotzler of Black Hawk
H-8429	H.F.	2506	Dotzler of Black Hawk
H-8430	H.F.	2506	Dotzler of Black Hawk
H-8431	H.F.	2520	Blodgett of Cerro Gordo
H-8432	S.F.	2295	Dolecheck of Ringgold
H-8433	H.F.	2528	Richardson of Warren
H-8434	H.F.	2520	Houser of Pottawattamie
H-8435	H.F.	2496	Martin of Scott
H-8436	H.F.	2528	Cohoon of Des Moines
			Cormack of Webster
H-8437	H.F.	2005	Chapman of Linn
H-8438	H.F.	2005	Grundberg of Polk
			Martin of Scott
			Jacobs of Polk
H-8439	S.F.	2335	Grundberg of Polk
H-8440	H.F.	2528	Reynolds-Knight of Van Buren
H-8441	H.F.	2496	Martin of Scott
H-8442	H.F.	2496	Mascher of Johnson
H-8443	H.F.	2528	Kreiman of Davis
H-8444	H.F.	2498	Thomas of Clayton
H-8445	H.F.	2352	Grundberg of Polk
H-8446	H.F.	2514	Welter of Jones
H-8447	S.F.	2320	Chiodo of Polk
H-8448	H.F.	2005	Jacobs of Polk
H-8449	H.F.	2447	Huser of Polk
			Moreland of Wapello
H-8450	H.F.	2447	Huser of Polk
			Moreland of Wapello

On motion by Siegrist of Pottawattamie, the House adjourned at 6:35 p.m., until 8:45 a.m., Tuesday, March 17, 1998.

# JOURNAL OF THE HOUSE

Sixty-fifth Calendar Day - Forty-fourth Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Tuesday, March 17, 1998

The House met pursuant to adjournment at 8:52 a.m., Speaker Corbett in the chair.

Prayer was offered by Father Eugene Murray, Holy Family Parish of Emmetsburg.

The Journal of Monday, March 16, 1998 was approved.

## PETITIONS FILED

The following petitions were received and placed on file:

By Brauns of Muscatine, from ninety-one constituents from the 47th district favoring changing the boating regulations so Lake McBride will remain a no wake lake year round.

By Foege of Linn, from fifty-nine constituents of House District 50 and surrounding area opposing House File 2033, removing special restrictions relating to the operation of motor boats with power units exceeding 10 horsepower on Lake McBride.

## ST. PATRICK'S DAY OBSERVANCE

Frevert of Palo Alto presented to the House the Emmetsburg Little Irish Dancers. The Emmetsburg Irish Dancers are a group of elementary school girls who performed authentic Irish dances. Members of the group were: Sadie Hill, Molly Hurley, Melissa Hinnners, Danielle Kinney, Abbie Lang, Valerie Mattice, and BriAnn Reedy.

### Presentation of Irish Dignitary

Frevert of Palo Alto presented to the House, Paul Connaughton T.D., from Galway Ireland, who is a member of the Irish Parliament. Mr. Connaughton entered politics as a Senator on the Agriculture panel from 1977 to 1981, and was elected to Parliament in 1981. He served as minister of state at the Department of Agriculture with special responsibility for Land Structure and Development. He is currently the Fine Gael spokesperson on Energy and Western Development, and Chairman of the Political Affairs Committee since 1993. He has served as Agriculture, Social Welfare, Regional Development, Defense, and Deputy Spokesperson on Tourism. He was accompanied by his wife

Bernadette and is the honored guest of the Thirty-eighth Annual St. Patrick's Day Celebration in Emmetsburg.

Representative Frevert of Palo Alto escorted Mr. Connaughton to the Speaker's station where he addressed the House.

The House rose and expressed its welcome.

Representative Connors of Polk played the song "How Can You Buy Killurney."

### SENATE MESSAGES CONSIDERED

**Senate File 2161**, by Szymoniak, a bill for an act relating to the reporting and partner notification requirements relative to the human immunodeficiency virus.

Read first time and referred to committee on **human resources**.

**Senate File 2200**, by Angelo, a bill for an act relating to the expenses, powers, and duties of county agricultural extension councils.

Read first time and referred to committee on **local government**.

**Senate File 2274**, by committee on judiciary, a bill for an act relating to certain funds paid to or administered by the department of corrections, by making changes to procedures for the charging of payments for goods and services of Iowa prison industries, providing for the nonreversion of revolving farm fund balance investment proceeds, and making changes relating to the distribution and accounting for inmate earnings from private employers.

Read first time and referred to committee on **judiciary**.

**Senate File 2311**, by committee on commerce, a bill for an act relating to partnerships by replacing the existing law with a uniform partnership law and providing penalties and an effective date.

Read first time and referred to committee on **judiciary**.

**Senate File 2317**, by committee on transportation, a bill for an act relating to compensation by manufacturers or distributors for warranty work on vessels and providing a remedy.

Read first time and referred to committee on **transportation**.

**Senate File 2325**, by committee on commerce, a bill for an act amending the Uniform Securities Act, by regulating persons involved in managing investments, providing for the administration of the securities bureau, providing fees, and providing for penalties.

Read first time and referred to committee on **commerce and regulation**.

**Senate File 2332**, by committee on agriculture, a bill for an act relating to agriculture, regulating the sale of agricultural products advertised as organic, providing for fees and appropriations, and providing penalties and an effective date.

Read first time and referred to committee on **appropriations**.

**Senate File 2364**, by committee on ways and means, a bill for an act relating to the sales, services, and use taxes exemption for the sales of food and beverages for human consumption by certain organizations, providing refunds, and including effective and retroactive applicability date provisions.

Read first time and referred to committee on **ways and means**.

**Senate File 2400**, by committee on local government, a bill for an act relating to the powers and duties of county treasurers and including an applicability date provision.

Read first time and **passed on file**.

## CONSIDERATION OF BILLS

### Regular Calendar

**House File 2382**, a bill for an act relating to the identification of animals and providing penalties, with report of committee recommending passage, was taken up for consideration.

Greig of Emmet moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2382)

The ayes were, 99:

Arnold  
Blodgett  
Brand  
Burnett  
Chiodo

Barry  
Boddicker  
Brauns  
Carroll  
Churchill

Bell  
Boggess  
Brunkhorst  
Cataldo  
Cohoon

Bernau  
Bradley  
Bukta  
Chapman  
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, 1:

Dinkla

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 9:23 a.m.

**House File 2436**, a bill for an act relating to the state registrar of voters, was taken up for consideration.

Jacobs of Polk offered the following amendment H-8291 filed by her and moved its adoption:

H-8291

- 1 Amend House File 2436 as follows:
- 2 1. Page 2, line 10, by inserting after the word
- 3 "party" the following: "whose candidates for
- 4 president of the United States or governor, as the
- 5 case may be, received the greatest and the next
- 6 greatest number of votes in the most recent general
- 7 election".
- 8 2. Page 2, line 12, by inserting after the word
- 9 "commissioner." the following: "Each county
- 10 commissioner or commissioner's designee shall serve



- 11 two-year staggered terms."  
 12 3. Page 2, by striking lines 23 through 25 and  
 13 inserting the following: "The commission shall  
 14 organize and elect a".

Amendment H-8291 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. 2436)

The ayes were, 97:

Arnold	Barry	Bell	Bernau
Blodgett	Boddicker	Bogess	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	Metcalf
Meyer	Millage	Moreland	Mundie
Murphy	Myers	Nelson	O'Brien
Osterhaus	Rants	Rayhons	Reynolds-Knight
Richardson	Scherrman	Schrader	Shoultz
Siegrist	Sukup	Taylor	Teig
Thomas	Thomson	Tyrrell	Vande Hoef
Veenstra	Warnstadt	Weidman	Weigel
Welter	Whitead	Wise	Witt
Van Maanen, Presiding			

The nays were, 1:

Mertz

Absent or not voting, 2:

Dinkla

Van Fossen

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 2472, a bill for an act relating to fines imposed for violations of city ordinances or city infractions and providing an effective date, was taken up for consideration.

Vande Hoef of Osceola offered the following amendment H-8254 filed by him and moved its adoption:

H-8254

1 Amend House File 2472 as follows:

2 1. Page 1, by inserting before line 1 the  
3 following:

4 "Sec. 100. Section 331.302, subsection 2, Code  
5 1997, is amended to read as follows:

6 2. A county shall not provide a penalty in excess  
7 of a ~~one~~ five hundred dollar fine or in excess of  
8 thirty days imprisonment for the violation of an  
9 ordinance. The criminal penalty surcharge required by  
10 section 911.2 shall be added to a county fine and is  
11 not a part of the county's penalty.

12 Sec. 101. Section 331.302, subsection 4A,  
13 paragraph a, subparagraph (2), Code 1997, is amended  
14 to read as follows:

15 (2) A portion of the Code of Iowa may be adopted  
16 by reference only if the criminal penalty provided by  
17 the law adopted does not exceed thirty days'  
18 imprisonment or a ~~one~~ five hundred dollar fine.

19 Sec. 102. Section 331.302, subsection 15, Code  
20 1997, is amended to read as follows:

21 15. A county shall not provide a civil penalty in  
22 excess of ~~one~~ five hundred dollars for the violation  
23 of an ordinance which is classified as a county  
24 infraction or if the infraction is a repeat offense, a  
25 civil penalty not to exceed ~~two~~ seven hundred fifty  
26 dollars for each repeat offense. A county infraction  
27 is not punishable by imprisonment.

28 Sec. 103. Section 331.307, subsection 1, Code  
29 1997, is amended to read as follows:

30 1. A county infraction is a civil offense  
31 punishable by a civil penalty of not more than ~~one~~  
32 five hundred dollars for each violation or if the  
33 infraction is a repeat offense a civil penalty not to  
34 exceed ~~two~~ seven hundred fifty dollars for each repeat  
35 offense."

36 2. Page 1, by striking lines 33 and 34, and  
37 inserting the following:

38 "Sec. 4. EFFECTIVE DATE. Sections 1, 100, and 101  
39 of this Act, amending sections 364.3 and 331.302, are  
40 effective January 1 following".

41 3. Title page, line 1, by inserting after the  
42 word "city" the following: "or county".

43 4. Title page, line 2, by inserting after the

- 44 word "city" the following: "or county".  
 45 5. By renumbering and correcting internal  
 46 references as necessary.

Amendment H-8254 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?" (H.F. 2472)

The ayes were, 99:

Arnold	Barry	Bell	Bernau
Blodgett	Boddicker	Boggess	Bradley
Brand	Brauns	Brunkhorst	Bukta
Burnett	Carroll	Cataldo	Chapman
Chiodo	Churchill	Cohoon	Connors
Corbett, Spkr.	Cormack	Dix	Doderer
Dolecheck	Dotzler	Drake	Drees
Eddie	Falck	Fallon	Foege
Ford	Frevert	Garman	Gipp
Greig	Greiner	Gries	Grundberg
Hahn	Hansen	Heaton	Holmes
Holveck	Houser	Huseman	Huser
Jacobs	Jenkins	Jochum	Kinzer
Klemme	Koenigs	Kreiman	Kremer
Lamberti	Larkin	Larson	Lord
Martin	Mascher	May	Mertz
Metcalf	Meyer	Millage	Moreland
Mundie	Murphy	Myers	Nelson
O'Brien	Osterhaus	Rants	Rayhons
Reynolds-Knight	Richardson	Scherrman	Schrader
Shoultz	Siegrist	Sukup	Taylor
Teig	Thomas	Thomson	Tyrrell
Van Fossen	Vande Hoef	Veenstra	Warnstadt
Weidman	Weigel	Welter	Whitead
Wise	Witt	Van Maanen, Presiding	

The nays were, none.

Absent or not voting, 1:

Dinkla

The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

**House File 2175**, a bill for an act relating to the creation of, and annexation of property to, a sanitary sewer district, with report of

committee recommending amendment and passage, was taken up for consideration.

Vande Hoef of Osceola offered the following amendment H-8118 filed by the committee on local government and moved its adoption:

H-8118

- 1 Amend House File 2175 as follows:
- 2 1. Page 2, by striking lines 1 and 2.
- 3 2. Page 2, line 4, by striking the word "The" and
- 4 inserting the following: "In a county which has more
- 5 than seven thousand five hundred acres of natural
- 6 lakes, the".

The committee amendment H-8118 was adopted.

Richardson of Warren moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2175)

The ayes were, 96:

Arnold	Barry	Bell	Bernau
Blodgett	Boddicker	Bogges	Bradley
Brand	Brauns	Brunkhorst	Bukta
Burnett	Carroll	Cataldo	Chapman
Churchill	Cohoon	Connors	Corbett, Spkr.
Cormack	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	Reynolds-Knight	Richardson	Scherrman
Schrader	Shultz	Siegrist	Sukup
Taylor	Teig	Thomas	Thomson
Tyrrell	Van Fossen	Vande Hoef	Veenstra
Warnstadt	Weidman	Weigel	Welter
Whitead	Wise	Witt	Van Maanen, Presiding



8 of bail of a person upon a charge of violating any  
9 provision of this chapter or other law regulating the  
10 operation of vehicles on highways every magistrate of  
11 the court or clerk of the district court of record in  
12 which the conviction occurred or bail was forfeited  
13 shall prepare and immediately forward to the  
14 department an abstract of the record of the case. The  
15 abstract must be certified by the person preparing it  
16 to be true and correct. The clerk of the district  
17 court shall collect a fee of fifty cents for each  
18 individual copy of any record of conviction or  
19 forfeiture of bail furnished to any requestor at the  
20 clerk's office except for the department or other  
21 local, state, or federal government entity. Moneys  
22 collected under this section shall be transferred to  
23 the department as a repayment receipt, as defined in  
24 section 8.2, to enhance the efficiency of the  
25 department to process records and information between  
26 the department and the Iowa court information system.  
27 Notwithstanding any other provision in this section or  
28 chapter 22, the judicial department shall be the  
29 provider of public electronic access to the clerk's  
30 records of convictions and forfeitures of bail through  
31 the Iowa court information system and shall, if all  
32 such records are provided monthly to a vender, the  
33 judicial department shall collect a fee from such  
34 vendor which is the greater of three thousand dollars  
35 per month or the actual direct cost of providing the  
36 records."

Amendment H-8394 was adopted.

Thomson of Linn offered amendment H-8412 filed by her as follows:

H-8412

- 1 Amend House File 2514 as follows:
- 2 1. Page 4, line 13, by inserting after the figure
- 3 "2." the following: "a."
- 4 2. Page 4, by striking lines 15 and 16 and
- 5 inserting the following: "defined in section 260C.2.
- 6 Enrollment in the".
- 7 3. Page 4, line 21, by striking the words "or by
- 8 the substance abuse facility".
- 9 4. Page 4, by inserting after line 26 the
- 10 following:
- 11 "b. The course provided according to this section
- 12 may also be offered by a substance abuse agency
- 13 licensed pursuant to chapter 125, for offenders
- 14 ordered to attend the course pursuant to section
- 15 321J.25.
- 16 (1) Enrollment in the course is not limited to

17 persons required to enroll, attend, and successfully  
18 complete a course for drinking drivers pursuant to  
19 this chapter.

20 (2) The course provided according to this  
21 paragraph shall be taught by qualified staff of the  
22 licensed substance abuse agency who are trained in the  
23 state-approved curriculum.

24 (3) The division of substance abuse of the  
25 department of public health may establish reasonable  
26 fees to defray the expenses associated with offering  
27 the course.

28 (4) Licensed substance abuse agencies offering  
29 courses pursuant to this paragraph shall prepare a  
30 list of the locations of the courses, the dates and  
31 times for the courses, the procedure for enrollment,  
32 and the schedule of course fees. The list shall be  
33 updated periodically, and a copy of each updated list  
34 shall be sent to the district courts in the area which  
35 the substance abuse agency serves.

36 (5) Each licensed substance abuse agency offering  
37 courses under this paragraph shall maintain  
38 attendance, successful and unsuccessful completion  
39 data on the persons ordered to enroll, attend, and  
40 successfully complete a course for drinking drivers.  
41 This data shall be forwarded to the appropriate  
42 court."

43 5. By renumbering as necessary.

Thomson of Linn asked and received unanimous consent that amendment H-8412 be deferred.

Huser of Polk asked and received unanimous consent that amendment H-8181 be deferred.

Blodgett of Cerro Gordo offered the following amendment H-8252 filed by him and moved its adoption:

H-8252

1 Amend House File 2514 as follows:

2 1. Page 4, by striking lines 11 through 26.

Amendment H-8252 was adopted placing out of order amendments H-8412 filed by Thomson of Linn on March 16, 1998, and H-8181 filed by Huser of Polk, et al., on March 3, 1998.

Thomson of Linn asked and received unanimous consent to withdraw amendment H-8404 filed by her on March 13, 1998.

Murphy of Dubuque asked and received unanimous consent that amendment H-8390 be deferred.

Blodgett of Cerro Gordo offered the following amendment H-8377 filed by him and moved its adoption:

H-8377

- 1 Amend House File 2514 as follows:
- 2 1. Page 5, by striking lines 8 through 19.
- 3 2. By renumbering as necessary.

Amendment H-8377 was adopted.

Welter of Jones offered the following amendment H-8446 filed by him and moved its adoption:

H-8446

- 1 Amend House File 2514 as follows:
- 2 1. Page 6, line 5, by inserting after the figure
- 3 "1998" the following: ", contingent upon adoption of
- 4 new regulations concerning the transportation or
- 5 shipment of hazardous materials by the appropriate
- 6 federal agencies".

Amendment H-8446 was adopted.

Murphy of Dubuque asked and received unanimous consent to withdraw amendment H-8390 filed by Murphy, et al., on March 12, 1998.

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. 2514)

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	Dix
Dolecheck	Dotzler	Drake	Drees
Eddie	Falck	Fallon	Foege
Ford	Frevert	Garman	Gipp
Greig	Greiner	Gries	Grundberg
Hahn	Hansen	Heaton	Holmes
Holveck	Houser	Huseman	Huser
Jacobs	Jenkins	Jochum	Kinzer
Klemme	Koenigs	Kreiman	Kremer
Lamberti	Larkin	Larson	Lord
Martin	Mascher	May	Mertz



Metcalf	Meyer	Millage	Moreland
Mundie	Murphy	Myers	Nelson
O'Brien	Osterhaus	Rants	Rayhons
Reynolds-Knight	Richardson	Scherrman	Schrader
Shoultz	Siegrist	Sukup	Taylor
Teig	Thomas	Tyrrell	Van Fossen
Vande Hoef	Veenstra	Warnstadt	Weidman
Weigel	Welter	Whitead	Wise
Witt	Van Maanen, Presiding		

The nays were, 2:

Doderer                      Thomson

Absent or not voting, none.

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

### IMMEDIATE MESSAGES

Siegrist of Pottawattamie asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Files 2382, 2436, 2472, 2175 and 2514.**

**House File 2523**, a bill for an act relating to the reimbursement of certain providers of services under the medical assistance program, was taken up for consideration.

Boddicker of Cedar offered the following amendment H-8273 filed by him and moved its adoption:

H-8273

- 1 Amend House File 2523 as follows:
- 2 1. Page 1, line 2, by inserting after the word
- 3 "CLINICS" the following: "AND FEDERALLY QUALIFIED
- 4 HEALTH CLINICS".
- 5 2. Page 1, line 3, by inserting after the word
- 6 "clinics" the following: "and federally qualified
- 7 health clinics".

Amendment H-8273 was adopted.

Brand of Tama moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2523)

The ayes were, 97:

Arnold	Barry	Bell	Bernau
Blodgett	Boddicker	Boguess	Bradley
Brand	Brauns	Brunkhorst	Bukta
Burnett	Carroll	Cataldo	Chapman
Chiodo	Churchill	Cohoon	Connors
Corbett, Spkr.	Cormack	Dinkla	Dix
Doderer	Dolecheck	Dotzler	Drake
Drees	Eddie	Falck	Fallon
Foege	Ford	Frevert	Garman
Gipp	Greig	Greiner	Gries
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	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, 1:

Grundberg

Absent or not voting, 2:

Rayhons

Vande Hoef

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

**House File 2510**, a bill for an act requesting an interim study conference of the loess hills areas of this state, was taken up for consideration.

Jochum of Dubuque asked and received unanimous consent to withdraw amendment H-8225 filed by Jochum, et al., on March 4, 1998.

Weidman of Cass moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2510)

The ayes were, 100:

Arnold	Barry	Bell	Bernau
Blodgett	Boddicker	Bogges	Bradley
Brand	Brauns	Brunkhorst	Bukta
Burnett	Carroll	Cataldo	Chapman
Chiodo	Churchill	Cohoon	Connors
Corbett, Spkr.	Cormack	Dinkla	Dix
Doderer	Dolecheck	Dotzler	Drake
Drees	Eddie	Falck	Fallon
Foege	Ford	Frevert	Garman
Gipp	Greig	Greiner	Gries
Grundberg	Hahn	Hansen	Heaton
Holmes	Holveck	Houser	Huseman
Huser	Jacobs	Jenkins	Jochum
Kinzer	Klemme	Koenigs	Kreiman
Kremer	Lamberti	Larkin	Larson
Lord	Martin	Mascher	May
Mertz	Metcalf	Meyer	Millage
Moreland	Mundie	Murphy	Myers
Nelson	O'Brien	Osterhaus	Rants
Rayhons	Reynolds-Knight	Richardson	Scherrman
Schrader	Shultz	Siegrist	Sukup
Taylor	Teig	Thomas	Thomson
Tyrrell	Van Fossen	Vande Hoef	Veenstra
Warnstadt	Weidman	Weigel	Welter
Whitead	Wise	Witt	Van Maanen, Presiding

The nays were, none.

Absent or not voting, none.

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

### IMMEDIATE MESSAGES

Siegrist of Pottawattamie asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Files 2523 and 2510.**

### RULES SUSPENDED

Siegrist of Pottawattamie asked and received unanimous consent to suspend the rules to add House File 2425 to the daily debate calendar.

**House File 2496**, a bill for an act relating to public retirement systems, and providing effective, implementation, and applicability dates, was taken up for consideration.

Carroll of Poweshiek in the chair at 10:55 a.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 March 16, 1998, passed the following bill in which the concurrence of the House is asked:

Senate File 2144, a bill for an act relating to school district action to change the boundaries of director districts after dissolution of a school district.

Also: That the Senate has on March 10, 1998, passed the following bill in which the concurrence of the House is asked:

Senate File 2256, a bill for an act relating to the regulation of the deer population.

Also: That the Senate has on March 10, 1998, passed the following bill in which the concurrence of the House is asked:

Senate File 2264, a bill for an act transferring responsibility for administration of enhanced 911 public safety telephone answering and dispatching services from the emergency management division in the department of public defense to the E911 communications council.

Also: That the Senate has on March 17, 1998, passed the following bill in which the concurrence of the House is asked:

Senate File 2283, a bill for an act relating to coverage under a policy or contract providing for third-party payment or prepayment of health or medical expenses by providing coverage for costs associated with equipment, supplies, and education for the treatment of diabetes.

Also: That the Senate has on March 17, 1998, passed the following bill in which the concurrence of the House is asked:

Senate File 2380, a bill for an act relating to the election of a local exchange carrier to be price-regulated.

Also: That the Senate has on March 12, 1998, passed the following bill in which the concurrence of the House is asked:

Senate File 2394, a bill for an act to provide for the appointment of a vice chairperson for the board of parole and providing an effective date.

MARY PAT GUNDERSON, Secretary

The House stood at ease at 11:06 a.m., until the fall of the gavel.

The House resumed session and consideration of House File 2496 at 12:45 p.m., Rants of Woodbury in the chair.

### QUORUM CALL

A non-record roll call was requested to determine that a quorum was present. The vote revealed eighty-three members present, seventeen absent.

Martin of Scott offered the following amendment H-8344 filed by her and moved its adoption:

H-8344

1 Amend House File 2496 as follows:

2 1. Page 1, by inserting after line 23 the  
3 following:

4 "Sec. 101. Section 97A.6, subsection 4, Code 1997,  
5 is amended to read as follows:

6 4. ALLOWANCE ON ORDINARY DISABILITY RETIREMENT.

7 a. Upon retirement for ordinary disability prior  
8 to July 1, 1998, a member shall receive an ordinary  
9 disability retirement allowance which shall consist of  
10 a pension which shall equal fifty percent of the  
11 member's average final compensation unless either of  
12 the following conditions exist:

13 a- (1) If the member has not had five or more  
14 years of membership service, the member shall receive  
15 a disability pension equal to one-fourth of the  
16 member's average final compensation.

17 b- (2) If the member has had twenty-two or more  
18 years of membership service, the member shall receive  
19 a disability retirement allowance that is equal to the  
20 greater of the benefit that the member would receive  
21 under subsection 2 if the member were fifty-five years  
22 of age or the disability pension otherwise calculated  
23 under this subsection.

24 b. Upon retirement for ordinary disability on or  
25 after July 1, 1998, a member who has five or more  
26 years of membership service shall receive a disability  
27 retirement allowance in an amount equal to the greater  
28 of fifty percent of the member's average final  
29 compensation or the retirement allowance that the  
30 member would receive under subsection 2 if the member  
31 had attained fifty-five years of age. A member who  
32 has less than five years of membership service shall  
33 receive a pension equal to one-fourth of the member's  
34 average final compensation.

35 Sec. 102. Section 97A.6, subsection 6, paragraph  
36 b, Code 1997, is amended to read as follows:

37 b. Upon retirement for accidental disability on or  
38 after July 1, 1990, but before July 1, 1998, a member  
39 shall receive an accidental disability retirement  
40 allowance which shall consist of a pension equal to  
41 sixty percent of the member's average final  
42 compensation. However, if the member has had twenty-  
43 two or more years of membership service, the member  
44 shall receive a disability retirement allowance that  
45 is equal to the greater of the retirement allowance  
46 that the member would receive under subsection 2 if  
47 the member were fifty-five years of age or the

48 disability retirement allowance calculated under this  
49 paragraph.  
50 Sec. 103. Section 97A.6, subsection 6, Code 1997,

Page 2

1 is amended by adding the following new paragraph:  
2 NEW PARAGRAPH. c. Upon retirement for accidental  
3 disability on or after July 1, 1998, a member shall  
4 receive an accidental disability retirement allowance  
5 which shall consist of a pension in an amount equal to  
6 the greater of sixty percent of the member's average  
7 final compensation or the retirement allowance that  
8 the member would receive under subsection 2 if the  
9 member has attained fifty-five years of age.

10 Sec. 104. Section 97A.6, subsection 7, paragraph  
11 a, unnumbered paragraph 1, Code 1997, is amended to  
12 read as follows:

13 Should any beneficiary for either ordinary or  
14 accidental disability, except a beneficiary who is  
15 fifty-five years of age or over and would have  
16 completed twenty-two years of service if the  
17 beneficiary had remained in active service, be engaged  
18 in a gainful occupation paying more than the  
19 difference between the member's net retirement  
20 allowance and one and one-half times the current  
21 earnable compensation of an active member at the same  
22 position on the salary scale within the member's rank  
23 as the member held at retirement, then the amount of  
24 the retirement allowance shall be reduced to an amount  
25 ~~which together with~~ such that the member's net  
26 retirement allowance plus the amount earned by the  
27 member shall equal one and one-half times the amount  
28 of the current earnable compensation of an active  
29 member at the same position on the salary scale within  
30 the member's rank as the member held at retirement.

31 Should the member's earning capacity be later changed,  
32 the amount of the retirement allowance may be further  
33 modified, provided that the new retirement allowance  
34 shall not exceed the amount of the retirement  
35 allowance originally granted adjusted by annual  
36 readjustments of pensions pursuant to subsection 14 of  
37 this section nor an amount which would cause the  
38 member's net retirement allowance, when added to the  
39 amount earned by the beneficiary, equals to equal one  
40 and one-half times the amount of the current earnable  
41 compensation of an active member at the same position  
42 on the salary scale within the member's rank as the  
43 member held at retirement. A beneficiary restored to  
44 active service at a salary less than the average final  
45 compensation upon the basis of which the member was  
46 retired at age fifty-five or greater, shall not again  
47 become a member of the retirement system and shall

48 have the member's retirement allowance suspended while  
49 in active service. If the rank or position held by  
50 the retired member is subsequently abolished,

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1 adjustments to the allowable limit on the amount of  
2 income which can be earned in a gainful occupation  
3 shall be computed in the same manner as provided in  
4 subsection 14, paragraph "c", of this section for  
5 readjustment of pensions when a rank or position has  
6 been abolished. If the salary scale associated with a  
7 member's rank at retirement is changed after the  
8 member retires, earnable compensation for purposes of  
9 this section shall be based upon the salary an active  
10 member currently would receive at the same rank and  
11 with seniority equal to that of the retired member at  
12 the time of retirement. For purposes of this  
13 paragraph, "net retirement allowance" means the amount  
14 determined by subtracting the amount paid during the  
15 previous calendar year by the beneficiary for health  
16 insurance or similar health care coverage for the  
17 beneficiary and the beneficiary's dependents from the  
18 amount of the member's retirement allowance paid for  
19 that year pursuant to this chapter. The beneficiary  
20 shall submit sufficient documentation to the board of  
21 trustees to permit the system to determine the  
22 member's net retirement allowance for the applicable  
23 year.

24 Sec. 105. APPLICABILITY. Section 104 of this Act,  
25 amending section 97A.6, subsection 7, paragraph "a",  
26 is applicable to amounts earned by a beneficiary after  
27 December 31, 1997."

28 2. Page 78, by inserting after line 28 the  
29 following:

30 "Sec. 106. NEW SECTION. 29.2A AIRPORT FIRE  
31 FIGHTERS - MAXIMUM AGE.

32 The maximum age for a person to be employed as an  
33 airport fire fighter by the military division of the  
34 department of public defense is sixty-five years of  
35 age.

36 Sec. 107. Section 80.36, Code 1997, is amended to  
37 read as follows:

38 80.36 MAXIMUM AGE.

39 The maximum age for a person to be employed as a  
40 peace officer in the ~~divisions of highway safety,~~  
41 ~~uniformed force and radio communications, criminal~~  
42 ~~investigation and bureau of identification, and drug~~  
43 ~~law enforcement~~ department of public safety is sixty-  
44 five years of age."

45 3. Page 78, by inserting after line 34 the  
46 following:

47 "Sec. 108. Section 321.477, Code 1997, is amended

48 to read as follows:

49 321.477 EMPLOYEES AS PEACE OFFICERS – MAXIMUM  
50 AGE.

Page 4

1 The department may designate by resolution certain  
2 of its employees upon each of whom there is hereby  
3 conferred the authority of a peace officer to control  
4 and direct traffic and weigh vehicles, and to make  
5 arrests for violations of the motor vehicle laws  
6 relating to the operating authority, registration,  
7 size, weight, and load of motor vehicles and trailers  
8 and registration of a motor carrier's interstate  
9 transportation service with the department. The  
10 maximum age for a person employed as a peace officer  
11 pursuant to this section is sixty-five years of age.

12 Sec. 109. Section 330A.8, subsection 16, Code  
13 1997, is amended to read as follows:

14 16. To designate employees upon whom are conferred  
15 all the powers of a peace officer as defined in  
16 section 801.4. The maximum age for a person  
17 designated as a peace officer pursuant to this  
18 subsection is sixty-five years of age.

19 Sec. 110. Section 331.903, Code 1997, is amended  
20 by adding the following new subsection:

21 NEW SUBSECTION: 6. The maximum age for a person  
22 to be employed as a deputy sheriff appointed pursuant  
23 to this section is sixty-five years of age.

24 Sec. 111. Section 362.10, Code 1997, is amended to  
25 read as follows:

26 362.10 POLICE OFFICERS AND FIRE FIGHTERS.

27 The maximum age for a police officer, marshal, or  
28 fire fighter employed for police duty or the duty of  
29 fighting fires is sixty-five years of age. This  
30 section shall not apply to volunteer fire fighters.

31 Sec. 12. Section 456A.13, Code 1997, is amended to  
32 read as follows:

33 456A.13 OFFICERS AND EMPLOYEES – PEACE OFFICER  
34 STATUS.

35 The director shall employ the number of assistants,  
36 including a professionally trained state forester,  
37 that are necessary to carry out the duties imposed on  
38 the commission; and, under the same conditions, the  
39 director shall appoint the number of full-time  
40 officers and supervisory personnel that are necessary  
41 to enforce all laws of the state and rules and  
42 regulations of the commission. The full-time officers  
43 and supervisory personnel have the same powers that  
44 are conferred by law on peace officers in the  
45 enforcement of all laws of the state of Iowa and the  
46 apprehension of violators. A person appointed as a  
47 full-time officer shall be at least twenty-one years



48 of age, ~~but not more than sixty-five years of age,~~ on  
 49 the date of appointment and shall not be employed as a  
 50 full-time officer after attaining the age of sixty-

Page 5

1 five. "Full-time officer" means any person appointed  
 2 by the director to enforce the laws of this state."

3 4. Page 80, lines 33 and 34, by striking the  
 4 words "written comments on the results of the  
 5 examination".

6 5. Page 81, line 1, by inserting after the word  
 7 "examination" the following: "written comments  
 8 concerning issues to be considered by the consultant,  
 9 prior to the hiring of the consultant, and written  
 10 comments on the results of the examination".

11 6. By renumbering as necessary.

Amendment H-8344 was adopted.

Martin of Scott offered the following amendment H-8374 filed by  
 her and moved its adoption:

H-8374

1 Amend House File 2496 as follows:

2 1. Page 3, line 1, by inserting after the word  
 3 "department." the following: "For purposes of section  
 4 1526 of the federal Taxpayer Relief Act of 1997,  
 5 eligible participants, as defined by section 1526, may  
 6 make payments of contributions under this section  
 7 without regard to the limitations of section 415(c)(1)  
 8 of the federal Internal Revenue Code."

9 2. Page 3, line 4, by striking the words "RETURN  
 10 OF" and inserting the following: "CREDITING OF  
 11 ERRONEOUS".

12 3. Page 3, by striking lines 11 through 16 and  
 13 inserting the following: "and ~~make a refund of~~ shall  
 14 credit such payments to the ~~employee or employer, or~~  
 15 ~~both, as it finds just and equitable~~ appropriate  
 16 party. ~~Refunds so made shall be charged to the fund~~  
 17 ~~to which the erroneous collections have been credited~~  
 18 ~~and shall be paid to the employee or employer, or~~  
 19 ~~both, without interest."~~

20 4. Page 3, line 17 by striking the figure "3."  
 21 and inserting the following: "2."

22 5. Page 3, lines 17 and 18, by striking the words  
 23 "return of" and inserting the following: "credit for  
 24 erroneously paid".

25 6. Page 3, line 19, by striking the words "make  
 26 refund payments" and inserting the following: "make  
 27 refund payments issue a credit".

28 7. Page 3, lines 21 and 22, by striking the words

- 29 "the payment of the refund" and inserting the  
30 following: "~~the payment of the refund~~ issuing the  
31 credit".
- 32 8. Page 3, line 23, by striking the figure "4."  
33 and inserting the following: "3."
- 34 9. Page 3, line 24, by striking the words  
35 "payments made" and inserting the following: "credits  
36 issued".
- 37 10. Page 3, by striking lines 25 through 26 and  
38 inserting the following: "However, if a credit for  
39 contributions paid".
- 40 11. Page 3, line 28, by inserting after the  
41 figure "97B.42A" the following: "is issued".
- 42 12. Page 3, line 29, by inserting after the word  
43 "dividends" the following: "as provided in section  
44 97B.70".
- 45 13. Page 3, line 30, by inserting after the word  
46 "dividends" the following: "as provided in section  
47 97B.70".
- 48 14. Page 3, line 31, by striking the words  
49 "payments made" and inserting the following: "credits  
50 issued".

## Page 2

- 1 15. Page 3, line 32, by striking the word  
2 "payment" and inserting the following: "crediting".
- 3 16. Page 14, line 13, by striking the word  
4 "returned" and inserting the following: "credited".
- 5 17. Page 14, line 30, by striking the word  
6 "returned" and inserting the following: "credited".
- 7 18. Page 21, line 18, by striking the words  
8 "membership and prior" and inserting the following:  
9 "eligible".
- 10 19. Page 21, by inserting after line 20 the  
11 following:  
12 "b. "Eligible service" means membership and prior  
13 service in a protection occupation. In addition, for  
14 a member with membership and prior service in a  
15 protection occupation described in paragraph "d",  
16 subparagraph (2), eligible service includes membership  
17 and prior service as a sheriff, deputy sheriff, or  
18 airport fire fighter as defined in section 97B.49C."
- 19 20. Page 21, line 21, by striking the word "b."  
20 and inserting the following: "c."
- 21 21. Page 21, lines 22 and 23, by striking the  
22 words "membership and prior" and inserting the  
23 following: "eligible".
- 24 22. Page 21, line 25, by striking the word "c."  
25 and inserting the following: "d."
- 26 23. Page 22, by striking lines 23 through 26.
- 27 24. Page 23, line 19, by striking the word "c"  
28 and inserting the following: "d".

- 29 25. Page 23, line 25, by striking the word "c"  
30 and inserting the following: "d".  
31 26. Page 23, line 32, by striking the word "c"  
32 and inserting the following: "d".  
33 27. Page 24, line 5, by striking the word "c" and  
34 inserting the following: "d".  
35 28. Page 24, line 12, by striking the word "c"  
36 and inserting the following: "d".  
37 29. Page 24, line 19, by striking the word "c"  
38 and inserting the following: "d".  
39 30. Page 45, by inserting after line 5 the  
40 following:  
41 "Sec. \_\_\_\_ NEW SECTION. 97B.49I QUALIFIED  
42 BENEFITS ARRANGEMENT.  
43 The department, by rule, may establish and maintain  
44 a qualified benefits arrangement under section 415(m)  
45 of the federal Internal Revenue Code. The amount of  
46 any annual benefit that would be payable pursuant to  
47 this chapter but for the limitation imposed by section  
48 415 of the federal Internal Revenue Code shall be paid  
49 from a qualified benefits arrangement established and  
50 maintained pursuant to this section."

### Page 3

- 1 31. Page 67, by inserting before line 31 the  
2 following:  
3 "Sec. \_\_\_\_ EFFECTIVE DATE. Section 49 of this  
4 Act, amending section 97B.53, subsection 1, takes  
5 effect July 1, 1999."  
6 32. By renumbering and correcting internal  
7 references as necessary.

Amendment H-8374 was adopted.

Martin of Scott offered the following amendment H-8345 filed by her and moved its adoption:

### H-8345

- 1 Amend House File 2496 as follows:  
2 1. Page 16, line 4, by striking the words and  
3 figures "subsection 4, Code 1997, is" and inserting  
4 the following: "subsections 1, 2, 3, and 4, Code  
5 1997, are".  
6 2. Page 16, by inserting after line 5 the  
7 following:  
8 "1. The first of the month in which a member  
9 attains the age of sixty-five years if the member has  
10 not completed ~~thirty~~ twenty years of membership  
11 service.  
12 2. The first of the month in which the member  
13 attains the age of sixty-two years if the member has

- 14 completed ~~thirty~~ twenty years of membership service.
- 15 3. The first of any month in which the member has
- 16 completed ~~thirty~~ twenty years of membership service if
- 17 the member has attained the age of sixty-two years but
- 18 is not yet sixty-five years of age."
- 19 3. Page 36, by inserting after line 8 the
- 20 following:
- 21 "d. The member is an active or inactive vested
- 22 member retiring on or after July 1, 1986, and before
- 23 January 1, 1999, who is at least sixty-two years of
- 24 age and who has completed thirty years of membership
- 25 service."
- 26 4. Page 45, line 21, by striking the word
- 27 "thirty" and inserting the following: "~~thirty~~
- 28 twenty".
- 29 5. Page 46, line 24, by striking the word
- 30 "thirty" and inserting the following: "~~thirty~~
- 31 twenty".
- 32 6. Page 46, line 25, by striking the word "full"
- 33 and inserting the following: "~~full~~".
- 34 7. Page 67, line 27, by inserting after the word
- 35 "APPLICABILITY." the following:
- 36 "a."
- 37 8. Page 67, by inserting after line 30 the
- 38 following:
- 39 "b. The portion of section 22 that amends section
- 40 97B.45, subsections 1, 2, and 3, and section 38,
- 41 amending section 97B.50, are effective January 1,
- 42 1999, and apply to members retiring on or after
- 43 January 1, 1999."
- 44 9. By renumbering as necessary.

Amendment H-8345 was adopted.

Larkin of Lee offered amendment H-8389 filed by him as follows:

H-8389

- 1 Amend House File 2496 as follows:
- 2 1. Page 16, by striking lines 6 through 12 and
- 3 inserting the following:
- 4 "(1) The first of any month in which a member
- 5 meets the membership service and age requirements to
- 6 retire under section 97B.49, subsection 15 the member
- 7 is at least fifty-five years of age and for which the
- 8 sum of the number of years of membership service and
- 9 prior service and the member's age in years as of the
- 10 member's last birthday equals or exceeds eighty-five.
- 11 (2) The department shall implement this subsection
- 12 on July 1, 1998, or on the date that the department
- 13 determines that the most recent annual actuarial
- 14 valuation of the system indicates that the employer
- 15 and employee contribution rates in effect under

16 section 97B.11 can absorb the costs of this  
 17 subsection, whichever is later. However, until this  
 18 subsection is implemented, the department shall not  
 19 pay a dividend adjustment pursuant to section 97B.49F,  
 20 subsection 1."

21 2. Page 36, by inserting after line 8 the  
 22 following:

23 "d. The member is an active or inactive vested  
 24 member retiring on or after July 1, 1997, and before  
 25 the implementation date provided in section 97B.45,  
 26 subsection 4, subparagraph (2), who is at least fifty-  
 27 five years of age and for which the sum of the number  
 28 of years of membership service and prior service and  
 29 the member's age in years as of the member's last  
 30 birthday equals or exceeds eighty-eight."

31 3. By renumbering as necessary.

Larkin of Lee offered the following amendment H-8451, to amend-  
 ment H-8389, filed by him from the floor and moved its adoption:

H-8451

1 Amend the amendment, H-8389, to House File 2496, as  
 2 follows:

3 1. Page 1, by striking the figure "(1)" and  
 4 inserting the following: "4. a."

5 2. Page 1, line 11, by striking the figure "(2)"  
 6 and inserting the following: "b."

7 3. Page 1, by striking lines 17 through 20 and  
 8 inserting the following: "subsection and the  
 9 additional benefits provided to members of the system  
 10 by this Act, whichever is later. However, until this  
 11 subsection is implemented, the department shall not  
 12 credit amounts to active member supplemental accounts  
 13 as provided in section 97B.49H."

Amendment H-8451 was adopted.

Larkin of Lee moved the adoption of H-8389, as amended.

Roll call was requested by Larkin of Lee and Wise of Lee.

Rule 75 was invoked.

On the question "Shall amendment H-8389, as amended, be  
 adopted?" (H.F. 2496)

The ayes were, 46:

Bell  
 Burnett  
 Cohoon  
 Drees

Bernau  
 Cataldo  
 Connors  
 Falck

Brand  
 Chapman  
 Doderer  
 Foegel

Bukta  
 Chiodo  
 Dotzler  
 Ford

Frevort	Holveck	Huser	Jochum
Kinzer	Koenigs	Kreiman	Larkin
Mascher	May	Mertz	Moreland
Mundie	Murphy	Meyers	Nelson
O'Brien	Osterhaus	Reynolds-Knight	Richardson
Scherrman	Schrader	Shoultz	Taylor
Thomas	Warnstadt	Weigel	Whitead
Wise	Witt		

The nays were, 53:

Arnold	Barry	Blodgett	Boddicker
Bogess	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
Rayhons	Siegrist	Sukup	Teig
Thomson	Tyrrell	Van Fossen	Van Maanen
Vande Hoef	Veenstra	Weidman	Welter
Rants, Presiding			

Absent or not voting, none.

Under the provision of Rule 76, conflict of interest, Fallon of Polk refrained from voting.

Amendment H-8389 lost.

Mascher of Johnson offered the following amendment H-8399 filed by her and moved its adoption:

H-8399

- 1 Amend House File 2496 as follows:
- 2 1. Page 17, by inserting after line 20 the
- 3 following:
- 4 "Sec. \_\_\_\_ Section 97B.48A, subsection 1,
- 5 unnumbered paragraph 1, Code 1997, is amended to read
- 6 as follows:
- 7 If a member who has not reached the member's sixty-
- 8 fifth birthday and who has a bona fide retirement
- 9 under this chapter is in regular full-time employment
- 10 during a calendar year, the member's retirement
- 11 allowance shall be reduced by fifty cents for each
- 12 dollar the member earns over the limit provided in
- 13 this subsection. However, employment is not full-time
- 14 employment until the member receives remuneration in

15 an amount in excess of seven ~~twelve~~ thousand ~~four~~  
 16 ~~hundred forty~~ dollars for a calendar year, or an  
 17 amount equal to the amount of remuneration permitted  
 18 for a calendar year for persons under sixty-five years  
 19 of age before a reduction in federal social security  
 20 retirement benefits is required, whichever is higher.  
 21 Effective the first of the month in which a member  
 22 attains the age of sixty-five years, a retired member  
 23 may receive a retirement allowance without a reduction  
 24 after return to covered employment regardless of the  
 25 amount of remuneration received.”  
 26 2. By renumbering as necessary.

Amendment H-8399 was adopted.

Mascher of Johnson asked and received unanimous consent to withdraw amendment H-8401 filed by her on March 13, 1998.

### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Holveck of Polk, until his return, on request of Schrader of Marion.

Martin of Scott offered the following amendment H-8346 filed by her and moved its adoption:

H-8346

1 Amend House File 2496 as follows:  
 2 1. Page 35, by inserting after line 19 the  
 3 following:  
 4 "c. Beginning January 1, 1999, for each member who  
 5 retired from the system prior to July 1, 1986, the  
 6 amount of regular monthly retirement allowance  
 7 attributable to membership and prior service that was  
 8 payable to the member, or the beneficiary or  
 9 contingent annuitant of the member, for December 1998  
 10 shall be increased by fifteen percent.  
 11 d. Beginning January 1, 1999, for each member who  
 12 retired from the system on or after July 1, 1986, but  
 13 before July 1, 1990, the amount of regular monthly  
 14 retirement allowance attributable to membership and  
 15 prior service that was payable to the member, or the  
 16 beneficiary or contingent annuitant of the member, for  
 17 December 1998 shall be increased by seven percent.”  
 18 2. By renumbering as necessary.

Amendment H-8346 was adopted.

Martin of Scott offered amendment H-8441 filed by her as follows:

H-8441

1 Amend House File 2496 as follows:

2 1. Page 46, by inserting after line 32 the  
3 following:

4 "Sec. 101. **NEW SECTION. 97B.50A. DISABILITY**  
5 **BENEFITS FOR SPECIAL SERVICE MEMBERS.**

6 1. **DEFINITIONS.** For purposes of this section,  
7 unless the context otherwise provides, "member" means  
8 a vested member who is classified as a special service  
9 member under section 97B.1A, subsection 21, at the  
10 time of the alleged disability.

11 2. **IN-SERVICE DISABILITY RETIREMENT ALLOWANCE.**

12 a. Effective July 1, 1999, a member who is injured  
13 in the performance of the member's duties, and  
14 otherwise meets the requirements of this subsection  
15 shall receive an in-service disability retirement  
16 allowance under the provisions of this subsection, in  
17 lieu of a monthly retirement allowance as provided in  
18 section 97B.49A, 97B.49B, 97B.49C, 97B.49D, or  
19 97B.49G, as applicable, or benefits calculated as  
20 provided in section 97B.50, subsection 2.

21 b. Upon application of a member, a member who has  
22 become totally and permanently incapacitated for duty  
23 in the member's special service occupation as the  
24 natural and proximate result of an injury, disease, or  
25 exposure occurring or aggravated while in the actual  
26 performance of duty shall be eligible to retire under  
27 this subsection, provided that the medical board shall  
28 certify that the member is mentally or physically  
29 incapacitated for further performance of duty, that  
30 the incapacity is likely to be permanent, and that the  
31 member should be retired. The department shall make  
32 the final determination, based on the medical evidence  
33 received, of a member's total and permanent  
34 disability. However, if a person's membership in the  
35 system first commenced on or after July 1, 1999, the  
36 member shall not be eligible for benefits with respect  
37 to a disability which would not exist, but for a  
38 medical condition that was known to exist on the date  
39 that membership commenced, or the fact that the member  
40 used or smoked tobacco, tobacco products, or  
41 cigarettes.

42 c. Disease under this subsection shall mean heart  
43 disease or any disease of the lungs or respiratory  
44 tract and shall be presumed to have been contracted  
45 while on active duty as a result of strain, exposure,  
46 or the inhalation of noxious fumes, poison, or gases.  
47 However, if a person's membership in the system first  
48 commenced on or after July 1, 1999, and the heart  
49 disease or disease of the lungs or respiratory tract  
50 would not exist, but for a medical condition that was

Page 2

1 known to exist on the date that membership commenced,



2 or the fact that the member used or smoked tobacco,  
3 tobacco products, or cigarettes, the presumption  
4 established in this paragraph shall not apply.

5 d. Upon retirement for an in-service disability as  
6 provided by this subsection, a member shall receive  
7 the greatest of a monthly in-service disability  
8 retirement allowance calculated under this subsection,  
9 a monthly retirement allowance as provided in section  
10 97B.49A, 97B.49B, 97B.49C, 97B.49D, or 97B.49G, as  
11 applicable, or a disability retirement allowance  
12 calculated under section 97B.50, subsection 2. The  
13 monthly in-service disability allowance calculated  
14 under this subsection shall consist of an allowance  
15 equal to one-twelfth of sixty percent of the member's  
16 three-year average covered wage or its actuarial  
17 equivalent as provided under section 97B.51.

### 18 3. ORDINARY DISABILITY RETIREMENT ALLOWANCE.

19 a. Effective July 1, 1999, a member who otherwise  
20 meets the requirements of this subsection shall  
21 receive an ordinary disability retirement allowance  
22 under the provisions of this subsection, in lieu of a  
23 monthly retirement allowance as provided in section  
24 97B.49A, 97B.49B, 97B.49C, 97B.49D, or 97B.49G, as  
25 applicable, or benefits calculated as provided in  
26 section 97B.50, subsection 2.

27 b. Upon application of a member, a member who has  
28 become totally and permanently incapacitated for duty  
29 in the member's special service occupation shall be  
30 eligible to retire under this subsection, provided  
31 that the medical board shall certify that the member  
32 is mentally or physically incapacitated for further  
33 performance of duty, that the incapacity is likely to  
34 be permanent, and that the member should be retired.  
35 The department shall make the final determination,  
36 based on the medical evidence received, of a member's  
37 total and permanent disability. However, if a  
38 person's membership in the system first commenced on  
39 or after July 1, 1999, the member shall not be  
40 eligible for benefits with respect to a disability  
41 which would not exist, but for a medical condition  
42 that was known to exist on the date that membership  
43 commenced, or the fact that the member used or smoked  
44 tobacco, tobacco products, or cigarettes.

45 c. Upon retirement for an ordinary disability as  
46 provided by this subsection, a member shall receive  
47 the greatest of a monthly ordinary disability  
48 retirement allowance calculated under this subsection,  
49 a monthly retirement allowance as provided in section  
50 97B.49A, 97B.49B, 97B.49C, 97B.49D, or 97B.49G, as

2 calculated under section 97B.50, subsection 2. The  
3 monthly ordinary disability allowance calculated under  
4 this subsection shall consist of an allowance equal to  
5 one-twelfth of fifty percent of the member's three-  
6 year average covered wage or its actuarial equivalent  
7 as provided under section 97B.51.

8 4. OFFSET TO ALLOWANCE. Notwithstanding any  
9 provisions to the contrary in state law, or any  
10 applicable contract or policy, any amounts which may  
11 be paid or payable by the employer under the  
12 provisions of any workers' compensation, unemployment  
13 compensation, or other law to a member, and any  
14 disability payments the member receives pursuant to  
15 the federal Social Security Act, 42 U.S.C. § 423 et  
16 seq., shall be offset against and payable in lieu of  
17 any retirement allowance payable pursuant to this  
18 section on account of the same disability.

19 5. REEXAMINATION OF MEMBERS RETIRED ON ACCOUNT OF  
20 DISABILITY.

21 a. Once each year during the first five years  
22 following the retirement of a member under this  
23 section, and once in every three-year period  
24 thereafter, the department may, and upon the member's  
25 application shall, require any member receiving an in-  
26 service or ordinary disability retirement allowance  
27 who has not yet attained the age of fifty-five years  
28 to undergo a medical examination as arranged by the  
29 medical board. The examination shall be made by the  
30 medical board or by an additional physician or  
31 physicians designated by the board. If any member  
32 receiving an in-service or ordinary disability  
33 retirement allowance who has not attained the age of  
34 fifty-five years refuses to submit to the medical  
35 examination, the allowance may be discontinued until  
36 the member's withdrawal of the refusal, and should the  
37 member's refusal continue for one year, all rights in  
38 and to the member's disability retirement allowance  
39 shall be revoked by the department.

40 b. If a member is determined under paragraph "a"  
41 to be no longer eligible for in-service or ordinary  
42 disability benefits, all benefits paid under this  
43 section shall cease. The member shall be eligible to  
44 receive benefits calculated under section 97B.49B or  
45 97B.49C, as applicable, when the member reaches age  
46 fifty-five.

47 6. REEMPLOYMENT.

48 a. If a member receiving a disability retirement  
49 allowance is returned to covered employment, the  
50 member's disability retirement allowance shall cease,

Page 4

1 the member shall again become an active member, and

2 shall contribute thereafter at the same rate payable  
3 by similarly classified members. Upon subsequent  
4 retirement, the member's retirement allowance shall be  
5 calculated as provided in section 97B.48A.

6 b. Should a member who receives benefits under  
7 this section, except a member who is sixty-five years  
8 of age or over, be engaged in a gainful noncovered  
9 occupation, the member's disability benefits payable  
10 under this section for that calendar year shall be  
11 reduced by fifty cents for every dollar the member  
12 earns over the dollar amount determined under section  
13 97B.48A, subsection 1.

14 7. DEATH BENEFITS. A member who is receiving an  
15 in-service or ordinary disability retirement allowance  
16 under this section shall be treated as having elected  
17 a lifetime monthly retirement allowance with death  
18 benefits payable under section 97B.52, subsection 2,  
19 unless the member elects an optional form of benefit  
20 provided under section 97B.51, which shall be  
21 actuarially equivalent to the lifetime monthly  
22 retirement allowance provided under this section.

23 8. MEDICAL BOARD. The system shall designate a  
24 medical board to be composed of three physicians from  
25 the university of Iowa hospitals and clinics who shall  
26 arrange for and pass upon the medical examinations  
27 required under the provisions of this section and  
28 shall report in writing to the department the  
29 conclusions and recommendations upon all matters duly  
30 referred to the medical board. Each report of a  
31 medical examination under this section shall include  
32 the medical board's findings as to the extent of the  
33 member's physical impairment. Except as required by  
34 this section, each report shall be confidential and  
35 shall be maintained in accordance with the federal  
36 Americans with Disabilities Act, and any other state  
37 or federal law containing requirements for  
38 confidentiality of medical records.

39 9. LIABILITY OF THIRD PARTIES - SUBROGATION.

40 a. If a member receives an injury for which  
41 benefits are payable under this section, and if the  
42 injury is caused under circumstances creating a legal  
43 liability for damages against a third party other than  
44 the system, the member or the member's legal  
45 representative may maintain an action for damages  
46 against the third party. If a member or a member's  
47 legal representative commences such an action, the  
48 plaintiff member or representative shall serve a copy  
49 of the original notice upon the system not less than  
50 ten days before the trial of the action, but a failure

2 the system, and the following rights and duties ensue:  
3 (1) The system shall be indemnified out of the  
4 recovery of damages to the extent of benefit payments  
5 made by the system, with legal interest, except that  
6 the plaintiff member's attorney fees may be first  
7 allowed by the district court.

8 (2) The system has a lien on the damage claim  
9 against the third party and on any judgment on the  
10 damage claim for benefits for which the system is  
11 liable. In order to continue and preserve the lien,  
12 the system shall file a notice of the lien within  
13 thirty days after receiving a copy of the original  
14 notice in the office of the clerk of the district  
15 court in which the action is filed.

16 b. If a member fails to bring an action for  
17 damages against a third party within thirty days after  
18 the system requests the member in writing to do so,  
19 the system is subrogated to the rights of the member  
20 and may maintain the action against the third party,  
21 and may recover damages for the injury to the same  
22 extent that the member may recover damages for the  
23 injury. If the system recovers damages in the action,  
24 the court shall enter judgment for distribution of the  
25 recovery as follows:

26 (1) A sum sufficient to repay the system for the  
27 amount of such benefits actually paid by the system up  
28 to the time of the entering of the judgment.

29 (2) A sum sufficient to pay the system the present  
30 worth, computed at the interest rate provided in  
31 section 535.3 for court judgments and decrees, of the  
32 future payments of such benefits, for which the system  
33 is liable, but the sum is not a final adjudication of  
34 the future payment which the member is entitled to  
35 receive.

36 (3) Any balance shall be paid to the member.

37 c. Before a settlement is effective between a  
38 system and a third party who is liable for any injury,  
39 the member must consent in writing to the settlement;  
40 and if the settlement is between the member and a  
41 third party, the system must consent in writing to the  
42 settlement; or on refusal to consent, in either case,  
43 the district court in the county in which either the  
44 employer of the member or the system is located must  
45 consent in writing to the settlement.

46 d. For purposes of subrogation under this section,  
47 a payment made to an injured member or the member's  
48 legal representative, by or on behalf of a third party  
49 or the third party's principal or agent, who is liable  
50 for, connected with, or involved in causing the injury

2 because the injury was caused under circumstances  
3 creating a legal liability against the third party,  
4 whether the payment is made under a covenant not to  
5 sue, compromise settlement, denial of liability, or is  
6 otherwise made.

7 10. A member retired under this section, in order  
8 to be eligible for continued receipt of retirement  
9 benefits, shall no later than May 15 of each year  
10 submit to the department a copy of the member's  
11 federal individual income tax return for the preceding  
12 year, or any other documentation the department may  
13 reasonably request which will provide information  
14 needed to determine payments to the member under this  
15 section.

16 11. The expenses incurred in the administration of  
17 this section by the system shall be paid through  
18 additional contributions as determined pursuant to  
19 section 97B.49B, subsection 3, or section 97B.49C,  
20 subsection 3, as applicable.

21 12. RULES. The department shall adopt rules  
22 pursuant to chapter 17A specifying the application  
23 procedure for members pursuant to this section."

24 2. Page 67, by inserting after line 35 the  
25 following:

26 "Sec. 102. EFFECTIVE DATE. Section 101 of this  
27 Act, creating new section 97B.50A, takes effect July  
28 1, 1999."

29 3. Page 79, by striking lines 31 through 34 and  
30 inserting the following: "each retirement system.  
31 Consideration of benefit enhancements".

32 4. Page 79, line 35, by inserting after the word  
33 "account" the following: "the availability of  
34 enhanced disability benefits for members of each  
35 retirement system under examination and".

36 5. Page 81, line 2, by striking the words and  
37 figures "September 1, 2000" and inserting the  
38 following: "November 2, 1998".

39 6. Page 81, line 10, by striking the words and  
40 figure "3 and shall," and inserting the following:  
41 "3."

42 7. Page 81, by striking lines 11 through 14.

43 8. By renumbering as necessary.

Connors of Polk offered the following amendment H-8456, to amend  
amendment H-8441, filed by him from the floor and moved its adoption:

H-8456

1 Amend the amendment, H-8441, to House File 2496 as  
2 follows:

3 1. Page 1, by striking lines 39 through 41 and  
4 inserting the following: "that membership commenced."

5 2. Page 2, line 1, by striking the word

- 6 "commenced," and inserting the following:  
7 "commenced."  
8 3. Page 2, by striking lines 2 through 4.  
9 4. Page 2, by striking lines 43 and 44 and  
10 inserting the following: "commenced."

Amendment H-8456 was adopted.

Martin of Scott moved the adoption of amendment H-8441, as amended.

Amendment H-8441, as amended, was adopted.

Mascher of Johnson offered amendment H-8400 filed by her as follows:

H-8400

- 1 Amend House File 2496 as follows:  
2 1. Page 50, by inserting after line 2 the  
3 following:  
4 "c. For a member whose first month of entitlement  
5 is January 1999 or later, the member returns to  
6 employment with a covered employer as a substitute  
7 teacher after the member has qualified for no fewer  
8 than three calendar months of retirement benefits."  
9 2. Page 50, by inserting after line 2 the  
10 following:  
11 "Sec. \_\_\_\_ Section 97B.52A, subsection 2, Code  
12 1997, is amended to read as follows:  
13 2. A member may commence receiving retirement  
14 benefits under this chapter upon satisfying  
15 eligibility requirements. However, a retired member  
16 who commences receiving a retirement allowance but  
17 returns to employment before ~~qualifying for no fewer~~  
18 ~~than four calendar months of retirement benefits~~  
19 meeting the applicable requirement prescribed in  
20 subsection 1 does not have a bona fide retirement and  
21 any retirement allowance received by such a member  
22 must be returned to the system together with interest  
23 earned on the retirement allowance calculated at a  
24 rate determined by the department. Until the member  
25 has repaid the retirement allowance and interest, the  
26 department may withhold any future retirement  
27 allowance for which the member may qualify."  
28 3. By renumbering as necessary.

Mascher of Johnson offered the following amendment H-8442, to amendment H-8400, filed by her and moved its adoption:

H-8442

- 1 Amend the amendment, H-8400, to House File 2496 as

2 follows:

- 3 1. Page 1, line 8, by after the word "benefits."  
 4 the following: "For purposes of this paragraph,  
 5 "substitute teacher" means a teacher who holds a  
 6 license as a substitute teacher and who is employed  
 7 and paid as a substitute teacher."

Amendment H-8442 was adopted.

Mascher of Johnson moved the adoption of amendment H-8400, as amended.

A non-record roll call was requested.

The ayes were 39, nays 47.

Amendment H-8400 lost.

Larkin of Lee offered amendment H-8365 filed by him as follows:

H-8365

- 1 Amend House File 2496 as follows:  
 2 1. Page 69, by inserting after line 24 the  
 3 following:  
 4 "Sec. 101. STUDY OF INCLUSION OF ADJUNCT  
 5 INSTRUCTORS IN MEMBERSHIP OF THE IOWA PUBLIC  
 6 EMPLOYEES' RETIREMENT SYSTEM. The Iowa public  
 7 employees' retirement system division shall conduct a  
 8 study concerning the issue of whether adjunct  
 9 instructors employed by a community college or regents  
 10 university should be allowed to become members of the  
 11 Iowa public employees' retirement system. In  
 12 conducting its study, the division shall seek input  
 13 from affected employees and employers concerning the  
 14 possible inclusion of adjunct instructors in the  
 15 retirement system. On or before September 1, 2000,  
 16 the Iowa public employees' retirement system division  
 17 shall file a report with the legislative service  
 18 bureau, for distribution to the public retirement  
 19 systems committee, which contains its findings and  
 20 recommendations concerning this issue."  
 21 2. By renumbering as necessary.

Larkin of Lee offered the following amendment H-8419, to amend-  
 ment H-8365, filed by him and moved its adoption:

H-8419

- 1 Amend the amendment, H-8365, to House File 2496 as  
 2 follows:  
 3 1. Page 1, line 15, by striking the figure "2000"  
 4 and inserting the following: "1999".

Amendment H-8419 was adopted.

Larkin of Lee moved the adoption of amendment H-8365, as amended.

Amendment H-8365, as amended, was adopted.

Martin of Scott offered the following amendment H-8435 filed by her and moved its adoption:

H-8435

- 1 Amend House File 2496 as follows:
- 2 1. Page 75, line 24, by inserting after the word
- 3 "officer," the following: "city administrator."

Amendment H-8435 was adopted.

Grundberg of Polk offered the following amendment H-8282 filed by her and moved its adoption:

H-8282

- 1 Amend House File 2496 as follows:
- 2 1. Page 78, by inserting after line 34 the
- 3 following:
- 4 "Sec. \_\_\_\_ Section 294.12, Code 1997, is amended
- 5 by adding the following new unnumbered paragraph:
- 6 NEW UNNUMBERED PARAGRAPH. Notwithstanding the
- 7 provisions of this section, the plan provisions of a
- 8 pension and annuity retirement system of a school
- 9 district established under this chapter regarding the
- 10 determination and distribution of benefits upon
- 11 termination of the retirement system shall be
- 12 effective if the school district has received a
- 13 favorable determination letter from the federal
- 14 internal revenue service as to the qualified status of
- 15 such retirement system under applicable provisions of
- 16 the Internal Revenue Code."
- 17 2. By renumbering as necessary.

Amendment H-8282 was adopted.

Connors of Polk asked and received unanimous consent to reconsider amendment H-8435, previously adopted.

Martin of Scott moved the adoption of amendment H-8435.

A non-record roll call was requested.

The ayes were 51, nays 39.

Amendment H-8435 was adopted.



Falck of Fayette asked for unanimous consent to suspend Rule 31.8, relating to the timely filing of amendments, for consideration of amendment H-8462, filed by him from the floor.

Objection was raised.

Martin of Scott moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2496)

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	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	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, 1:

Holveck

Under the provision of Rule 76, conflict of interest, Fallon of Polk refrained from voting.

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 2496** be immediately messaged to the Senate.

**House File 2528**, a bill for an act establishing a graduated driver's license for young drivers, making penalties applicable, creating an interim study committee, and including an applicability provision and an effective date, was taken up for consideration.

Reynolds-Knight of Van Buren offered amendment H-8440 filed by her. Heaton of Henry requested division as follows:

H-8440

1 Amend House File 2528 as follows:

H-8440A

- 2 1. Page 1, line 32, by inserting after the word  
3 "classroom" the following: "or laboratory".  
4 2. Page 2, lines 24 and 25, by striking the words  
5 "or a person certified by the department of  
6 transportation".  
7 3. Page 2, lines 27 and 28 by striking the words  
8 "for certification of persons qualified to provide  
9 street or highway driving instruction and".  
10 4. Page 8, line 16, by inserting after the word  
11 "education," the following: "a person certified by  
12 the department,".  
13 5. Page 9, line 14, by inserting after the word  
14 "instructor," the following: "a person certified by  
15 the department,".

H-8440B

- 16 6. Page 18, line 4, by inserting after the word  
17 "curriculum," the following: "certification of  
18 persons by the department to provide classroom and  
19 laboratory instruction,".  
20 7. By renumbering as necessary.

Veenstra of Sioux in the chair at 2:30 p.m.

Reynolds-Knight of Van Buren moved the adoption of amendment H-8440A.

Amendment H-8440A lost.

Shoultz of Black Hawk asked and received unanimous consent that amendment H-8371 be deferred.

Richardson of Warren offered amendment H-8433 filed by him as follows:

H-8433

- 1 Amend House File 2528 as follows:
- 2 1. Page 3, line 25, by inserting after the figure
- 3 "299A.3" the following: "and who has completed a six-
- 4 hour driver's education instruction course approved by
- 5 the department".

Richardson of Warren offered the following amendment H-8458, to amendment H-8433, filed by him from the floor and moved its adoption:

H-8458

- 1 Amend the amendment, H-8433, to House File 2528 as
- 2 follows:
- 3 1. Page 1, by striking lines 2 through 5 and
- 4 inserting the following:
- 5 " \_\_\_\_ Page 3, line 23, by striking the word
- 6 "and".
- 7 \_\_\_\_ Page 3, line 25, by inserting after the
- 8 figure "299A.3" the following: "and who has completed
- 9 a six-hour driver's education instruction course
- 10 approved by the department of education. The
- 11 department of education shall adopt rules pursuant to
- 12 chapter 17A to establish and administer the six-hour
- 13 driver's education instruction course".
- 14 2. By renumbering as necessary.

Amendment H-8458 was adopted.

Richardson of Warren moved the adoption of amendment H-8433, as amended.

A non-record roll call was requested.

The ayes were 47, nays 49.

Amendment H-8433 lost.

Cohoon of Des Moines offered amendment H-8436 filed by him and Cormack of Webster as follows:

H-8436

- 1 Amend House File 2528 as follows:
- 2 1. Page 3, line 25, by inserting after the figure
- 3 "299A.3" the following: "and who completes a driver's
- 4 education instruction course approved by the
- 5 department".

Cohoon of Des Moines offered the following amendment H-8460, to amendment H-8436, filed by him and Cormack of Webster from the floor and moved its adoption:

H-8460

- 1 Amend the amendment, H-8436, to House File 2528 as
- 2 follows:
- 3 1. Page 1, by striking lines 2 through 5 and
- 4 inserting the following:
- 5 "\_\_\_ Page 3, line 23, by striking the word
- 6 "who".
- 7 \_\_\_ Page 3, line 25, by inserting after the
- 8 figure "299A.3" the following: ", and who completes a
- 9 driver's education instruction course established
- 10 pursuant to rule of and approved by the department of
- 11 education".
- 12 2. By renumbering as necessary.

Amendment H-8460 was adopted.

Cohoon of Des Moines moved the adoption of amendment H-8436, as amended.

A non-record roll call was requested.

The ayes were 46, nays 50.

Amendment H-8436 lost.

Carroll of Poweshiek offered the following amendment H-8421 filed by him and moved its adoption:

H-8421

- 1 Amend House File 2528 as follows:
- 2 1. Page 3, by inserting after line 34 the
- 3 following:
- 4 "d. Twenty minutes of instruction concerning
- 5 railroad crossing safety.
- 6 e. Instruction relating to becoming an organ donor
- 7 under the uniform anatomical gift Act."
- 8 2. Page 4, line 2, by inserting after the figure
- 9 "321.178." the following: "The department shall make
- 10 available to a teaching parent, upon request, a model
- 11 set of instruction materials relating to any
- 12 examination administered pursuant to section 321.186."

Amendment H-8421 was adopted.

Cormack of Webster offered the following amendment H-8288 filed by him and moved its adoption:

H-8288

- 1 Amend House File 2528 as follows:
- 2 1. By striking page 3, line 9, through page 5,
- 3 line 10.
- 4 2. By renumbering as necessary.

Roll call was requested by Schrader of Marion and Carroll of Poweshiek.

Rule 75 was invoked.

On the question "Shall amendment H-8288 be adopted?" (H.F. 2528)

The ayes were, 55:

Arnold	Bell	Bernau	Bradley
Brand	Burnett	Cataldo	Chapman
Chiodo	Churchill	Cohoon	Connors
Cormack	Dinkla	Doderer	Dotzler
Drees	Falck	Foege	Ford
Frevert	Gipp	Gries	Grundberg
Heaton	Holmes	Holveck	Jacobs
Jenkins	Jochum	Kinzer	Koenigs
Larkin	Martin	Mascher	May
Metcalf	Moreland	Murphy	Myers
Nelson	O'Brien	Osterhaus	Reynolds-Knight
Richardson	Schrader	Shoultz	Siegrist
Taylor	Thomas	Van Fossen	Warnstadt
Weigel	Whitead	Wise	

The nays were, 45:

Barry	Blodgett	Boddicker	Bogges
Brauns	Brunkhorst	Bukta	Carroll
Corbett, Spkr.	Dix	Dolecheck	Drake
Eddie	Fallon	Garman	Greig
Greiner	Hahn	Hansen	Houser
Huseman	Huser	Klemme	Kreiman
Kremer	Lamberti	Larson	Lord
Mertz	Meyer	Millage	Mundie
Rants	Rayhons	Scherrman	Sukup
Teig	Thomson	Tyrrell	Van Maanen
Vande Hoef	Weidman	Welter	Witt
Veenstra,			
Presiding			

Absent or not voting, none.

Amendment H-8288 was adopted placing out of order amendment H-8421, previously adopted.

Heaton of Henry offered the following amendment H-8367 filed by him and moved its adoption:

H-8367

- 1 Amend House File 2528 as follows:
- 2 1. Page 9, lines 22 and 23, by striking the words
- 3 "vision screening, an advanced knowledge examination,
- 4 a driving demonstration,"
- 5 2. Page 9, line 25, by inserting after the figure
- 6 "321.178" the following: "or 321.178A".
- 7 3. Page 9, line 26, by inserting after the word
- 8 "issued." the following: "A person issued an
- 9 intermediate license must limit the number of
- 10 passengers in the motor vehicle when the intermediate
- 11 licensee is operating the motor vehicle to the number
- 12 of passenger safety belts."
- 13 4. Page 9, lines 30 and 31, by striking the words
- 14 "must limit the number of passengers in the motor
- 15 vehicle to the number of passenger safety belts and".
- 16 5. By renumbering as necessary.

Amendment H-8367 was adopted.

Richardson of Warren offered the following amendment H-8415 filed by him and moved its adoption:

H-8415

- 1 Amend House File 2528 as follows:
- 2 1. Page 10, line 7, by inserting after the word
- 3 "driver." the following: "However, a licensee may
- 4 operate a vehicle to and from school-related
- 5 extracurricular activities and work without an
- 6 accompanying driver between the hours of twelve-thirty
- 7 a.m. and five a.m. if such licensee possesses a waiver
- 8 on a form to be provided by the department."

A non-record roll call was requested.

The ayes were 52, nays 34.

Amendment H-8415 was adopted, placing amendment H-8443 filed by Kreiman of Davis on March 16, 1998, and amendment H-8461 filed by Richardson of Warren from the floor, out of order.

Richardson of Warren asked and received unanimous consent to withdraw amendment H-8413 filed by him on March 16, 1998.

Weidman of Cass offered the following amendment H-8416 filed by him and Lamberti of Polk and moved its adoption:

H-8416

- 1 Amend House File 2528 as follows:

- 2 1. Page 10, by striking lines 10 through 16 and  
 3 inserting the following: "PERMIT OR INTERMEDIATE  
 4 LICENSE. A person who has been issued an instruction  
 5 permit under this section shall be subject to remedial  
 6 driver improvement action or suspension of the permit  
 7 upon conviction of a moving traffic violation or  
 8 involvement in a motor vehicle accident which occurred  
 9 during the term of the instruction permit. A person  
 10 who has been issued an intermediate license under this  
 11 section shall be subject to remedial driver  
 12 improvement action or suspension of the license upon  
 13 conviction of a moving traffic violation, other than a  
 14 conviction of a violation described in section  
 15 321.210, subsection 2, paragraph "d", or if the person  
 16 was involved in a motor vehicle accident which  
 17 occurred during the term of the license. A person  
 18 possessing an".
- 19 2. Page 10, line 24, by inserting after the word  
 20 "violation" the following: ", other than a conviction  
 21 of a violation described in section 321.210,  
 22 subsection 2, paragraph "d",".
- 23 3. Page 11, line 11, by inserting after the word  
 24 "fee." the following: "A conviction of a violation  
 25 described in section 321.210, subsection 2, paragraph  
 26 "d", does not apply to this subsection."
- 27 4. By renumbering as necessary.

Amendment H-8416 was adopted.

Lamberti of Polk asked and received unanimous consent to withdraw amendment H-8417 filed by him and Weidman of Cass on March 16, 1998.

Eddie of Buena Vista offered the following amendment H-8386 filed by him and moved its adoption:

H-8386

- 1 Amend House File 2528 as follows:  
 2 1. Page 12, line 32, by striking the words  
 3 "~~fourteen~~ fifteen" and inserting the following:  
 4 "fourteen".

Speaker pro tempore Van Maanen of Marion in the chair at 4:29 p.m.

A non-record roll call was requested.

Rule 75 was invoked.

The ayes were 48, nays 49.

Amendment H-8386 lost.

Richardson of Warren asked and received unanimous consent to withdraw amendment H-8414 filed by him on March 16, 1998.

Welter of Jones offered the following amendment H-8423 filed by him and moved its adoption:

H-8423

- 1 Amend House File 2528 as follows:
- 2 1. Page 14, lines 19 and 20, by striking the
- 3 words "attached to the rear license plate" and
- 4 inserting the following: "affixed to the vehicle".

Amendment H-8423 was adopted.

Reynolds-Knight of Van Buren moved the adoption of amendment H-8440B.

Amendment H-8440B was adopted.

Schrader of Marion offered the following amendment H-8371, previously deferred, filed by him and moved its adoption:

H-8371

- 1 Amend House File 2528 as follows:
- 2 1. Page 1, line 34, by inserting after the words
- 3 "at the" the following: "elementary or".

Amendment H-8371 was adopted.

Heaton of Henry moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2528)

The ayes were, 69:

Arnold	Barry	Bell	Blodgett
Boddicker	Boggess	Bradley	Brand
Brauns	Bukta	Carroll	Chiodo
Churchill	Cphoon	Connors	Corbett, Spkr.
Dinkla	Dix	Doderer	Frevert
Gipp	Greiner	Gries	Grundberg
Hahn	Hansen	Heaton	Holmes
Holveck	Houser	Huser	Jacobs
Jenkins	Jochum	Koenigs	Kreiman
Kremer	Lamberti	Larkin	Larson
Lord	Martin	Mascher	May
Metcalf	Millage	Murphy	Nelson
O'Brien	Osterhaus	Rants	Rayhons



Reynolds-Knight	Richardson	Scherrman	Siegrist
Sukup	Teig	Thomas	Thomson
Tyrrell	Van Fossen	Veenstra	Warnstadt
Weidman	Weigel	Welter	Wise
Witt			

The nays were, 31:

Bernau	Brunkhorst	Burnett	Cataldo
Chapman	Cormack	Dolecheck	Dotzler
Drake	Drees	Eddie	Falck
Fallon	Foege	Ford	Garman
Greig	Huseman	Kinzer	Klemme
Mertz	Meyer	Moreland	Mundie
Myers	Schrader	Shoultz	Taylor
Vande Hoef	Whitead	Van Maanen, Presiding	

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 2528** be immediately messaged to the Senate.

#### MOTION TO RECONSIDER PREVAILED (House File 2482)

Siegrist of Pottawattamie called up for consideration the motion to reconsider House File 2482 filed on March 11, 1998.

Nelson of Marshall moved to reconsider the vote by which House File 2482, a bill for an act relating to certain criminal acts committed on or against the property of railway corporations and providing and applying penalties, passed the House and was placed on its last reading on March 11, 1998.

A non-record roll call was requested.

The ayes were 58, nays 3.

The motion to reconsider prevailed, and House File 2482 was taken up for consideration placing the motion to reconsider filed by Schrader of Marion on March 11, 1998 out of order.

Nelson of Marshall offered the following amendment H-8388 filed by her and Welter of Jones and moved its adoption:

H-8388

1 Amend House File 2482, as follows:  
 2 1. Page 1, line 6, by inserting after the word  
 3 "property." the following: "This paragraph does not  
 4 apply to passage over a railroad right-of-way, other  
 5 than a track, railroad roadbed, viaduct, bridge,  
 6 trestle, or railroad yard, by an unarmed person if the  
 7 person has not been notified or requested to abstain  
 8 from entering on to the right-of-way or to vacate the  
 9 right-of-way and the passage over the right-of-way  
 10 does not interfere with the operation of the  
 11 railroad."

Amendment H-8388 was adopted.

Nelson of Marshall moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2482)

The ayes were, 79:

Arnold	Barry	Bell	Blodgett
Bogges	Bradley	Brand	Brauns
Brunkhorst	Bukta	Burnett	Carroll
Chapman	Churchill	Cphoon	Corbett, Spkr.
Cormack	Dinkla	Dix	Doderer
Dolecheck	Drake	Drees	Eddie
Ford	Frevert	Garman	Gipp
Greig	Greiner	Gries	Grundberg
Hahn	Hansen	Heaton	Holmes
Houser	Huseman	Huser	Jacobs
Jenkins	Jochum	Klemme	Kreiman
Lamberti	Larkin	Larson	Lord
Martin	Mascher	May	Mertz
Metcalf	Millage	Mundie	Murphy
Myers	Nelson	O'Brien	Rants
Rayhons	Reynolds-Knight	Richardson	Scherrman
Siegrist	Sukup	Teig	Thomas
Thomson	Tyrrell	Van Fossen	Vande Hoef
Veenstra	Warnstadt	Weidman	Welter
Wise	Witt	Van Maanen, Presiding	

The nays were, 21:

Bernau	Boddicker	Cataldo	Chiodo
Connors	Dotzler	Falck	Fallon
Foege	Holveck	Kinzer	Koenigs
Kremer	Meyer	Moreland	Osterhaus

Schrader  
Whitead

Shoultz

Taylor

Weigel

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 2482** be immediately messaged to the Senate.

**House File 2005**, a bill for an act relating to the voter approval of annexation and severance of territory to or from a city, with report of committee recommending amendment and passage, was taken up for consideration.

Carroll of Poweshiek offered the following amendment H-8011 filed by the committee on local government:

H-8011

- 1 Amend House File 2005 as follows:
- 2 1. Page 1, line 25, by inserting after the word
- 3 "it" the following: "However, if there are no
- 4 registered voters in the territory to be severed or
- 5 annexed, a special election on the proposal shall not
- 6 be conducted."
- 7 2. Page 1, by inserting after line 31 the
- 8 following:
- 9 "Sec. \_\_\_\_ EFFECTIVE DATE – APPLICABILITY. This
- 10 Act, being deemed of immediate importance, takes
- 11 effect upon enactment and applies to any special
- 12 election conducted pursuant to section 368.19 after
- 13 the effective date of this Act to approve or
- 14 disapprove a petition filed with the city development
- 15 board before the effective date of this Act."
- 16 3. Title page, line 2, by inserting after the
- 17 word "city" the following: "and providing effective
- 18 date and applicability provisions".

Richardson of Warren offered the following amendment H-8017, to the committee amendment H-8011, filed by him and moved its adoption:

H-8017

- 1 Amend the committee amendment, H-8011, to House
- 2 File 2005 as follows:
- 3 1. Page 1, line 14, by striking the words "filed
- 4 with" and inserting the following: "pending before".

Amendment H-8017 was adopted.

Carroll of Poweshiek moved the adoption of the committee amendment H-8011, as amended.

The committee amendment H-8011, as amended, was adopted.

Chapman of Linn offered the following amendment H-8437 filed by her and moved its adoption:

H-8437

- 1 Amend House File 2005 as follows:
- 2 1. By striking everything after the enacting
- 3 clause and inserting the following:
- 4 "Section 1. NEW SECTION. 368.25 CITY SERVICES
- 5 FOR ANNEXED TERRITORY.
- 6 If a city fails to provide city services to the
- 7 territory involuntarily annexed within ten years after
- 8 the annexation procedures are completed, persons
- 9 residing within the annexed territory may file a
- 10 petition for severance with the city development board
- 11 pursuant to section 368.11."
- 12 2. Title page, by striking lines 1 and 2 and
- 13 inserting the following: "An Act relating to
- 14 severance of territory from a city."

Amendment H-8437 lost.

### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Wise of Lee, until his arrival, on request of Myers of Johnson.

Jacobs of Polk offered the following amendment H-8448 filed by her and moved its adoption:

H-8448

- 1 Amend House File 2005 as follows:
- 2 1. Page 1, by inserting before line 1 the
- 3 following:
- 4 "Section 1. Section 368.17, subsection 7, Code
- 5 1997, is amended by striking the subsection."

A non-record roll call was requested.

The ayes were 30, nays 52.

Amendment H-8448 lost.

Falck of Fayette offered amendment H-8230 filed by him as follows:

H-8230

- 1 Amend House File 2005 as follows:
- 2 1. Page 1, line 14, by inserting after the word
- 3 "severance" the following: "by a city having a
- 4 population of thirty thousand or more".
- 5 2. Page 1, line 19, by inserting after the word
- 6 "severance" the following: "by a city having a
- 7 population of thirty thousand or more".
- 8 3. Page 1, line 25, by inserting after the word
- 9 "it." the following: "In a case of annexation or
- 10 severance by a city having a population of less than
- 11 thirty thousand, registered voters of the territory
- 12 and of the city may vote, and the proposal is
- 13 authorized if a majority of the total number of
- 14 persons voting approves it."

Taylor of Linn offered the following amendment H-8474, to amend-  
ment H-8230, filed by him from the floor and moved its adoption:

H-8474

- 1 Amend the amendment, H-8230, to House File 2005 as
- 2 follows:
- 3 1. Page 1, line 4, by striking the word "thirty"
- 4 and inserting the following: "five".
- 5 2. Page 1, line 7, by striking the word "thirty"
- 6 and inserting the following: "five".
- 7 3. Page 1, line 11, by striking the word "thirty"
- 8 and inserting the following: "five".

Amendment H-8474 lost.

Taylor of Linn offered the following amendment H-8475, to amend-  
ment H-8230, filed by him from the floor and moved its adoption:

H-8475

- 1 Amend the amendment, H-8230, to House File 2005, as
- 2 follows:
- 3 1. Page 1, line 4, by striking the word "more"
- 4 and inserting the following: "less".
- 5 2. Page 1, line 7, by striking the word "more"
- 6 and inserting the following: "less".
- 7 3. Page 1, line 10, by striking the word "less"
- 8 and inserting the following: "more".

Amendment H-8475 lost.

Taylor of Linn offered the following amendment H-8476, to amend-  
ment H-8230, filed by him from the floor and moved its adoption:

H-8476

- 1 Amend the amendment, H-8230, to House File 2005 as
- 2 follows:
- 3 1. Page 1, line 4, by striking the word "thirty"
- 4 and inserting the following: "ten".
- 5 2. Page 1, line 7, by striking the word "thirty"
- 6 and inserting the following: "ten".
- 7 3. Page 1, line 11, by striking the word "thirty"
- 8 and inserting the following: "ten".

Amendment H-8476 lost.

Taylor of Linn offered the following amendment H-8477, to amend amendment H-8230, filed by him from the floor and moved its adoption:

H-8477

- 1 Amend the amendment, H-8230, to House File 2005 as
- 2 follows:
- 3 1. Page 1, by striking lines 3 and 4 and
- 4 inserting the following: "severance" the following:
- 5 "by a city having a population of two hundred thousand
- 6 or more".
- 7 2. Page 1, by striking lines 6 and 7 and
- 8 inserting the following: "severance" the following:
- 9 "by a city having a population of two hundred thousand
- 10 or more".
- 11 3. Page 1, by striking lines 10 and 11 and
- 12 inserting the following: "severance by a city having
- 13 a population of less than two hundred thousand,
- 14 registered voters of the territory".

Amendment H-8477 lost.

Falck of Fayette moved the adoption of amendment H-8230.

Amendment H-8230 lost.

Grundberg of Polk asked and received unanimous consent to withdraw amendment H-8438 filed by Grundberg, et al., on March 16, 1998.

Blodgett of Cerro Gordo offered amendment H-8337 filed by him as follows:

H-8337

- 1 Amend House File 2005 as follows:
- 2 1. Page 1, by striking lines 3 through 31 and
- 3 inserting the following:
- 4 "The committee shall approve or disapprove the
- 5 petition or plan as amended, within ninety days of the

6 final hearing, and shall file its decision for record  
7 and promptly notify the parties to the proceeding of  
8 its decision. If a petition or plan is approved, the  
9 board shall set a date not less than thirty days nor  
10 more than ninety days after approval for a special  
11 election on the proposal and the county commissioner  
12 of elections shall conduct the election. In a case of  
13 incorporation or discontinuance, registered voters of  
14 the territory or city may vote, and the proposal is  
15 authorized if a majority of those voting approves it.  
16 In a case of annexation or severance, registered  
17 voters of the territory and of the city may vote, and  
18 the proposal is authorized if a majority of the total  
19 number of persons voting approves it. Taxes levied by  
20 the annexing city, including property taxes, shall not  
21 be due or collectible from property owners within the  
22 annexed territory until all city services provided by  
23 the annexing city including, but not limited to,  
24 water, sewer, solid waste collection, and police and  
25 fire protection are available to the annexed  
26 territory. In addition, property owners in the  
27 annexed territory shall receive a property tax credit  
28 equal to the value of the potable wells and septic  
29 tank systems that are rendered unnecessary with the  
30 availability of city water and sewer services. In a  
31 case of consolidation, registered voters of each city  
32 to be consolidated may vote, and the proposal is  
33 authorized only if it receives a favorable majority  
34 vote in each city. The county commissioner of  
35 elections shall publish notice of the election as  
36 provided in section 49.53 and shall conduct the  
37 election in the same manner as other special city  
38 elections.”

39 2. Title page, by striking lines 1 and 2 and  
40 inserting the following: “An Act relating to the levy  
41 of city taxes in a territory to be annexed and  
42 reimbursement for displaced infrastructure.”

Carroll of Poweshiek offered the following amendment H-8409, to  
amendment H-8337, filed by Carroll, et al., and moved its adoption:

H-8409

1 Amend the amendment, H-8337, to House File 2005 as  
2 follows:

3 1. Page 1, line 16, by striking the words “or  
4 severance” and inserting the following: “~~or~~  
5 severance”.

6 2. Page 1, by striking line 19 and inserting the  
7 following: “number of persons residing in the  
8 territory and voting approves it and if a majority of  
9 the total number of persons residing in the city and  
10 voting approves it. Taxes levied by”.

- 11 3. Page 1, line 30, by inserting after the word  
12 "services." the following: In case of severance,  
13 registered voters of that area of the city to be  
14 severed and of the remainder of the city may vote, and  
15 the proposal is authorized if a majority of the total  
16 number of persons residing in the area to be severed  
17 and voting approves it and if a majority of the total  
18 number of persons residing in the remainder of the  
19 city and voting approves it."
- 20 4. Page 1, line 40, by inserting after the word  
21 "to" the following: "voter approval of annexation and  
22 severance to or from a city and".

A non-record roll call was requested.

The ayes were 50, nays 34.

Amendment H-8409 was adopted.

Doderer of Johnson offered the following amendment H-8479, to amendment H-8337, filed by her from the floor and moved its adoption:

H-8479

- 1 Amend the amendment, H-8337, to House File 2005 as  
2 follows:  
3 1. Page 1, line 22, by striking the word "all"  
4 and inserting the following: "each".  
5 2. Page 1, line 22, by striking the word  
6 "services" and inserting the following: "service".  
7 3. Page 1, line 25, by striking the word "are"  
8 and inserting the following: "is".  
9 4. Page 1, line 26, by inserting after the word  
10 "territory." the following: "The taxes and fees  
11 collected by the annexing city shall reflect the  
12 direct and indirect expenses related to the extension  
13 of each city service."

Amendment H-8479 was adopted.

Blodgett of Cerro Gordo asked and received unanimous consent to withdraw amendment H-8337, as amended, filed by him on March 11, 1998.

O'Brien of Boone offered the following amendment H-8145 filed by him and moved its adoption:

H-8145

- 1 Amend House File 2005 as follows:  
2 1. Page 1, by inserting after line 31 the  
3 following:  
4 "Sec. \_\_\_\_ Section 368.20, Code 1997, is amended



5 by adding the following new subsection:  
 6 NEW SECTION. 3. If an annexation election does  
 7 not favor annexation and the affected city provides  
 8 fire protection service to the territory involved in  
 9 the proposed annexation, any fire protection agreement  
 10 between the territory and the city shall provide that  
 11 a landowner within the city or the territory, based on  
 12 taxable valuations, shall pay the same proportion of  
 13 the costs of providing the fire protection."

Amendment H-8145 lost.

Amendment H-8453 filed by Chiodo of Polk from the floor, which would have required the suspension of Rule 31.8, relating to the timely filing of amendments was not brought up for consideration and therefore out of order.

Carroll of Poweshiek moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2005)

The ayes were, 53:

Barry	Bernau	Boddicker	Bogges
Brunkhorst	Bukta	Burnett	Carroll
Corbett, Spkr.	Dix	Dolecheck	Drake
Eddie	Falck	Fallon	Garman
Gipp	Greig	Greiner	Gries
Heaton	Houser	Huser	Kinzer
Klemme	Koenigs	Kreiman	Kremer
Lamberti	Larson	Lord	May
Mertz	Meyer	Mundie	Myers
O'Brien	Osterhaus.	Rayhons	Reynolds-Knight
Richardson	Schrader	Sukup	Teig
Thomas	Tyrrell	Vande Hoef	Veenstra
Weigel	Welter	Wise	Witt
Van Maanen, Presiding			

The nays were, 47:

Arnold	Bell	Blodgett	Bradley
Brand	Brauns	Cataldo	Chapman
Chiodo	Churchill	Cohoon	Connors
Cormack	Dinkla	Doderer	Dotzler
Drees	Foege	Ford	Frevert
Grundberg	Hahn	Hansen	Holmes
Holveck	Huseman	Jacobs	Jenkins
Jochum	Larkin	Martin	Mascher
Metcalf	Millage	Moreland	Murphy

Nelson  
Siegrist  
Warnstadt

Rants  
Taylor  
Weidman

Scherrman  
Thomson  
Whitead

Shoultz  
Van Fossen

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 2005** be immediately messaged to the Senate.

### MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 17, 1998, passed the following bill in which the concurrence of the House is asked:

Senate File 2363, a bill for an act relating to requests and hearings for correction and expungement of child abuse information.

Also: That the Senate has on March 17, 1998, passed the following bill in which the concurrence of the House is asked:

Senate File 2376, a bill for an act relating to the operation of the lottery and providing for multijurisdictional agreements.

MARY PAT GUNDERSON, Secretary

### SENATE MESSAGE CONSIDERED

**Senate File 2363**, by committee on human resources, a bill for an act relating to requests and hearings for correction and expungement of child abuse information.

Read first time and referred to committee on **human resources**.

### HOUSE FILE 2511 REFERRED

The Speaker announced that House File 2511, previously placed on the **calendar** was referred to committee on **appropriations**.

### EXPLANATION OF VOTE

I was necessarily absent from the House chamber on March 17, 1998. Had I been present, I would have voted "aye" on House File 2496.

HOLVECK of Polk

## BILLS SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on March 17, 1998, he approved and transmitted to the Secretary of State the following bills:

House File 299, an act concerning drug and alcohol testing of private sector employees and prospective employees and providing remedies and an effective date.

House File 2189, 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 2331, an act relating to utility cost reviews associated with a rate-regulated public utility's procurement of natural gas or fuel for use in generating electricity.

## PRESENTATION OF VISITORS

The Speaker announced that the following visitors were present in the House chamber:

Sixty-six fifth grade students from Hillis Elementary School, Des Moines, accompanied by Mrs. Reaney, Mrs. Fastenau, and Mrs. Kerber. By Holveck 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

- 1998\282 Wubenna Rand, Missouri Valley – For celebrating her 95th birthday.
- 1998\283 Leeta and Lynn Grap, Persia – For celebrating their 50th wedding anniversary.
- 1998\284 Evelyn and Gerald Marshall, Missouri Valley – For celebrating their 50th wedding anniversary.
- 1998\285 Allan and Betty Waldemar, Elk Run Heights – For celebrating their 50th wedding anniversary.
- 1998\286 Luetta Klosterman, Edgewood – For celebrating her 93rd birthday.
- 1998\287 Marie Anderson, Elgin – For celebrating her 80th birthday.
- 1998\288 West Lyon Wildcats & Coach Brian Brands, West Lyon School District, Lyon County – For being the Siouland Conference Champs and winning second place in the 2-A Division of the 1998 State Girls' Basketball Tournament.

- 1998\289 Douglas A. Horness, Roland – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 1998\290 Mavis Grant, Preston – For celebrating her 97th birthday.
- 1998\291 Josh Henry, Dubuque – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 1998\292 Lawrence and Arlene Fier, Maquoketa – For celebrating their 50th wedding anniversary.

### SUBCOMMITTEE ASSIGNMENTS

#### House File 2500 Reassigned

Appropriations: Grundberg, Chair; Nelson and Wise.

#### House File 2524

Appropriations: Jacobs, Chair; Brunkhorst and Moreland.

#### Senate File 295

Commerce and Regulation: Metcalf, Chair; Chapman and Jacobs.

#### Senate File 2080

Environmental Protection: Drake, Chair; Boggess and Shoultz.

#### Senate File 2161

Human Resources: Blodgett, Chair; Boddicker and Murphy.

#### Senate File 2200

Local Government: Klemme, Chair; Mertz and Weidman.

#### Senate File 2281

Judiciary: Lamberti, Chair; Larson and Moreland.

#### Senate File 2312

Human Resources: Barry, Chair; Murphy and Van Maanen.

#### Senate File 2313

Human Resources: Boddicker, Chair; Lamberti and Moreland.

#### Senate File 2317

Transportation: Scherrman, Chair; Rayhons and Vande Hoef.

**Senate File 2325**

Commerce and Regulation: Chapman, Chair; Dinkla and Holveck.

**Senate File 2332**

Appropriations: Meyer, Chair; Greiner and Reynolds-Knight.

**Senate File 2345**

Judiciary: Boddicker, Chair; Chapman and Lamberti.

**Senate File 2353**

Education: Metcalf, Chair; Dolecheck and Foege.

**Senate File 2368**

Commerce and Regulation: Bradley, Chair; Koenigs and Metcalf.

**Senate File 2369**

Judiciary: Lamberti, Chair; Grundberg and Kreiman.

**Senate File 2371**

Agriculture: Meyer, Chair; Greiner and Koenigs.

**Senate File 2374**

Judiciary: Boddicker, Chair; Ford and Kremer.

**Senate File 2377**

Judiciary: Larson, Chair; Dinkla and Holveck.

**Senate File 2384**

Judiciary: Lamberti, Chair; Larson and Moreland.

**Senate File 2385**

Judiciary: Dinkla, Chair; Doderer and Grundberg.

**Senate File 2387**

Judiciary: Lamberti, Chair; Chapman and Sukup.

**Senate File 2392**

Judiciary: Sukup, Chair; Bell and Veenstra.

## HOUSE STUDY BILL COMMITTEE ASSIGNMENTS

### H.S.B. 698 Ways and Means

Relating to urban revitalization property tax exemptions for certain real property and providing for the Act's applicability.

### H.S.B. 699 Ways and Means

Relating to the property valuation limitations for purposes of the assessment expense fund of a city or county and providing an applicability date.

### H.S.B. 700 Ways and Means

Relating to the use tax exemption for vehicles used substantially in interstate commerce.

## 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 2295**, a bill for an act relating to and making appropriations for agriculture and natural resources and providing an effective date.

Fiscal Note is not required.

Recommended Amend and Do Pass with amendment H-8454 March 17, 1998.

## COMMITTEE ON EDUCATION

**Senate File 2366**, a bill for an act relating to the licensing and employment of practitioners and the school districts employing them, making appropriations, and including retroactive applicability and effective date provisions.

Fiscal Note is not required.

Recommended Amend and Do Pass with amendment H-8457 March 16, 1998.

Pursuant to Rule 31.7, Senate File 2366 was referred to the committee on appropriations.

**Senate File 2406**, a bill for an act establishing a school ready children grant program to be administered by community empowerment area boards and the Iowa empowerment board, making an appropriation, and providing an effective date.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H-8455** March 16, 1998.

#### COMMITTEE ON STATE GOVERNMENT

**Senate File 2037**, a bill for an act relating to the Iowa state fair convention by providing for its membership and the election of members to the Iowa state fair board.

Fiscal Note is not required.

Recommended **Do Pass** March 16, 1998.

**Senate File 2286**, a bill for an act relating to cigarettes and tobacco products by restricting smoking of tobacco products in licensed child day care centers and registered group day care homes, by restricting advertising, and providing a penalty.

Fiscal Note is not required.

Recommended **Do Pass** March 16, 1998.

**Senate File 2308**, a bill for an act concerning eligible alternative retirement benefit systems for community college employees.

Fiscal Note is not required.

Recommended **Do Pass** March 16, 1998.

#### COMMITTEE ON WAYS AND MEANS

**Senate File 2288**, a bill for an act relating to the sales and use tax on optional service or warranty contracts and to the sales and use tax exemption on certain computers, equipment, machinery, and fuel, relating to the definition of manufacturer for purposes of the exemption, and providing a retroactive applicability date.

Fiscal Note is required.

Recommended **Do Pass** March 16, 1998.

**Committee Bill** (Formerly House File 2419), relating to eligible housing businesses qualifying for incentives and assistance in enterprise zones, providing additional incentives and assistance for approved eligible businesses located in an enterprise zone, and requiring consideration of building codes and zoning.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 16, 1998.

#### AMENDMENTS FILED

H—8452	H.F.	2475	Greiner of Washington Witt of Black Hawk
H—8454	S.F.	2295	Committee on Appropriations
H—8455	S.F.	2406	Committee on Education

H-8457	S.F.	2366	Committee on Education
H-8459	H.F.	2425	Fallon of Polk Boddicker of Cedar
H-8463	H.F.	2498	Brunkhorst of Bremer Cataldo of Polk Chiodo of Polk Holmes of Scott
H-8464	H.F.	2508	Vande Hoef of Osceola
H-8465	S.F.	58	Dotzler of Black Hawk
H-8466	S.F.	58	Dotzler of Black Hawk
H-8467	S.F.	58	Dotzler of Black Hawk
H-8468	S.F.	58	Warnstadt of Woodbury
H-8469	S.F.	58	Houser of Pottawattamie
H-8470	H.F.	2498	Chiodo of Polk
H-8471	H.F.	2498	Brunkhorst of Bremer Cataldo of Polk
H-8472	H.F.	2504	Moreland of Wapello
H-8473	H.F.	2506	Hahn of Muscatine
H-8478	S.F.	2320	Sukup of Franklin Klemme of Plymouth Brunkhorst of Bremer Richardson of Warren Grundberg of Polk
			Garman of Story Fallon of Polk Witt of Black Hawk Veenstra of Sioux
H-8480	S.F.	2109	Richardson of Warren

On motion by Siegrist of Pottawattamie, the House adjourned at 8:00 p.m., until 8:45 a.m., Wednesday, March 18, 1998.



# JOURNAL OF THE HOUSE

Sixty-sixth Calendar Day - Forty-fifth Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Wednesday, March 18, 1998

The House met pursuant to adjournment at 8:50 a.m., Speaker pro tempore Van Maanen of Marion in the chair.

Prayer was offered by Reverend Steve Pike, Martelle Christian Church, Martelle.

The Journal of Tuesday, March 17, 1998 was approved.

## MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 17, 1998, passed the following bill in which the concurrence of the House is asked:

Senate File 2038, a bill for an act relating to disqualification from voting or registering to vote for reasons of mental incompetence.

Also: That the Senate has on March 17, 1998, passed the following bill in which the concurrence of the House is asked:

Senate File 2333, a bill for an act relating to occupational hearing loss recovery, providing definitions, and providing for the apportionment and measurement of hearing loss.

Also: That the Senate has on March 17, 1998, passed the following bill in which the concurrence of the House is asked:

Senate File 2373, a bill for an act relating to certain crimes against persons, by permitting the retention as criminal history data of acquittals, dismissals, or adjudications based on mental condition if the charge involved injury to another, by providing for the collection and dissemination of information on the offense of stalking, by providing for the application of enhanced stalking penalties for persons who are the subject of certain restraining or protective orders and providing for the issuance of no-contact orders against persons who are arrested for the crimes of harassment or stalking and providing penalties.

Also: That the Senate has on March 17, 1998, passed the following bill in which the concurrence of the House is asked:

Senate File 2390, a bill for an act relating to the use of net metering systems by certain facilities producing electrical energy and providing an effective date.

MARY PAT GUNDERSON, Secretary

## SENATE MESSAGES CONSIDERED

Senate File 2144, by committee on education, a bill for an act

relating to school district action to change the boundaries of director districts after dissolution of a school district.

Read first time and referred to committee on **education**.

**Senate File 2256**, by committee on natural resources and environment, a bill for an act relating to the regulation of the deer population.

Read first time and referred to committee on **natural resources**.

**Senate File 2264**, by committee on state government, a bill for an act transferring responsibility for administration of enhanced 911 public safety telephone answering and dispatching services from the emergency management division in the department of public defense to the E911 communications council.

Read first time and referred to committee on **state government**.

**Senate File 2283**, by committee on commerce, a bill for an act relating to coverage under a policy or contract providing for third-party payment or prepayment of health or medical expenses by providing coverage for costs associated with equipment, supplies, and education for the treatment of diabetes.

Read first time and referred to committee on **commerce and regulation**.

**Senate File 2333**, by committee on human resources, a bill for an act relating to occupational hearing loss recovery, providing definitions, and providing for the apportionment and measurement of hearing loss.

Read first time and referred to committee on **labor and industrial relations**.

**Senate File 2376**, by committee on state government, a bill for an act relating to the operation of the lottery.

Read first time and referred to committee on **state government**.

**Senate File 2380**, by committee on commerce, a bill for an act relating to the election of a local exchange carrier to be price-regulated.

Read first time and referred to committee on **commerce and regulation**.

**Senate File 2394**, by committee on state government, a bill for an act to provide for the appointment of a vice chairperson for the board of parole and providing an effective date.

Read first time and referred to committee on **state government**.

The House stood at ease at 8:55 a.m., until the fall of the gavel.

The House resumed session at 11:32 a.m., Speaker Corbett in the chair.

### MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 18, 1998, passed the following bill in which the concurrence of the House is asked:

Senate File 2277, a bill for an act providing for exceptions to municipal tort liability for skateboarding.

MARY PAT GUNDERSON, Secretary

### CONSIDERATION OF BILLS

#### Regular Calendar

**House File 2475**, a bill for an act relating to certain crimes against persons, by permitting the retention as criminal history data of acquittals, dismissals, or adjudications based on mental condition if the charge involved injury to another, by providing for the collection and dissemination of information on the offense of stalking, by providing for the application of enhanced stalking penalties for persons who are the subject of certain restraining or protective orders, and providing for the issuance of a no-contact order against persons accused of stalking, was taken up for consideration.

Witt of Black Hawk asked and received unanimous consent to withdraw amendment H-8241 filed by him and Greiner of Washington on March 4, 1998.

Witt of Black Hawk offered amendment H-8380 filed by him and Greiner of Washington as follows:

H-8380

- 1 Amend House File 2475, as follows:
- 2 1. Page 1, by inserting before line 1, the
- 3 following:
- 4 "Section 1. Section 692.2, subsection 1, paragraph

5 b, Code 1997, is amended by adding the following new  
6 subparagraph:

7 NEW SUBPARAGRAPH. (6) Records of acquittals or  
8 dismissals by reason of insanity and records of  
9 adjudications of mental incompetence to stand trial in  
10 cases in which physical or mental injury or an attempt  
11 to commit physical or mental injury to another was  
12 alleged shall not be disseminated to persons or  
13 agencies other than criminal or juvenile justice  
14 agencies or persons employed in or by those agencies."

15 2. Page 2, lines 8 and 9, by striking the words  
16 "an assault or a violation of this section" and  
17 inserting the following: "a public offense".

18 3. Page 2, line 10, by inserting after the word  
19 "STALKING" the following: "OR HARASSMENT".

20 4. Page 2, line 12, by inserting after the words  
21 "arrested for" the following: "harassment in  
22 violation of section 708.7 or".

23 5. Page 2, line 13, by inserting after the word  
24 "magistrate" the following: "for initial appearance  
25 under section 804.21, 804.22, or 804.24".

26 6. Page 2, line 15, by inserting after the word  
27 "section" the following: "708.7 or".

28 7. Page 2, line 32, by striking the word  
29 "relatives." and inserting the following: "immediate  
30 family. The order shall state whether a person is to  
31 be taken into custody by a peace officer for a  
32 violation of the terms stated in the order."

33 8. Page 3, line 4, by inserting after the figure  
34 "811.2." and inserting the following: "Upon final  
35 disposition of the criminal or juvenile court action,  
36 the court shall make a determination whether the no-  
37 contact order should be modified or terminated."

38 9. Page 3, line 6, by inserting after the word  
39 "section" the following: "708.7 or".

40 10. Page 3, line 8, by striking the words "one  
41 year" and inserting the following: "five years".

42 11. Page 3, line 14, by striking the words "one  
43 year" and inserting the following: "five years".

44 12. Page 3, line 19, by inserting after the word  
45 "limited." the following: "The victim or defendant  
46 may make application at any time to, and the court  
47 may, reduce the length of time that the no-contact  
48 order shall be in effect."

49 13. Page 3, by inserting after line 26, the  
50 following:

Page 2

1 "\_. If a peace officer has probable cause to  
2 believe that a person has violated a no-contact order  
3 issued under this section, the peace officer shall  
4 take the person into custody and shall take the person

- 5 without unnecessary delay before the nearest or most  
6 accessible magistrate in the judicial district in  
7 which the person was taken into custody.”  
8 14. Title page, line 10, by inserting after the  
9 word “stalking” the following: “or harassment”.  
10 15. By renumbering as necessary.

Greiner of Washington offered the following amendment H-8452, to amendment H-8380, filed by her and Witt of Black Hawk and moved its adoption:

H-8452

- 1 Amend the amendment, H-8380, to House File 2475, as  
2 follows:  
3 1. Page 1, by inserting after line 41, the  
4 following:  
5 “\_. Page 3, by striking line 11, and inserting  
6 the following: “probation. Upon the filing of an  
7 affidavit by the victim which states that the  
8 defendant continues to pose a threat to the safety of  
9 the victim, persons residing with the victim, or  
10 members of the victim’s immediate family”.”  
11 2. Page 1, by striking lines 43 through 48, and  
12 inserting the following: “year, if” and inserting the  
13 following: “five years, unless”.  
14 \_. Page 3, line 15, by striking the words  
15 “continues to pose” and inserting the following: “no  
16 longer poses”.”  
17 3. Page 2, by striking lines 8 and 9, and  
18 inserting the following:  
19 “\_. Title page, by striking lines 9 and 10, and  
20 inserting the following: “issuance of no-contact  
21 orders against persons who are arrested for the crimes  
22 of harassment or stalking and providing penalties.””

Amendment H-8452 was adopted.

Witt of Black Hawk moved the adoption of amendment H-8380, as amended.

Amendment H-8380, as amended, was adopted.

Siegrist of Pottawattamie asked and received unanimous consent that House File 2475 be deferred and that the bill be placed on the unfinished business calendar.

House File 2281, a bill for an act providing for the recording of certain residential real estate contracts, providing a penalty, and providing for the Act’s applicability, with report of committee recommending amendment and passage, was taken up for consideration.

Brauns of Muscatine offered the following amendment H-8122 filed by the committee on local government and moved its adoption:

H-8122

- 1 Amend House File 2281 as follows:
- 2 1. Page 1, by striking line 2 and inserting the
- 3 following: "CERTAIN RESIDENTIAL REAL ESTATE
- 4 INSTALLMENT SALES CONTRACTS."
- 5 2. Page 1, by striking lines 3 and 4 and
- 6 inserting the following:
- 7 "1. Every real estate installment sales contract
- 8 transferring an interest".
- 9 3. Title page, line 1, by inserting after the
- 10 words "for the" the following: "mandatory".
- 11 4. Title page, line 2, by inserting after the
- 12 word "estate" the following: "installment sales".

The committee amendment H-8122 was adopted.

Carroll of Poweshiek offered the following amendment H-8396 filed by Carroll, et al., and moved its adoption:

H-8396

- 1 Amend House File 2281 as follows:
- 2 1. Page 1, line 22, by inserting after the word
- 3 "section." the following: "Fines collected pursuant
- 4 to this subsection shall be deposited in the general
- 5 fund of the county."
- 6 2. Page 1, by striking lines 25 and 26 and
- 7 inserting the following: "seller is prohibited from
- 8 initiating forfeiture".
- 9 3. Page 2, by inserting before line 8 the
- 10 following:
- 11 "Sec. \_\_\_\_ . Section 558.41, Code 1997, is amended
- 12 by adding the following new unnumbered paragraph:
- 13 NEW UNNUMBERED PARAGRAPH. A provision contained in
- 14 a residential real estate installment sales contract
- 15 which prohibits the recording of the contract, or the
- 16 recording of a memorandum of the contract, is
- 17 unenforceable by any party to the contract."
- 18 4. By renumbering as necessary.

Amendment H-8396 was adopted.

Jacobs of Polk offered the following amendment H-8395 filed by her and Huser of Polk and moved its adoption:

H-8395

- 1 Amend House File 2281 as follows:

- 2 1. Page 2, by inserting after line 7 the  
 3 following:  
 4 "6. This section applies to residential real  
 5 estate installment sales contracts entered into  
 6 before, on, or after July 1, 1998. However, such  
 7 contracts entered into before July 1, 1998, shall not  
 8 be subject to the fine in subsection 2."  
 9 2. Page 2, by striking lines 8 and 9.

Amendment H-8395 was adopted.

Brauns of Muscatine moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2281)

The ayes were, 96:

Arnold	Barry	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	Frevert
Garman	Gipp	Greig	Greiner
Gries	Grundberg	Hahn	Hansen
Heaton	Holmes	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	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	Wise	Witt	Mr. Speaker Corbett

The nays were, none.

Absent or not voting, 4:

Bell	Ford	Kinzer	Whitead
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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

Gipp of Winneshiek asked and received unanimous consent that **House File 2281** be immediately messaged to the Senate.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Falck of Fayette, until his return, on request of Myers of Johnson; Bell of Jasper, on request of Connors of Polk.

**House File 2516**, a bill for an act providing for mandatory licensure for marital and family therapists and mental health counselors, establishing transition provisions, removing frequency requirements regarding board of behavioral science examiners' meetings, and providing an effective date, was taken up for consideration.

Veenstra of Sioux moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2516)

The ayes were, 92:

Arnold	Barry	Bernau	Blodgett
Boddicker	Boggett	Bradley	Brauns
Brunkhorst	Bukta	Burnett	Carroll
Cataldo	Chapman	Chiodo	Churchill
Cohoon	Connors	Cormack	Dinkla
Dix	Doderer	Dolecheck	Dotzler
Drake	Drees	Eddie	Foege
Ford	Frevort	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	Meyer
Millage	Moreland	Mundie	Murphy
Myers	Nelson	O'Brien	Osterhaus
Rants	Rayhons	Reynolds-Knight	Richardson
Scherrman	Schrader	Shoultz	Siegrist
Sukup	Taylor	Teig	Thomas
Thomson	Van Maanen	Vande Hoef	Veenstra
Warnstadt	Weidman	Weigel	Welter
Whitead	Wise	Witt	Mr. Speaker
			Corbett



The nays were, 1:

Fallon

Absent or not voting, 7:

Bell  
Metcalf

Brand  
Tyrell

Falck  
Van Fossen

Houser

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

### IMMEDIATE MESSAGE

Siegrist of Pottawattamie asked and received unanimous consent that **House File 2516** be immediately messaged to the Senate.

### SENATE MESSAGES CONSIDERED

**Senate File 2038**, by Deluhery, a bill for an act relating to disqualification from voting or registering to vote for reasons of mental incompetence.

Read first time and referred to committee on **state government**.

**Senate File 2277**, by Szymoniak, a bill for an act providing for exceptions to municipal tort liability for skateboarding.

Read first time and referred to committee on **local government**.

**Senate File 2373**, by committee on judiciary, a bill for an act relating to certain crimes against persons, by permitting the retention as criminal history data of acquittals, dismissals, or adjudications based on mental condition if the charge involved injury to another, by providing for the collection and dissemination of information on the offense of stalking, by providing for the application of enhanced stalking penalties for persons who are the subject of certain restraining or protective orders and providing for the issuance of no-contact orders against persons who are arrested for the crimes of harassment or stalking and providing penalties.

Read first time and **passed on file**.

### COMMUNICATION RECEIVED

The following communication was received and filed in the office of the Chief Clerk:

#### DEPARTMENT FOR THE BLIND

A report on the purchase of products with recycled content, pursuant to Chapter 216B.3(12)(d), 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

- 1998\293 Coach Angel and the Kuemper High School Girls' Basketball Team, Carroll – For winning the 1998 3-A Girls' State Basketball Championship.
- 1998\294 Paul and Helen Kesselring, Ottumwa – For celebrating their 60th wedding anniversary.
- 1998\295 Floyd and Marilyn Schindler, Agency – For celebrating their 50th wedding anniversary.
- 1998\296 Donnie Davis, Keokuk – For being named to the all-conference wrestling team.
- 1998\297 Paul Johnson, Keokuk – For being named to the all-conference wrestling team.
- 1998\298 Tameem Yehyawi, Keokuk – For being named to the all-conference wrestling team.
- 1998\299 Kristine Lambros, Keokuk – For being named to the girls basketball second team all-conference.
- 1998\300 Craig Lewis, Keokuk – For being named the Southeast Seven Conference Basketball Player of the Year.
- 1998\301 Julian Seay, Keokuk – For being named to the boys' all-conference basketball second team.

### SUBCOMMITTEE ASSIGNMENTS

#### Senate File 2038

State Government: Jochum, Chair; Larkin and Martin.

#### Senate File 2218

Ways and Means: Blodgett, Chair; Larkin and Teig.

#### Senate File 2256

Natural Resources: Weidman, Chair; Arnold and Drees.

#### Senate File 2274

Judiciary: Garman, Chair; Bernau and Lamberti.

**Senate File 2277**

Local Government: Vande Hoef, Chair; Fallon and Welter.

**Senate File 2311**

Judiciary: Larson, Chair; Moreland and Sukup.

**Senate File 2333**

Labor and Industrial Relations: Sukup, Chair; Barry and Taylor.

**Senate File 2353 Reassigned**

Education: Grundberg, Chair; Gries and Mascher.

**Senate File 2363**

Human Resources: Boddicker, Chair; Murphy and Veenstra.

**Senate File 2364**

Ways and Means: Greig, Chair; Dinkla and Frevert.

**Senate File 2376**

State Government: Larkin, Chair; Gipp and Tyrrell.

**Senate File 2377 Reassigned**

Judiciary: Dinkla, Chair; Holveck and Sukup.

**Senate File 2380**

Commerce and Regulation: Metcalf, Chair; Rants and Weigel.

**Senate File 2399**

Judiciary: Sukup, Chair; Holveck and Larson.

**HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS****House Study Bill 698**

Ways and Means: Dix, Chair; Drake, Lord, Myers and Richardson.

**House Study Bill 699**

Ways and Means: Jenkins, Chair; Dinkla and Richardson.

**House Study Bill 700**

Ways and Means: Lamberti, Chair; Chapman and Dinkla.

**HOUSE STUDY BILL COMMITTEE ASSIGNMENT****H.S.B. 701 Appropriations**

Relating to and making appropriations to the justice system and providing effective dates.

**COMMITTEE RECOMMENDATIONS**

**MR. SPEAKER:** The Chief Clerk of the House respectfully reports that the following committee recommendations have been received and are on file in the office of the Chief Clerk.

**ELIZABETH A. ISAACSON**  
Chief Clerk of the House

**COMMITTEE ON COMMERCE AND REGULATION**

**Senate File 367**, a bill for an act relating to transfers of real property by providing that certain disclosures regarding stigmatized property are not required and by amending the definition of transfer.

Fiscal Note is not required.

Recommended **Do Pass** March 17, 1998.

**Senate File 530**, 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.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H-8492** March 17, 1998.

**Senate File 2201**, a bill for an act relating to security for damages arising from the abandonment of natural gas pipelines.

Fiscal Note is not required.

Recommended **Do Pass** March 17, 1998.

**COMMITTEE ON ENVIRONMENTAL PROTECTION**

**Senate File 2080**, a bill for an act relating to disposal, collection, and recycling of waste oil filters and providing an insurance premium discount.

Fiscal Note is required.

Recommended **Amend and Do Pass with amendment H-8487** March 17, 1998.

**Senate File 2185**, a bill for an act providing for the purchase of biodegradable hydraulic fluids manufactured from soybeans by state agencies.

Fiscal Note is not required.

Recommended **Do Pass** March 17, 1998.

#### COMMITTEE ON HUMAN RESOURCES

**Senate File 2072**, a bill for an act providing for the appointment of an additional member to the family development and self-sufficiency council.

Fiscal Note is not required.

Recommended **Do Pass** March 17, 1998.

**Senate File 2186**, a bill for an act relating to the validity and enforceability in Iowa of an advance directive document executed by a veteran of the armed forces.

Fiscal Note is not required.

Recommended **Do Pass** March 17, 1998.

**Senate File 2261**, a bill for an act relating to the criteria for the awarding of grandparent and great-grandparent visitation rights.

Fiscal Note is not required.

Recommended **Do Pass** March 17, 1998.

**Senate File 2338**, a bill for an act relating to the entities responsible for assisting in international adoptions.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H-8490** March 17, 1998.

#### COMMITTEE ON TRANSPORTATION

**Senate File 2085**, a bill for an act relating to the responsibilities of the department of transportation, including vehicle equipment and parking regulation, postings of highway weight restrictions, and receipt of plans for city street construction.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H-8493** March 17, 1998.

**Senate File 2113**, a bill for an act relating to driver and motor vehicle licensing, reporting, and registration.

Fiscal Note is not required.

Recommended **Do Pass** March 17, 1998.

**Senate File 2218**, a bill for an act relating to the issuance of highway travel permits to raw milk transporters whose motor trucks exceed gross weight and axle weight restrictions and establishing a fee.

Fiscal Note is not required.

Recommended **Do Pass** March 17, 1998.

Pursuant to Rule 31.7, **Senate File 2218** was referred to the committee on ways and means.

## RESOLUTION FILED

**HCR 114**, by Fallon, a concurrent resolution requesting approval of legislation closing the School of Americas.

Laid over under **Rule 25**.

## AMENDMENTS FILED

H-8481	S.F.	2320	Van Maanen of Marion Witt of Black Hawk
H-8482	H.F.	2506	Dotzler of Black Hawk
H-8483	S.F.	367	Doderer of Johnson Dinkla of Guthrie Wise of Lee
H-8484	S.F.	367	Doderer of Johnson Dinkla of Guthrie Wise of Lee
H-8485	H.F.	2506	Dotzler of Black Hawk
H-8486	H.F.	2513	Richardson of Warren
H-8487	S.F.	2080	Committee on Environmental Protection
H-8488	H.F.	2506	Dotzler of Black Hawk
H-8489	H.F.	2506	Dotzler of Black Hawk
H-8490	S.F.	2338	Committee on Human Resources
H-8491	H.F.	2506	Dotzler of Black Hawk
H-8492	S.F.	530	Committee on Commerce and Regulation
H-8493	S.F.	2085	Committee on Transportation
H-8494	H.F.	2533	Meyer of Sac
H-8495	S.F.	2295	Mertz of Kossuth
H-8496	S.F.	518	Bradley of Clinton
H-8497	S.F.	2320	Rants of Woodbury Garman of Story

On motion by Siegrist of Pottawattamie, the House adjourned at 12:12 p.m., until 8:45 a.m., Thursday, March 19, 1998.

# JOURNAL OF THE HOUSE

Sixty-seventh Calendar Day - Forty-sixth Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Thursday, March 19, 1998

The House met pursuant to adjournment at 8:55 a.m., Speaker pro tempore Van Maanen of Marion in the chair.

Prayer was offered by the Honorable Janet Metcalf, state representative from Polk County.

The Journal of Wednesday, March 18, 1998 was approved.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Houser of Pottawattamie and Millage of Scott on request of Siegrist of Pottawattamie.

## INTRODUCTION OF BILL

**House File 2538**, by committee on ways and means, a bill for an act relating to eligible housing businesses qualifying for incentives and assistance in enterprise zones, providing additional incentives and assistance for approved eligible businesses located in an enterprise zone, and requiring consideration of building codes and zoning.

Read first time and placed on the **ways and means calendar**.

## SENATE MESSAGE CONSIDERED

**Senate File 2390**, by committee on natural resources and environment, a bill for an act relating to the use of net metering systems by certain facilities producing electrical energy and providing an effective date.

Read first time and referred to committee on **commerce and regulation**.

## CONSIDERATION OF BILLS

Regular Calendar

**House File 2495**, a bill for an act relating to the conduct of elections in the state, was taken up for consideration.

Richardson of Warren offered the following amendment H-8175 filed by him and moved its adoption:

H-8175

1 Amend House File 2495 as follows:

2 1. Page 1, by inserting after line 7, the  
3 following:

4 "Sec. \_\_\_\_ Section 39.3, Code 1997, is amended by  
5 adding the following new subsection:

6 NEW SUBSECTION. 8A. "Mail ballot election" means  
7 an election conducted pursuant to chapter 49B."

8 2. Page 3, by inserting after line 6, the  
9 following:

10 "If the election is to be conducted as a mail  
11 ballot election pursuant to chapter 49B, the  
12 commissioner shall, not more than twenty days and not  
13 less than four days before the date that ballots are  
14 to be mailed, publish notice that a mail ballot  
15 election will be conducted. The commissioner is not  
16 required to publish a sample mail ballot. The notice  
17 shall include all of the following information:

18 a. The date ballots will be mailed.

19 b. The last day that a voter can request an  
20 absentee ballot.

21 c. Voter registration deadlines.

22 d. Location or locations where mail ballots can be  
23 deposited pursuant to section 49B.14.

24 e. Instructions for obtaining a replacement ballot  
25 if a voter's ballot is destroyed, spoiled, lost, or  
26 not received pursuant to section 49B.10."

27 3. Page 3, line 12, by inserting after the figure  
28 "49.81." the following: "A person who has been sent a  
29 mail ballot election ballot but for any reason has not  
30 received it shall, in accordance with section 49B.10,  
31 either be mailed another ballot or shall be permitted  
32 to cast a ballot in person at the office of the county  
33 commissioner."

34 4. Page 3, by inserting after line 12 the  
35 following:

36 "Sec. \_\_\_\_ NEW SECTION. 49B.1 MAIL BALLOT  
37 ELECTIONS.

38 An election shall not be conducted under this  
39 chapter unless all of the following apply:

40 1. The use of mail ballots for the election is  
41 authorized pursuant to section 49B.5 or section 49B.6.

42 2. The state commissioner of elections approves a  
43 written plan for conduct of the election, which shall  
44 include a written timetable for the conduct of the  
45 election, submitted by the county commissioner.

46 3. The election is nonpartisan.

47 4. The election is not held on the same date as  
48 another election in which registered voters of that  
49 political subdivision are eligible to cast ballots.

50 5. The election is one at which only the



## Page 2

1 registered voters of one of the following political  
2 subdivisions are eligible to vote:  
3 a. Counties.  
4 b. Cities.  
5 c. School districts.  
6 d. Merged areas.  
7 e. Benefited districts provided in chapters 357  
8 through 357G.

9 Sec. \_\_\_\_ NEW SECTION. 49B.2 DEFINITIONS.

10 As used in this chapter, unless the context  
11 otherwise requires:

12 1. "Election day" is the date established by law  
13 on which a particular election would be held if that  
14 election were being conducted by means other than a  
15 mail ballot election.

16 2. "Return verification envelope" means an  
17 envelope that contains a secrecy envelope and which is  
18 designed to allow election officials, upon examination  
19 of the outside of the envelope, to determine that the  
20 ballot is being submitted by someone who is in fact a  
21 registered voter and who has not already voted.

22 3. "Secrecy envelope" means an envelope used to  
23 contain the elector's ballot and that is designed to  
24 conceal the voter's vote and to prevent the voter's  
25 ballot from being distinguished from the ballots of  
26 other voters.

27 Sec. \_\_\_\_ NEW SECTION. 49B.3 MAIL BALLOT  
28 ELECTION PROCEDURE.

29 A mail ballot election shall be conducted  
30 substantially as provided in this chapter. The state  
31 commissioner of elections shall prescribe uniform  
32 procedures and forms to be used in the conduct of mail  
33 ballot elections.

34 Sec. \_\_\_\_ NEW SECTION. 49B.4 INITIATING A MAIL  
35 BALLOT ELECTION.

36 A proposal to conduct an election under this  
37 chapter may be initiated by either the appropriate  
38 governing body or the county commissioner of elections  
39 as provided in sections 49B.5 and 49B.6.

40 Sec. \_\_\_\_ NEW SECTION. 49B.5 INITIATION BY  
41 GOVERNING BODY.

42 1. If the governing body of a political  
43 subdivision determines that it is economically and  
44 administratively feasible to conduct an election by  
45 mail and the election meets the requirements of  
46 section 49B.1, the governing body, by resolution, may  
47 require the county commissioner of elections to  
48 conduct the election under this chapter by filing the  
49 resolution with the county commissioner not later than  
50 seventy days before the date of the election.

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1 2. After the resolution is filed, the county  
2 commissioner shall prepare a written plan for conduct  
3 of the election as provided in section 49B.7. At  
4 least sixty days prior to the date set for the  
5 election, the county commissioner shall forward a copy  
6 of the written plan to the governing body concerned.

7 Sec. \_\_\_\_ NEW SECTION. 49B.6 INITIATION BY  
8 COUNTY COMMISSIONER.

9 1. The county commissioner may conduct an election  
10 which meets the requirements of section 49B.1 as a  
11 mail ballot election if the county commissioner  
12 determines it would be the most economically and  
13 administratively feasible way of conducting the  
14 election.

15 2. If the county commissioner decides to conduct a  
16 mail ballot election pursuant to subsection 1, the  
17 county commissioner shall prepare a written plan for  
18 conduct of the election as provided in section 49B.7.  
19 At least sixty days prior to the date set for the  
20 election, the county commissioner shall forward a copy  
21 of the written plan to the governing body concerned,  
22 together with a written statement informing the  
23 governing body of the decision to conduct the election  
24 by mail ballot and the reasons for the decision.

25 Sec. \_\_\_\_ NEW SECTION. 49B.7 WRITTEN PLAN FOR  
26 CONDUCT OF ELECTION - AMENDMENTS - APPROVAL  
27 PROCEDURE.

28 1. The county commissioner shall prepare a written  
29 plan, including a timetable, for the conduct of a mail  
30 ballot election and shall submit it to the state  
31 commissioner of elections at least sixty days before  
32 the date of the election.

33 2. The plan may be amended by the county  
34 commissioner any time before the fifty-fifth day  
35 before the date of the election by notifying the state  
36 commissioner of elections in writing of any changes.

37 3. Within five days after receiving the plan, and  
38 as soon as possible after receiving any amendments,  
39 the state commissioner of elections shall approve,  
40 disapprove, or recommend changes to the plan or  
41 amendments.

42 4. When the written plan has been approved, the  
43 county commissioner shall proceed to conduct the  
44 election according to the approved plan.

45 Sec. \_\_\_\_ NEW SECTION. 49B.8 MAILING BALLOTS.

46 1. Official ballots for a mail ballot election  
47 shall be prepared and all other initial procedures for  
48 elections shall be followed as otherwise provided by  
49 law.

50 2. The county commissioner of elections shall mail

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1 an official ballot to every registered voter of the  
2 political subdivision conducting the election on a  
3 date not sooner than the twentieth day before the date  
4 of the election and not later than the tenth day  
5 before the date of the election. An exception shall  
6 be made for those ballots delivered as prescribed in  
7 section 49B.13.

8 3. All ballots shall be mailed by first class  
9 mail.

10 4. Ballots mailed by the county commissioner shall  
11 be addressed to the address of each voter appearing in  
12 the registration records of the political subdivision,  
13 and placed in an envelope which is prominently marked  
14 "Do Not Forward".

15 5. The ballot shall contain the following warning:

16 "Any person who, by use of violence, threats of  
17 violence, or any means of duress, procures the vote of  
18 a voter for or against any measure or candidate is  
19 subject, upon conviction, to imprisonment or to a  
20 fine, or both."

21 Sec.     . NEW SECTION. 49B.9 REGISTRATION.

22 The county commissioner shall not mail a ballot  
23 under this chapter to any voter not registered thirty  
24 days before the date of the election. Voters  
25 registered after thirty days prior to the date of the  
26 election, but prior to the close of registration, may  
27 apply for a ballot under section 49B.10.

28 Sec.     . NEW SECTION. 49B.10 REPLACEMENT  
29 BALLOTS.

30 If the mail ballot is destroyed, spoiled, lost, or  
31 not received by the voter, the voter may obtain a  
32 replacement ballot from the county commissioner as  
33 provided in this section. A voter seeking a  
34 replacement ballot shall sign a statement, on a form  
35 prescribed by the state commissioner, that the ballot  
36 was destroyed, spoiled, lost, or not received. The  
37 voter or the voter's designee shall deliver the  
38 statement to the county commissioner before noon on  
39 the date of the election. The voter may mail the  
40 statement to the county commissioner. However, a  
41 county commissioner shall not transmit a ballot by  
42 mail under this section unless the statement is  
43 received before five p.m. on the fourth day before the  
44 date of the election. When a statement is timely  
45 received under this section, the county commissioner  
46 shall give the ballot to the voter if the voter is  
47 present in the office of the county commissioner, or  
48 promptly mail the ballot to the voter at the address  
49 contained in the statement, except when prohibited by  
50 this section. If the voter is present in the county

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1 commissioner's office, the ballot shall be voted at  
2 that time. The county commissioner shall keep a  
3 record of each replacement ballot provided under this  
4 section. If a voter, having received and voted a  
5 replacement ballot as provided under this section,  
6 later finds the lost ballot, the voter shall return  
7 the lost ballot to the county commissioner.  
8 Sec. \_\_\_\_ NEW SECTION. 49B.11 VOTING AND RETURN  
9 OF BALLOT.

10 1. A registered voter, upon receipt of a mail  
11 ballot, shall mark the ballot in such a manner that no  
12 other person will know how the ballot is marked and  
13 shall place it in the secrecy envelope provided with  
14 the ballot and shall securely seal the secrecy  
15 envelope.

16 A voter who is blind, cannot read, or because of a  
17 physical disability is unable to mark the ballot, may  
18 be assisted by any person selected by the voter.

19 2. The voter shall then place the secrecy envelope  
20 containing the ballot in the return verification  
21 envelope and sign and securely seal the return  
22 verification envelope. The sealed return verification  
23 envelope shall be returned to the county commissioner  
24 by one of the following methods:

25 a. The sealed return verification envelope may be  
26 delivered by the registered voter or the voter's  
27 designee to the county commissioner's office or a  
28 place designated by the commissioner no later than the  
29 time the polls close on election day.

30 b. The sealed return verification envelope may be  
31 mailed, postage paid, to the county commissioner. In  
32 order for the ballot to be counted, the return  
33 verification envelope must be clearly postmarked by an  
34 officially authorized postal service not later than  
35 the day before the election and received by the county  
36 commissioner not later than the time established for  
37 the canvass by the board of supervisors for that  
38 election. The county commissioner shall contact the  
39 post office serving the county commissioner's office  
40 at the latest practical hour prior to the canvass by  
41 the board of supervisors for that election, and shall  
42 arrange for return verification envelopes received in  
43 that post office but not yet delivered to the  
44 commissioner's office to be brought to the  
45 commissioner's office prior to the canvass for that  
46 election by the board of supervisors.

47 Sec. \_\_\_\_ NEW SECTION. 49B.12 ABSENTEE BALLOTS.

48 1. A registered voter who will be absent from the  
49 precinct during the time when the ballots are mailed  
50 may do either of the following:

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1 a. Vote in person in the county commissioner's  
2 office as soon as ballots are available and until noon  
3 the day before the ballots are scheduled to be mailed.

4 b. Make a written request, signed by the voter and  
5 addressed to the county commissioner, that the ballot  
6 be mailed to an address other than that which appears  
7 on the voter's registration record. Written requests  
8 shall be accepted until noon the day before the  
9 ballots are scheduled to be mailed.

10 2. Ballots mailed to voters pursuant to this  
11 section shall be mailed the same day that all other  
12 ballots are mailed.

13 Sec. \_\_\_\_ NEW SECTION. 49B.13 BALLOTING BY  
14 CONFINED PERSONS.

15 A person who is a resident or patient in a health  
16 care facility or hospital located in the county in  
17 which the election is to be held shall not be mailed a  
18 ballot but shall have a ballot delivered in the manner  
19 prescribed by section 53.22, subsection 1.

20 Sec. \_\_\_\_ NEW SECTION. 49B.14 PERSONAL DELIVERY  
21 OF MAIL BALLOT — SATELLITE VOTING STATIONS.

22 Satellite voting stations for the deposit of mail  
23 ballots shall be established throughout the cities and  
24 county at the direction of the county commissioner or  
25 upon receipt of a petition signed by not less than one  
26 hundred eligible electors requesting that a satellite  
27 voting station be established at a location to be  
28 described in the petition. A petition requesting a  
29 satellite voting station must be filed no later than  
30 five p.m. on the eleventh day before the election. A  
31 satellite voting station established at the direction  
32 of the commissioner or by petition shall be open from  
33 eight a.m. until five p.m. on the day of the election.

34 Sec. \_\_\_\_ NEW SECTION. 49B.15 RECEIPT OF BALLOT  
35 — SIGNATURE VERIFICATION.

36 When a mail ballot is returned, the county  
37 commissioner, or the county commissioner's designees,  
38 shall first qualify the submitted ballot by examining  
39 the return verification envelope to determine whether  
40 it is submitted by a registered voter who has not  
41 previously voted. A ballot shall be counted only if  
42 it is returned in the return verification envelope,  
43 the envelope is signed by the voter to whom the ballot  
44 is issued, and the signature has been verified as  
45 provided in this section.

46 The county commissioner or the county  
47 commissioner's designees shall verify the signature of  
48 each voter on the return verification envelope with  
49 the signature in the voter's registration records and  
50 may commence verification at any time before election

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1 day. If the county commissioner determines that a  
2 voter to whom a replacement ballot has been issued  
3 under section 49B.10 has voted more than once, the  
4 county commissioner shall not count any ballot cast by  
5 the voter.

6 If the voter's signature is verified and the ballot  
7 is otherwise valid, the county commissioner or the  
8 county commissioner's designees shall then deposit the  
9 ballot unopened in an official ballot box.

10 Sec.     . NEW SECTION. 49B.16 PROCEDURE FOR  
11 INVALID BALLOTS.

12 If the county commissioner is not convinced that  
13 the individual who signed the return verification  
14 envelope is the voter whose name appears on the  
15 registration card, the county commissioner shall not  
16 validate the ballot but shall do all of the following:

17 1. Give notice to the voter as follows:

18 a. As soon as possible after receipt of a voter's  
19 ballot, give notice to the voter, either by telephone  
20 or by first class mail, if the county commissioner is  
21 unable to verify the voter's signature.

22 b. Inform the voter that the voter may appear in  
23 person at the county commissioner's office prior to  
24 the close of the polls on election day and verify the  
25 signature.

26 2. Permit any voter appearing pursuant to  
27 subsection 1, paragraph "b", to:

28 a. Verify the voter's signature, after proof of  
29 identification, by affirming that the signature is in  
30 fact the voter's or by completing a new registration  
31 card containing the voter's current signature.

32 b. If necessary, request and receive a replacement  
33 ballot and vote at that time.

34 3. If the discrepancy is not rectified to the  
35 county commissioner's satisfaction, present the  
36 unopened envelope and the registration card to the  
37 special precinct election board for a determination.  
38 If the election board is unable to resolve the issue  
39 to its satisfaction, the ballot shall not be counted.

40 Sec.     . NEW SECTION. 49B.17 COUNTING BALLOTS.

41 Mail ballots shall be counted in the manner  
42 prescribed by section 53.23. The county commissioner  
43 shall supervise the procedures for the handling,  
44 counting, and canvassing of ballots to ensure the  
45 safety and confidentiality of all ballots properly  
46 cast.

47 Sec.     . NEW SECTION. 49B.18 CHALLENGES.

48 Votes cast pursuant to this chapter can be  
49 challenged in the manner prescribed by sections 49.79  
50 through 49.81, as applicable.

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1 Sec. \_\_\_\_ NEW SECTION. 49B.19 CANVASS OF VOTES.

2 The provisions of chapter 50 relating to canvass of  
3 votes apply to this chapter only to the extent they do  
4 not conflict with this chapter.

5 Sec. \_\_\_\_ NEW SECTION. 49B.20 OTHER LAWS.

6 All laws which apply to elections apply to mail  
7 ballot elections held under this chapter to the extent  
8 applicable.

9 Sec. \_\_\_\_ NEW SECTION. 49B.21 RULES.

10 The state commissioner of elections shall adopt  
11 rules pursuant to chapter 17A to govern the procedures  
12 and forms necessary to implement this chapter. The  
13 authority of the state commissioner to adopt rules  
14 under this chapter shall be liberally construed.

15 Sec. \_\_\_\_ NEW SECTION. 49B.22 MISCONDUCT -  
16 VIOLATIONS - PENALTIES.

17 1. A person who, by use of violence, threats of  
18 violence, or any means of duress, procures or  
19 endeavors to procure the vote of a voter for or  
20 against any measure or candidate commits an aggravated  
21 misdemeanor.

22 2. A person who violates or attempts to violate  
23 any provision or requirement of this chapter for which  
24 a penalty is not otherwise provided commits a simple  
25 misdemeanor."

26 5. By renumbering as necessary.

A non-record roll call was requested.

The ayes were 33, nays 50.

Amendment H-8175 lost.

Churchill of Polk offered the following amendment H-8326 filed by  
him and Bernau of Story and moved its adoption:

H-8326

1 Amend House File 2495 as follows:

2 1. Page 1, by inserting after line 7 the  
3 following:

4 "Sec. \_\_\_\_ Section 39.5, unnumbered paragraph 2,  
5 Code Supplement 1997, is amended to read as follows:

6 This section does not prohibit the governing body  
7 of a city or county from adopting an ordinance  
8 providing for elections on matters under the  
9 jurisdiction of the governing body. Such elections  
10 shall be of an advisory nature only and shall not be  
11 binding on the governing body submitting the matter to  
12 an election."

- 13 2. Page 9, by striking lines 2 through 5.  
 14 3. By renumbering as necessary.

Roll call was requested by Churchill of Polk and Fallon of Polk.

On the question "Shall amendment H-8326 be adopted?" (H.F. 2495)

The ayes were, 26:

Bernau	Boddicker	Bradley	Brand
Brunkhorst	Bukta	Cataldo	Chiodo
Churchill	Cormack	Fallon	Foege
Ford	Garman	Huser	Kreiman
Larson	Mertz	Moreland	O'Brien
Reynolds-Knight	Richardson	Van Fossen	Warnstadt
Weigel	Whitead		

The nays were, 72:

Arnold	Barry	Bell	Blodgett
Bogges	Brauns	Burnett	Carroll
Chapman	Cohoon	Connors	Corbett, Spkr.
Dinkla	Dix	Doderer	Dolecheck
Dotzler	Drake	Drees	Eddie
Falck	Frevert	Gipp	Greig
Greiner	Gries	Grundberg	Hahn
Hansen	Heaton	Holmes	Holveck
Huseman	Jacobs	Jenkins	Jochum
Kinzer	Klemme	Koenigs	Kremer
Lamberti	Larkin	Lord	Martin
Mascher	May	Metcalf	Meyer
Mundie	Murphy	Myers	Nelson
Osterhaus	Rants	Rayhons	Scherrman
Schrader	Shoultz	Siegrist	Sukup
Taylor	Teig	Thomas	Thomson
Tyrrell	Vande Hoef	Veenstra	Weidman
Welter	Wise	Witt	Van Maanen, Presiding

Absent or not voting, 2:

Houser                      Millage

Amendment H-8326 lost.

Sukup of Franklin offered the following amendment H-8174 filed by him and moved its adoption:

H-8174

- 1 Amend House File 2495 as follows:
- 2 1. Page 9, by inserting before line 6 the
- 3 following:



- 4 "Sec. \_\_\_\_ EFFECTIVE DATE. Section 14 of this  
 5 Act, amending section 357G.9, being deemed of  
 6 immediate importance, takes effect upon enactment."  
 7 2. By renumbering as necessary.

Amendment H-8174 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. 2495)

The ayes were, 82:

Arnold	Barry	Bell	Blodgett
Boddicker	Boggess	Bradley	Brand
Brauns	Burnett	Carroll	Cataldo
Chapman	Chiodo	Cohoon	Connors
Corbett, Spkr.	Dinkla	Dix	Doderer
Dolecheck	Dotzler	Drake	Drees
Eddie	Falck	Foege	Frevert
Garman	Gipp	Greig	Greiner
Gries	Grundberg	Hahn	Hansen
Heaton	Holmes	Holveck	Huseman
Huser	Jacobs	Jenkins	Jochum
Klemme	Koenigs	Kremer	Lamberti
Larkin	Larson	Lord	Martin
Mascher	May	Metcalf	Meyer
Moreland	Mundie	Murphy	Myers
Nelson	O'Brien	Osterhaus	Rants
Rayhons	Richardson	Scherrman	Schrader
Shoultz	Siegrist	Sukup	Taylor
Teig	Thomas	Tyrrell	Vande Hoef
Veenstra	Weidman	Welter	Wise
Witt	Van Maanen, Presiding		

The nays were, 15:

Bernau	Brunkhorst	Bukta	Churchill
Cormack	Fallon	Ford	Kinzer
Kreiman	Mertz	Reynolds-Knight	Van Fossen
Warnstadt	Weigel	Whitead	

Absent or not voting, 3:

Houser	Millage	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 2495** be immediately messaged to the Senate.

**House File 2286**, a bill for an act creating the new criminal offense of disarming a peace officer, was taken up for consideration.

Boddicker of Cedar moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2286)

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	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
Jenkins	Jochum	Kinzer	Klemme
Koenigs	Kreiman	Kremer	Lamberti
Larkin	Larson	Lord	Martin
Mascher	May	Mertz	Metcalf
Meyer	Moreland	Mundie	Murphy
Myers	Nelson	O'Brien	Osterhaus
Rants	Rayhons	Reynolds-Knight	Richardson
Scherrman	Schrader	Shoultz	Siegrist
Sukup	Taylor	Teig	Thomas
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:

Houser	Jacobs	Millage	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 2286** be immediately messaged to the Senate.

**House File 2506**, a bill for an act relating to the taking of mussels from the waters of this state and providing an effective date, was taken up for consideration.

Hahn of Muscatine offered amendment H-8473 filed by him as follows:

H-8473

1 Amend House File 2506 as follows:

2 1. Page 1, by inserting before line 1 the  
3 following:

4 "Section 1. Section 482.4, subsection 6,  
5 paragraphs h and i, Code 1997, are amended to read as  
6 follows:

7 h. Commercial mussel buyer, resident .....	\$	<u>1,000.00</u>
8		<u>1,050.00</u>
9 i. Commercial mussel buyer, nonresident .....	\$	<u>5,000.00</u>
10		<u>5,050.00</u>

Dotzler of Black Hawk offered amendment H-8489, to amendment H-8473, filed by him as follows:

H-8489

1 Amend the amendment, H-8473, to House File 2506 as  
2 follows:

3 1. Page 1, by inserting after line 10 the  
4 following:

5 " . Page 2, line 1, by inserting after the word  
6 "mussels." the following: "During the five-year  
7 study, notwithstanding section 482.12A, the minimum  
8 size limit on washboard mussel shall be five inches."

Siegrist of Pottawattamie asked and received unanimous consent that House File 2506 be deferred and that the bill be placed on the unfinished business calendar, with amendment H-8473 and the amendment to the amendment H-8489 pending.

### HOUSE FILES PLACED ON THE UNFINISHED BUSINESS CALENDAR

Siegrist of Pottawattamie asked and received unanimous consent that the following House Files be placed on the unfinished business calendar:

House File 2029	House File 2440
House File 2101	House File 2447
House File 2208	House File 2448
House File 2216	House File 2467
House File 2232	House File 2479
House File 2259	House File 2481
House File 2273	House File 2489
House File 2327	House File 2491
House File 2338	House File 2497
House File 2352	House File 2503
House File 2396	House File 2505
House File 2401	House File 2515
House File 2413	House File 2518
House File 2439	

Brunkhorst of Bremer asked and received unanimous consent that House File 2498 be deferred and that the bill be placed on the unfinished business calendar.

Grundberg of Polk asked and received unanimous consent that House File 2533 be deferred and that the bill be placed on the unfinished business calendar.

Vande Hoef of Osceola asked and received unanimous consent that House File 2508 be deferred and that the bill be placed on the unfinished business calendar.

#### HOUSE FILE 2330 REFERRED

The Speaker announced that House File 2330, previously placed on the calendar was referred to committee on ways and means.

#### HOUSE FILE 2520 REFERRED

The Speaker announced that House File 2520, previously placed on the calendar was referred to committee on appropriations.

#### 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 bill and resolution have been examined and found correctly enrolled, signed by the Speaker of the House and the President of the Senate, and presented to the Governor for his approval on this 19th day of March, 1998: House Joint Resolution 2004 and House File 2218.

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 March 19, 1998, he approved and transmitted to the Secretary of State the following bills:

Senate File 2279, an act relating to authorized investments by insurance companies in obligations of foreign governments and foreign corporations.

Senate File 2285, an act relating to anatomical gifts by modifying certain qualification requirements for hospital reimbursement grants and requiring submission of an annual donation and compliance report.

## PRESENTATION OF VISITORS

The Speaker announced that the following visitors were present in the House chamber:

Sixty eighth grade students from Dallas Center-Grimes Junior High School, Grimes, accompanied by Bill Wineland. By Churchill of Polk and Metcalf of Polk.

Sixty students from Underwood High School, Underwood, accompanied by Nick Benzing, Gary Guttua, Julie Larsen, Tom Pattee and Martha Swanson. By Drake of Pottawattamie.

Twenty-four government students from Harmony High School, Farmington, accompanied by Amy Morgan and Carol Mitchell. By Reynolds-Knight of Van Buren.

Seventy-five third grade students from Williamsburg, accompanied by Mrs. Kirkpatrick, Mrs. Sandersfeld and Mrs. Maas. By Tyrrell 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

- 1998\302 Adam Runge, Keokuk – For being named to the Southeast Iowa Super Conference South Division Basketball First Team.
- 1998\303 Ivy Beaird, Keokuk – For being named to the Southeast Iowa Super Conference South Division Basketball First Team.
- 1998\304 Stephanie Pillard, Keokuk – For being named to the Iowa Basketball Coaches Association's 1998 Girls' Basketball Academic All-State Team.

- 1998\305 Bruce Wilson, Indianola – For being named Iowa Conference Men's Basketball Coach of the Year.
- 1998\306 Ervaline Brown, Des Moines – For celebrating her 100th birthday on March 22.
- 1998\307 Joseph and Gloria Drop, Sioux City – For celebrating their 50th wedding anniversary.
- 1998\308 Lou Spurgin, Donnellson – For being named Southeast Iowa Super Conference Basketball Coach of the Year.
- 1998\309 Angie Schinstock, Donnellson – For being named to the Southeast Iowa Super Conference West Division first team.
- 1998\310 Laura Freitag, Donnellson – For being named to the Southeast Iowa Super Conference West Division first team.
- 1998\311 Blu Wahle, Neola – For winning the Class 1-A, 152 lbs. division of the 1998 Iowa High School State Wrestling Tournament.
- 1998\312 Stacy Anthony, Harmony Community Schools, Farmington – For receiving a Division I Rating in Biological Science at the Eastern Iowa Science & Engineering Fair in Cedar Rapids on March 14, 1998.
- 1998\313 Blake Forsythe, Harmony Community Schools, Farmington – For receiving the International Award in Physical Science at the Eastern Iowa Science & Engineering Fair in Cedar Rapids on March 14, 1998.

#### SUBCOMMITTEE ASSIGNMENT

##### Senate File 2283

Commerce and Regulation: Hansen, Chair; Metcalf 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 AGRICULTURE

Senate File 2371, a bill for an act relating to infectious and contagious diseases affecting livestock and providing penalties.

Fiscal Note is not required.

Recommended Do Pass March 18, 1998.

## COMMITTEE ON APPROPRIATIONS

**Senate File 2366**, a bill for an act relating to the licensing and employment of practitioners and the school districts employing them, making appropriations, and including retroactive applicability and effective date provisions.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H-8501** March 18, 1998.

## COMMITTEE ON COMMERCE AND REGULATION

**Senate File 295**, a bill for an act relating to finance charges upon refinancing and consolidation of debts involving consumer credit transactions.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H-8506** March 18, 1998.

**Senate File 2325**, a bill for an act amending the Uniform Securities Act, by regulating persons involved in managing investments, providing for the administration of the securities bureau, providing fees, and providing for penalties.

Fiscal Note is not required.

Recommended **Do Pass** March 18, 1998.

**Senate File 2368**, a bill for an act relating to the management of public rights-of-way by local government units, eliminating the power of cities to grant franchises to erect, maintain, and operate plants and systems for telecommunications services within the city, and providing an effective date.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H-8508** March 18, 1998.

**Senate File 2380**, a bill for an act relating to the election of a local exchange carrier to be price-regulated.

Fiscal Note is not required.

Recommended **Do Pass** March 18, 1998.

## COMMITTEE ON EDUCATION

**Senate File 2348**, a bill for an act relating to the locations at which shared public school services may be made available to nonpublic school students.

Fiscal Note is not required.

Recommended **Do Pass** March 18, 1998.

**Senate File 2353**, a bill for an act relating to an allocation of state aid for purposes of school-based youth services programs.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H-8503** March 18, 1998.

## COMMITTEE ON HUMAN RESOURCES

**Senate File 2066**, a bill for an act relating to child support for a child completing high school graduation or equivalency requirements.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H-8510** March 18, 1998.

**Senate File 2161**, a bill for an act relating to the reporting and partner notification requirements relative to the human immunodeficiency virus.

Fiscal Note is not required.

Recommended **Do Pass** March 18, 1998.

**Senate File 2312**, a bill for an act providing for child day care requirements for volunteers and for the number of children receiving care under the child care home pilot projects and providing an effective date.

Fiscal Note is not required.

Recommended **Do Pass** March 18, 1998.

**Senate File 2313**, a bill for an act relating to child support, providing penalties, and providing effective dates.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H-8509** March 18, 1998.

**Senate File 2363**, a bill for an act relating to requests and hearings for correction and expungement of child abuse information.

Fiscal Note is required.

Recommended **Do Pass** March 18, 1998.

## COMMITTEE ON JUDICIARY

**Senate File 490**, a bill for an act relating to the consumer fraud law by providing limited immunity from prosecution for providing certain information, authorizing the attorney general to commence an action related to telemarketing, and authorizing the attorney general to establish and accept a civil penalty in settlement of an investigation.

Fiscal Note is not required.

Recommended **Do Pass** March 17, 1998.

**Senate File 2090**, a bill for an act relating to compensation for the legal defense of indigent persons in prison disciplinary postconviction cases and providing an effective date and for retroactive applicability.

Fiscal Note is not required.

Recommended **Do Pass** March 17, 1998.



**Senate File 2224**, a bill for an act requiring a court to order a person convicted of domestic abuse assault to complete a batterers' treatment program, and to hold such person in contempt for failure to report for or complete treatment, requiring related reporting of the status of treatment by the judicial district department of correctional services, and extending the pilot project for an alternative batterers' treatment program.

Fiscal Note is not required.

Recommended **Do Pass** March 17, 1998.

**Senate File 2225**, a bill for an act to legalize the proceedings of the board of directors of the Sigourney Community School District to sell certain school district property and providing effective and retroactive applicability dates.

Fiscal Note is not required.

Recommended **Do Pass** March 17, 1998.

**Senate File 2259**, a bill for an act relating to search warrant applications.

Fiscal Note is not required.

Recommended **Do Pass** March 17, 1998.

**Senate File 2292**, a bill for an act relating to the sex offender registry and providing for the Act's applicability.

Fiscal Note is not required.

Recommended **Do Pass** March 17, 1998.

**Senate File 2329**, a bill for an act expanding the compensation available from the crime victim compensation program to victims of crime and their families.

Fiscal Note is not required.

Recommended **Do Pass** March 17, 1998.

**Senate File 2330**, a bill for an act relating to the filing of civil litigation by prisoners and providing an effective date.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H-8512** March 17, 1998.

**Senate File 2331**, a bill for an act to provide for the sharing of certain rehabilitative and treatment resources with the department of human services.

Fiscal Note is not required.

Recommended **Do Pass** March 17, 1998.

**Senate File 2337**, a bill for an act to allow distribution of the presentence investigation report under certain circumstances.

Fiscal Note is not required.

Recommended **Do Pass** March 17, 1998.

**Senate File 2339**, a bill for an act relating to an inmate's right to counsel in a postconviction proceeding pertaining to a forfeiture of a reduction in sentence or the unlawful holding of a person in custody or restraint.

Fiscal Note is required.

Recommended **Amend and Do Pass with amendment H-8511** March 17, 1998.

**Senate File 2391**, a bill for an act allowing probation for some operating-while-intoxicated offenders after service of a mandatory minimum sentence, permitting a .15 blood alcohol level to control the penalties applicable to an offender regardless of the margin of error associated with the test device, requiring the deletion from motor vehicle records after twelve years of certain youth license revocations for alcohol violations, and providing an effective date.

Fiscal Note is not required.

Recommended **Do Pass** March 17, 1998.

#### COMMITTEE ON NATURAL RESOURCES

**Senate File 187**, a bill for an act relating to the issuance of licenses and the imposition of fees for the fishing, trapping, hunting, pursuing, catching, killing, or taking of wild animals, birds, game, or fish, providing for other properly related matters, and subjecting violators to existing penalties, and providing effective and applicability dates.

Fiscal Note is required.

Recommended **Amend and Do Pass with amendment H-8505** March 18, 1998.

**Senate File 347**, a bill for an act relating to the disposal of public nuisances seized by the department of natural resources.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H-8507** March 18, 1998.

#### COMMITTEE ON STATE GOVERNMENT

**House File 2532**, a bill for an act relating to the maximum value of prizes awarded in raffles and certain games of skill and chance.

Fiscal Note is not required.

Recommended **Do Pass** March 18, 1998.

**Senate File 2038**, a bill for an act relating to disqualification from voting or registering to vote for reasons of mental incompetence.

Fiscal Note is not required.

Recommended **Do Pass** March 18, 1998.

**Senate File 2160**, a bill for an act establishing a state protocol officer.

Fiscal Note is not required.

Recommended **Do Pass** March 18, 1998.

**Senate File 2170**, a bill for an act relating to licensing sanctions against individuals who default on debt owed to or collected by the college student aid commission.

Fiscal Note is not required.

Recommended **Do Pass** March 18, 1998.

**Senate File 2198**, a bill for an act relating to the development of protocol to be used for international visitors.

Fiscal Note is not required.

Recommended **Do Pass** March 18, 1998.

**Senate File 2269**, a bill for an act providing for the conversion of the existing advisory boards for athletic training and massage therapy into full regulatory examining boards.

Fiscal Note is not required.

Recommended **Do Pass** March 18, 1998.

**Senate File 2356**, a bill for an act relating to revolving funds to be administered by the department of general services and providing for funding for the revolving funds.

Fiscal Note is not required.

Recommended **Do Pass** March 18, 1998.

**Senate File 2376**, a bill for an act relating to the operation of the lottery.

Fiscal Note is not required.

Recommended **Do Pass** March 18, 1998.

### RESOLUTION FILED

**HCR 115**, by Welter, a concurrent resolution relating to the intent of the General Assembly regarding reauthorization of the federal Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA).

Laid over under **Rule 25**.

### AMENDMENTS FILED

H—8498	S.F.	2295	Witt of Black Hawk
H—8499	S.F.	58	Witt of Black Hawk
H—8500	S.F.	58	Witt of Black Hawk
H—8501	S.F.	2366	Committee on Appropriations

H-8502	S.F.	2391	Kremer of Buchanan
H-8503	S.F.	2353	Committee on Education
H-8504	H.F.	2506	Hahn of Muscatine
H-8505	S.F.	187	Committee on Natural Resources
H-8506	S.F.	295	Committee on Commerce and Regulation
H-8507	S.F.	347	Committee on Natural Resources
H-8508	S.F.	2368	Committee on Commerce and Regulation
H-8509	S.F.	2313	Committee on Human Resources
H-8510	S.F.	2066	Committee on Human Resources
H-8511	S.F.	2339	Committee on Judiciary
H-8512	S.F.	2330	Committee on Judiciary
H-8513	S.F.	2295	Murphy of Dubuque
H-8514	S.F.	2295	Witt of Black Hawk
H-8515	S.F.	2023	Thomas of Clayton
H-8516	H.F.	2513	Doderer of Johnson Mascher of Johnson Chapman of Linn Koenigs of Mitchell Fallon of Polk
H-8517	S.F.	187	Dotzler of Black Hawk
H-8518	H.F.	2506	Burnett of Story
H-8519	S.F.	187	Myers of Johnson
H-8520	S.F.	2295	Greiner of Washington
H-8521	H.F.	2518	Boddicker of Cedar
H-8522	S.F.	2359	Boddicker of Cedar
H-8523	S.F.	2023	Murphy of Dubuque
H-8524	S.F.	187	Brauns of Muscatine
H-8525	H.F.	663	Holveck of Polk
H-8526	H.F.	663	Holveck of Polk

On motion by Siegrist of Pottawattamie, the House adjourned at 11:08 a.m., until 9:00 a.m., Friday, March 20, 1998.

# JOURNAL OF THE HOUSE

Sixty-eighth Calendar Day - Forty-seventh Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Friday, March 20, 1998

The House met pursuant to adjournment at 9:06 a.m., Dix of Butler in the chair.

Prayer was offered by the Honorable Bill Dix, state representative from Butler County.

The Journal of Thursday, March 19, 1998 was approved.

## COMMITTEE RECOMMENDATIONS

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendations have been received and are on file in the office of the Chief Clerk.

ELIZABETH A. ISAACSON  
Chief Clerk of the House

### COMMITTEE ON JUDICIARY

**Senate Joint Resolution 12**, a joint resolution proposing an amendment to the Constitution of the State of Iowa to provide for certain rights for victims of crimes.

Fiscal Note is not required.

Committee Action: **Failed to Pass** March 19, 1998.

**Senate File 466**, a bill for an act relating to the theft of video rental property and making penalties applicable.

Fiscal Note is not required.

Recommended **Do Pass** March 19, 1998.

**Senate File 2281**, a bill for an act relating to compensation for the legal defense of indigent persons in criminal, appellate, and certain civil cases.

Fiscal Note is not required.

Recommended **Do Pass** March 19, 1998.

**Senate File 2345**, a bill for an act relating to juvenile justice system provisions involving foster care, termination of parental rights, and adoption preplacement investigations.

Fiscal Note is not required.

Recommended **Do Pass** March 19, 1998.

**Senate File 2374**, a bill for an act providing for the regulation of bail enforcement businesses and their agents, limiting their actions, establishing fees, eliminating temporary county-issued identification for private security agents and investigators, and providing penalties.

Fiscal Note is not required.

Recommended **Do Pass** March 19, 1998.

**Senate File 2377**, a bill for an act relating to the sixth judicial district pilot probation revocation project and providing for effective dates and for repeal of the pilot project provisions.

Fiscal Note is not required.

Recommended **Do Pass** March 19, 1998.

**Senate File 2384**, a bill for an act to provide for the assessment and payment of a thirty-five dollar installment payment fee for fines or court costs paid in installments under certain circumstances and providing for a contingent effective date.

Fiscal Note is not required.

Recommended **Do Pass** March 19, 1998.

**Senate File 2385**, a bill for an act relating to the mandatory minimum term of incarceration for felony domestic abuse assault.

Fiscal Note is not required.

Recommended **Do Pass** March 19, 1998.

**Senate File 2399**, a bill for an act providing for the merger of a limited partnership with other business entities.

Fiscal Note is not required.

Recommended **Do Pass** March 19, 1998.

#### COMMITTEE ON LOCAL GOVERNMENT

**Senate File 2015**, a bill for an act to remove cottonwood trees and cotton-bearing poplar trees in cities from a list of items deemed to be nuisances.

Fiscal Note is not required.

Recommended **Do Pass** March 19, 1998.

**Senate File 2200**, a bill for an act relating to the expenses, powers, and duties of county agricultural extension councils.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H-8528** March 19, 1998.

**Senate File 2254**, a bill for an act relating to charges for room and board by certain prisoners.

Fiscal Note is not required.

Recommended **Do Pass** March 19, 1998.

**Senate File 2268**, a bill for an act relating to rural water services by authorizing rural water districts to enter into agreements with other governmental entities to provide for the ownership, acquisition, construction, and equipping of sewer systems, and authorizing the issuance of revenue obligations to finance the projects and providing procedures for detaching property from one district and attaching it to another district.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H-8529** March 19, 1998.

**Senate File 2277**, a bill for an act providing for exceptions to municipal tort liability for skateboarding.

Fiscal Note is not required.

Recommended **Do Pass** March 19, 1998.

#### AMENDMENTS FILED

H—8527	S.F.	429	Rants of Woodbury Sukup of Franklin
H—8528	S.F.	2200	Committee on Local Government
H—8529	S.F.	2268	Committee on Local Government
H—8530	S.F.	2052	Warnstadt of Woodbury
H—8531	S.F.	2286	Kreiman of Davis

On motion by Gipp of Winneshiek, the House adjourned at 9:08 a.m., until 1:00 p.m., Monday, March 23, 1998.

# JOURNAL OF THE HOUSE

Seventy-first Calendar Day - Forty-eighth Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Monday, March 23, 1998

The House met pursuant to adjournment at 1:00 p.m., Speaker pro tempore Van Maanen of Marion in the chair.

Prayer was offered by Reverend Barry B. Blankers, Christian Reformed Church, Ocheyedan.

The Journal of Friday, March 20, 1998 was approved.

## PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by fifteen Cub Scouts from Pack 8 and six Boy Scouts from Troop 8, accompanied by Cubmaster Jim Payton, Leaders Todd Odeen, Marilyn Gibbons and Doug Buchannon; Scoutmaster Tom Kincheloe, Assistant Scoutmaster Carole Schultes and Leader Richard Crissinger, Cedar Rapids. They are Iowa's first Urban Pack and Troop.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Koenigs of Mitchell, until his arrival, on request of Osterhaus of Jackson.

## ADOPTION OF HOUSE MEMORIAL RESOLUTION 101

Metcalf of Polk offered the following House Memorial Resolution 101 and moved its adoption:

### HOUSE MEMORIAL RESOLUTION 101

*Whereas, The Honorable Samuel E. Orebaugh of Polk County, Iowa, who was a member of the Fiftieth General Assembly, passed away November 2, 1997; Now Therefore,*

*Be It Resolved by the House of Representatives, That a committee of three be appointed by the Speaker of the House to prepare suitable resolutions commemorating his life, character and service to the state.*

The motion prevailed and the Speaker appointed as such committee Metcalf of Polk, Jacobs of Polk and Connors of Polk.

## ADOPTION OF HOUSE MEMORIAL RESOLUTION 102

Arnold of Lucas offered the following House Memorial Resolution 102 and moved its adoption:



## HOUSE MEMORIAL RESOLUTION 102

Whereas, The Honorable M.W. "Jack" Beaman of Clarke County, Iowa, who was a member of the 72nd, 73rd, 74th, and 75th general assemblies, passed away January 9, 1998; *Now Therefore,*

*Be It Resolved by the House of Representatives,* That a committee of three be appointed by the Speaker of the House to prepare suitable resolutions commemorating his life, character and service to the state.

The motion prevailed and the Speaker appointed as such committee Arnold of Lucas, Weidman of Cass and Kreiman of Davis.

## ADOPTION OF HOUSE MEMORIAL RESOLUTION 103

Cohon of Des Moines offered the following House Memorial Resolution 103 and moved its adoption:

## HOUSE MEMORIAL RESOLUTION 103

Whereas, The Honorable Louis J. Muhlbauer of Crawford County, Iowa, who was a member of the Seventieth, Seventy-first, Seventy-second, Seventy-third, and Seventy-fourth general assemblies, passed away December 25, 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 Cohoon of Des Moines, Blodgett of Cerro Gordo and Siegrist of Pottawattamie.

## CONSIDERATION OF BILLS

## Regular Calendar

**Senate File 316**, a bill for an act relating to the probationary period for deputy sheriffs, with report of committee recommending amendment and passage, was taken up for consideration.

Weidman of Cass offered amendment H-8031 filed by the committee on local government as follows:

H-8031

1 Amend Senate File 316, as passed by the Senate, as  
2 follows:

3 1. Page 1, line 16, by striking the word "six"  
4 and inserting the following: "up to nine".

5 2. Page 1, line 23, by striking the word "six"  
6 and inserting the following: "up to nine".

7 3. Page 1, line 29, by inserting after the word  
8 "commission." the following: "Each deputy sheriff who

9 transfers from one jurisdiction to another shall be  
10 employed subject to a probationary period of up to  
11 nine months."

12 4. Page 1, by inserting after line 33 the  
13 following:

14 "Sec. \_\_\_\_ Section 400.8, subsection 3, Code 1997,  
15 is amended to read as follows:

16 3. All appointments to such positions shall be  
17 conditional upon a probation period of not to exceed  
18 six months, and in the case of ~~police patrol officers,~~  
19 police dispatchers, and fire fighters a probation  
20 period not to exceed twelve months. In the case of  
21 police patrol officers, if the employee has  
22 successfully completed training at the Iowa law  
23 enforcement academy or another training facility  
24 certified by the director of the Iowa law enforcement  
25 academy before the initial appointment as a police  
26 patrol officer, the probationary period shall be for a  
27 period of up to nine months and shall commence with  
28 the date of initial appointment as a police patrol  
29 officer. If the employee has not successfully  
30 completed training at the Iowa law enforcement academy  
31 or another training facility certified by the director  
32 of the law enforcement academy before initial  
33 appointment as a police patrol officer, the  
34 probationary period shall commence with the date of  
35 initial employment as a police patrol officer and  
36 shall continue for a period of up to nine months  
37 following the date of successful completion of  
38 training at the Iowa law enforcement academy or  
39 another training facility certified by the director of  
40 the Iowa law enforcement academy. A police patrol  
41 officer transferring employment from one jurisdiction  
42 to another shall be employed subject to a probationary  
43 period of up to nine months. However, in cities with  
44 a population over one hundred seventy-five thousand,  
45 appointments to the position of fire fighter shall be  
46 conditional upon a probation period of not to exceed  
47 twenty-four months. During the probation period, the  
48 appointee may be removed or discharged from such  
49 position by the appointing person or body without the  
50 right of appeal to the commission. A person removed

Page 2

1 or discharged during a probationary period shall, at  
2 the time of discharge, be given a notice in writing  
3 stating the reason or reasons for the dismissal. A  
4 copy of such notice shall be promptly filed with the  
5 commission. Continuance in the position after the  
6 expiration of such probationary period shall  
7 constitute a permanent appointment."

8 5. Title page, line 1, by striking the words

9 "deputy sheriffs" and inserting the following:  
 10 "certain law enforcement officers".

Brauns of Muscatine offered the following amendment H-8087, to the committee amendment H-8031, filed by him and moved its adoption:

H-8087

1 Amend the committee amendment, H-8031, to Senate  
 2 File 316, as passed by the Senate, as follows:  
 3 1. Page 1, by inserting after line 2 the  
 4 following:  
 5 "\_\_\_ Page 1, by inserting before line 1 the  
 6 following:  
 7 "Section 1. NEW SECTION. 80B.17 CERTIFICATION  
 8 REQUIRED.  
 9 The council shall extend the one-year time period  
 10 in which an officer candidate must become certified  
 11 for up to one hundred eighty days if the officer  
 12 candidate is enrolled in training within twelve months  
 13 of initial appointment."  
 14 2. Page 2, by striking lines 8 through 10 and  
 15 inserting the following:  
 16 "\_\_\_ Title page, by striking line 1 and  
 17 inserting the following: "An Act relating to the  
 18 training and probationary periods for certain law  
 19 enforcement officers."

Amendment H-8087 was adopted.

Brauns of Muscatine asked and received unanimous consent to withdraw amendment H-8057, to the committee amendment H-8031, filed by him on February 17, 1998.

Weidman of Cass moved the adoption of the committee amendment H-8031, as amended.

The committee amendment H-8031, as amended, 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. 316)

The ayes were, 97:

Arnold	Barry	Bell	Bernau
Blodgett	Boddicker	Boggess	Bradley
Brand	Brauns	Brunkhorst	Bukta
Burnett	Carroll	Cataldo	Chapman

Chiodo	Churchill	Cohoon	Connors
Corbett, Spkr.	Cormack	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
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, 3:

Dinkla                      Ford                      Koenigs

The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

### HOUSE FILE 137 WITHDRAWN

Garman of Story asked and received unanimous consent to withdraw House File 137 from further consideration by the House.

**Senate File 2023**, a bill for an act relating to the issuance of ex-prisoner of war motor vehicle registration plates to surviving spouses, with report of committee recommending passage, was taken up for consideration.

Thomas of Clayton offered the following amendment H-8515 filed by him and moved its adoption:

H-8515

- 1 Amend Senate File 2023, as passed by the Senate, as
- 2 follows:
- 3 1. Page 1, by inserting after line 11 the
- 4 following:
- 5 "Sec. \_\_\_\_ Section 321.34, Code Supplement 1997,

6 is amended by adding the following new subsection:

7 NEW SUBSECTION. 10A. EMERGENCY MEDICAL SERVICES

8 PLATES. The owner of a motor vehicle subject to  
 9 registration pursuant to section 321.109, subsection  
 10 1, light delivery truck, panel delivery truck, pickup,  
 11 motor home, multipurpose vehicle, or travel trailer  
 12 who is a current member of a paid or volunteer  
 13 emergency medical services agency, may upon written  
 14 application to the department, order special  
 15 registration plates, designed by the department in  
 16 cooperation with representatives designated by the  
 17 Iowa emergency medical services association, which  
 18 plates signify that the applicant is a current member  
 19 of a paid or volunteer emergency medical services  
 20 agency. The application shall be approved by the  
 21 department, in consultation with representatives  
 22 designated by the Iowa emergency medical services  
 23 association, and the special registration plates shall  
 24 be issued to the applicant in exchange for the  
 25 registration plates previously issued to the person.  
 26 The fee for the special plates shall be twenty-five  
 27 dollars which shall be in addition to the regular  
 28 annual registration fee. The department shall  
 29 validate the special plates in the same manner as  
 30 regular registration plates are validated under this  
 31 section at the regular annual registration fee.”  
 32 2. Title page, line 2, by inserting after the  
 33 word “spouses” the following: “and to the issuance of  
 34 emergency medical services motor vehicle registration  
 35 plates and establishing fees”.

Roll call was requested by Kreiman of Davis and Weigel of Chickasaw.

Rule 75 was invoked.

On the question “Shall amendment H-8515 be adopted?” (S.F. 2023)

The ayes were, 48:

Bell	Bernau	Brand	Bukta
Burnett	Cataldo	Chapman	Chiodo
Cohoon	Connors	Doderer	Dotzler
Drees	Falck	Fallon	Foege
Frevert	Garman	Gries	Hahn
Holveck	Huser	Jochum	Kinzer
Kreiman	Kremer	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, 47:

Arnold	Barry	Blodgett	Boddicker
Boggess	Bradley	Brauns	Brunkhorst
Churchill	Corbett, Spkr.	Cormack	Dinkla
Dix	Dolecheck	Drake	Eddie
Gipp	Greig	Greiner	Hansen
Heaton	Holmes	Huseman	Jacobs
Jenkins	Klemme	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, 5:

Carroll	Ford	Grundberg	Houser
Koenigs			

Amendment H-8515 was adopted.

Murphy of Dubuque offered amendment H-8523 filed by him as follows:

H-8523

1 Amend Senate File 2023, as passed by the Senate, as  
 2 follows:  
 3 1. Page 1, by inserting after line 11 the  
 4 following:  
 5 "Sec. \_\_\_\_ Section 321.34, subsection 16, Code  
 6 Supplement 1997, is amended to read as follows:  
 7 16. NATIONAL GUARD SPECIAL PLATES. An owner  
 8 referred to in subsection 12 who is a member of the  
 9 national guard, as defined in chapter 29A, may, upon  
 10 written application to the department, order special  
 11 registration plates with a national guard processed  
 12 emblem with the emblem designed by the department in  
 13 cooperation with the adjutant general which emblem  
 14 signifies that the applicant is a member of the  
 15 national guard. The application shall be approved by  
 16 the department in consultation with the adjutant  
 17 general. Special registration plates with a national  
 18 guard processed emblem shall be surrendered, as  
 19 provided in subsection 12, in exchange for regular  
 20 registration plates upon termination of the owner's  
 21 membership in the active national guard unless the  
 22 owner completed a minimum of ten years of service and  
 23 received an honorable discharge from service due to a  
 24 medical disqualification.  
 25 Sec. \_\_\_\_ Section 321.34, subsection 19, Code

26 Supplement 1997, is amended to read as follows:

27 19. UNITED STATES ARMED FORCES RETIRED SPECIAL  
28 PLATES. An owner referred to in subsection 12 who is  
29 a retired member of the United States armed forces,  
30 may, upon written application to the department and  
31 upon presentation of satisfactory proof of membership,  
32 order special registration plates with a United States  
33 armed forces retired processed emblem. The emblem  
34 shall be designed by the department in consultation  
35 with service organizations. The application is  
36 subject to approval by the department. For purposes  
37 of this subsection, a person is considered to be  
38 retired if the person served twenty years or longer in  
39 the United States armed forces or is a person who  
40 served a minimum of ten years and received an  
41 honorable discharge from service due to a medical  
42 disqualification."

Murphy of Dubuque offered the following amendment H-8533, to amendment H-8523, filed by him from the floor and moved its adoption:

H-8533

- 1 Amend the amendment, H-8523, to Senate File 2023,
- 2 as passed by the Senate, as follows:
- 3 1. Page 1, by striking lines 5 through 24.
- 4 2. By renumbering as necessary.

Amendment H-8533 was adopted.

Murphy of Dubuque moved the adoption of amendment H-8523, as amended.

Amendment H-8523, as amended, was adopted.

The following amendment H-8561 filed by Kremer of Buchanan from the floor was adopted by unanimous consent:

H-8561

- 1 Amend Senate File 2023, as passed by the Senate, as
- 2 follows:
- 3 1. Title page, line 1, by inserting after the
- 4 words "issuance of" the following: "United States
- 5 armed forces retired special plates, to the issuance
- 6 of".

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. 2023)

The ayes were, 93:

Arnold	Barry	Bernau	Blodgett
Boddicker	Bogges	Bradley	Brand
Brauns	Brunkhorst	Bukta	Burnett
Carroll	Cataldo	Chapman	Chiodo
Churchill	Connors	Corbett, Spkr.	Cormack
Dinkla	Dix	Doderer	Dolecheck
Dotzler	Drake	Drees	Falck
Fallon	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	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, 3:

Eddie	Meyer	Vande Hoef
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Absent or not voting, 4:

Bell	Cphoon	Ford	Koenigs
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The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

## IMMEDIATE MESSAGES

Siegrist of Pottawattamie asked and received unanimous consent that the following bills be immediately messaged to the Senate: **Senate Files 316 and 2023.**

The House resumed consideration of **House File 2475**, a bill for an act relating to certain crimes against persons, by permitting the retention as criminal history data of acquittals, dismissals, or adjudications based on mental condition if the charge involved injury to another, by providing for the collection and dissemination of information on the



offense of stalking, by providing for the application of enhanced stalking penalties for persons who are the subject of certain restraining or protective orders, and providing for the issuance of a no-contact order against persons accused of stalking, previously deferred and placed on the unfinished business calendar.

### SENATE FILE 2373 SUBSTITUTED FOR HOUSE FILE 2475

Greiner of Washington asked and received unanimous consent to substitute Senate File 2373 for House File 2475.

**Senate File 2373**, a bill for an act relating to certain crimes against persons, by permitting the retention as criminal history data of acquittals, dismissals, or adjudications based on mental condition if the charge involved injury to another, by providing for the collection and dissemination of information on the offense of stalking, by providing for the application of enhanced stalking penalties for persons who are the subject of certain restraining or protective orders and providing for the issuance of no-contact orders against persons who are arrested for the crimes of harassment or stalking and providing penalties, was taken up for consideration.

Greiner of Washington moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2373)

The ayes were, 96:

Arnold	Barry	Bell	Bernau
Blodgett	Boddicker	Boggess	Bradley
Brand	Brauns	Brunkhorst	Bukta
Burnett	Carroll	Cataldo	Chapman
Chiodo	Churchill	Cohoon	Connors
Corbett, Spkr.	Cormack	Dinkla	Dix
Doderer	Dolecheck	Dotzler	Drake
Drees	Eddie	Falck	Fallon
Foege	Frevert	Garman	Gipp
Greig	Greiner	Gries	Grundberg
Hahn	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	Murphy	Myers
Nelson	O'Brien	Osterhaus	Rants
Rayhons	Reynolds-Knight	Richardson	Scherrman

Schrader	Shoultz	Siegrist	Sukup
Taylor	Teig	Thomas	Thomson
Tyrrell	Van Fossen	Vande Hoef	Veenstra
Warnstadt	Weidman	Weigel	Welter
Whitead	Wise	Witt	Van Maanen, Presiding

The nays were, none.

Absent or not voting, 4:

Ford	Hansen	Koenigs	Mundie
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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 2136**, 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 amendment and passage, was taken up for consideration.

Kremer of Buchanan offered the following amendment H-8264 filed by the committee on judiciary and moved its adoption:

H-8264

- 1 Amend Senate File 2136, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 5, by inserting after line 1 the
- 4 following:
- 5 "Sec. \_\_\_\_ Section 96.13, subsection 3, paragraph
- 6 b, Code 1997, is amended to read as follows:
- 7 b. The department shall annually report to the
- 8 joint regulations economic development appropriations
- 9 subcommittee on its plans for expenditures during the
- 10 next state fiscal year from the special employment
- 11 security contingency fund. The report shall describe
- 12 the specific expenditures and explain why the
- 13 expenditures are to be made from the fund and not from
- 14 federal administrative funds."
- 15 2. Page 14, by inserting after line 4 the
- 16 following:
- 17 "Sec. \_\_\_\_ Section 600B.41A, subsection 3,
- 18 paragraph e, subparagraph (1), Code Supplement 1997,
- 19 is amended to read as follows:
- 20 (1) Unless otherwise specified pursuant to
- 21 subsection 2 or 8 9, blood or genetic testing shall be
- 22 conducted in an action to overcome the establishment

23 of paternity."

24 3. By renumbering as necessary.

The committee amendment H-8264 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. 2136)

The ayes were, 97:

Arnold	Barry	Bell	Bernau
Blodgett	Boddicker	Bogges	Bradley
Brand	Brauns	Brunkhorst	Bukta
Burnett	Carroll	Cataldo	Chapman
Chiodo	Churchill	Cohoon	Connors
Corbett, Spkr.	Cormack	Dinkla	Dix
Doderer	Dolecheck	Dotzler	Drake
Drees	Eddie	Falck	Fallon
Foegen	Frevert	Garman	Gipp
Greig	Greiner	Gries	Grundberg
Hahn	Hansen	Heaton	Holmes
Holveck	Houser	Huseman	Huser
Jacobs	Jenkins	Jochum	Kinzer
Klemme	Kreiman	Kremer	Lamberti
Larkin	Larson	Lord	Martin
Mascher	May	Mertz	Metcalf
Meyer	Millage	Moreland	Mundie
Murphy	Myers	Nelson	O'Brien
Osterhaus	Rants	Rayhons	Reynolds-Knight
Richardson	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:

Ford	Koenigs	Scherrman
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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 2153**, a bill for an act relating to affidavits of candidacy filed by candidates for public office, with report of committee recommending passage, was taken up for consideration.

Jochum of Dubuque moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2153)

The ayes were, 97:

Arnold	Barry	Bell	Bernau
Blodgett	Boddicker	Boggess	Bradley
Brand	Brauns	Brunkhorst	Bukta
Burnett	Carroll	Cataldo	Chapman
Chiodo	Churchill	Cohoon	Connors
Corbett, Spkr.	Cormack	Dinkla	Dix
Doderer	Dolecheck	Dotzler	Drake
Drees	Falck	Fallon	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	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:

Eddie	Ford	Koenigs
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

### HOUSE FILE 2475 WITHDRAWN

Greiner of Washington asked and received unanimous consent to withdraw House File 2475 from further consideration by the House.

### IMMEDIATE MESSAGES

Siegrist of Pottawattamie asked and received unanimous consent that the following bills be immediately messaged to the Senate: **Senate Files 2373, 2136 and 2153.**

**Senate File 2162**, a bill for an act relating to the definition of the federal Truth in Lending Act in the Iowa consumer credit code, with report of committee recommending passage, was taken up for consideration.

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. 2162)

The ayes were, 97:

Arnold	Barry	Bell	Bernau
Blodgett	Boddicker	Boguess	Bradley
Brand	Brauns	Brunkhorst	Bukta
Burnett	Carroll	Cataldo	Chapman
Chiodo	Churchill	Cohoon	Connors
Corbett, Spkr.	Cormack	Dinkla	Dix
Doderer	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
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, 3:

Dolecheck	Ford	Koenigs
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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 2174**, a bill for an act relating to agriculture by amending and eliminating provisions to reflect current practice, and

transferring provisions, 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.

On the question "Shall the bill pass?" (S.F. 2174)

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	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	Kreiman	Kremer	Lamberti
Larkin	Larson	Lord	Martin
Mascher	May	Mertz	Metcalf
Meyer	Millage	Moreland	Mundie
Murphy	Myers	Nelson	O'Brien
Osterhaus	Rants	Rayhons	Reynolds-Knight
Richardson	Scherrman	Schrader	Shoultz
Siegrist	Sukup	Taylor	Teig
Thomas	Thomson	Tyrrell	Van Fossen
Vande Hoef	Veenstra	Warnstadt	Weidman
Weigel	Welter	Whitead	Wise
Witt	Van Maanen, Presiding		

The nays were, none.

Absent or not voting, 2:

Ford                      Koenigs

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

**Senate File 2184**, a bill for an act relating to the disposal of cement kiln dust at tonnage fee exempt solid waste disposal facilities, 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. 2184)

The ayes were, 96:

Arnold	Barry	Bell	Bernau
Blodgett	Boddicker	Boggess	Bradley
Brand	Brauns	Brunkhorst	Bukta
Burnett	Carroll	Cataldo	Chapman
Chiodo	Churchill	Cohoon	Connors
Corbett, Spkr.	Cormack	Dinkla	Dix
Doderer	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
Kreiman	Kremer	Lamberti	Larkin
Larson	Lord	Martin	Mascher
May	Mertz	Metcalf	Meyer
Millage	Moreland	Mundie	Murphy
Myers	Nelson	O'Brien	Osterhaus
Rants	Rayhons	Reynolds-Knight	Richardson
Scherrman	Schrader	Siegrist	Sukup
Taylor	Teig	Thomas	Thomson
Tyrrell	Van Fossen	Vande Hoef	Veenstra
Warnstadt	Weidman	Weigel	Welter
Whitead	Wise	Witt	Van Maanen, Presiding

The nays were, none.

Absent or not voting, 4:

Dolecheck	Ford	Koenigs	Shoultz
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

#### IMMEDIATE MESSAGES

Siegrist of Pottawattamie asked and received unanimous consent that the following bills be immediately messaged to the Senate: **Senate Files 2162, 2174 and 2184.**

#### MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 23, 1998, passed the following bill in which the concurrence of the Senate was asked:

House File 58, a bill for an act relating to fees charged by an employer for copies of items in an employee's personnel file.

Also: That the Senate has on March 23, 1998, passed the following bill in which the concurrence of the Senate was asked:

House File 2210, a bill for an act relating to energy conservation including making appropriations of petroleum overcharge funds and providing for the dissolution of the energy fund disbursement council and intermodal revolving loan fund.

Also: That the Senate has on March 23, 1998, passed the following bill in which the concurrence of the Senate was asked:

House File 2246, a bill for an act relating to the collection and payment of fees and expenses of county medical examiners.

Also: That the Senate has on March 23, 1998, passed the following bill in which the concurrence of the Senate was asked:

House File 2324, a bill for an act relating to the statutory elements of certain forms of assault.

Also: That the Senate has on March 23, 1998, passed the following bill in which the concurrence of the Senate was asked:

House File 2353, a bill for an act relating to exemptions from distinguishing registration plates for motor vehicles.

Also: That the Senate has on March 23, 1998, passed the following bill in which the concurrence of the Senate was asked:

House File 2412, a bill for an act relating to optometrists' reports to the department of transportation concerning a person's ability to operate a motor vehicle.

Also: That the Senate has on March 23, 1998, passed the following bill in which the concurrence of the Senate was asked:

House File 2456, a bill for an act changing the designation of the judiciary in the Code from the judicial department to the judicial branch.

Also: That the Senate has on March 23, 1998, passed the following bill in which the concurrence of the Senate was asked:

House File 2499, a bill for an act relating to and making transportation and other infrastructure-related appropriations to the state department of transportation and other state agencies, including allocation and use of moneys from the general fund of the state, road use tax fund, primary road fund, and the motorcycle rider education fund, providing for the nonreversion of certain moneys, and making statutory changes relating to appropriations.

Also: That the Senate has on March 23, 1998, passed the following bill in which the concurrence of the House is asked:

Senate File 2365, a bill for an act exempting certain rural water districts from provisions regarding the state tax imposed on sales and services.



Also: That the Senate has on March 23, 1998, passed the following bill in which the concurrence of the House is asked:

Senate File 2407, a bill for an act relating to the extension of the reduced excise tax imposed on motor fuel containing ethanol.

MARY PAT GUNDERSON, Secretary

The House stood at ease at 2:28 p.m., until the fall of the gavel.

The House resumed session at 3:48 p.m., Speaker Corbett in the chair.

**Senate File 2220**, a bill for an act relating to the definition of a chronic runaway, with report of committee recommending passage, was taken up for consideration.

Kremer of Buchanan moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2220)

The ayes were, 99:

Arnold	Barry	Bell	Bernau
Blodgett	Boddicker	Bogges	Bradley
Brand	Brauns	Brunkhorst	Bukta
Burnett	Carroll	Cataldo	Chapman
Chiodo	Churchill	Cohoon	Connors
Cormack	Dinkla	Dix	Doderer
Dolecheck	Dotzler	Drake	Drees
Eddie	Falck	Fallon	Foege
Frevert	Garman	Gipp	Greig
Greiner	Gries	Grundberg	Hahn
Hansen	Heaton	Holmes	Holveck
Houser	Huseman	Huser	Jacobs
Jenkins	Jochum	Kinzer	Klemme
Koenigs	Kreiman	Kremer	Lamberti
Larkin	Larson	Lord	Martin
Mascher	May	Mertz	Metcalf
Meyer	Millage	Moreland	Mundie
Murphy	Myers	Nelson	O'Brien
Osterhaus	Rants	Rayhons	Reynolds-Knight
Richardson	Scherrman	Schrader	Shoultz
Siegrist	Sukup	Taylor	Teig
Thomas	Thomson	Tyrrell	Van Fossen
Van Maanen	Vande Hoef	Veenstra	Warnstadt
Weidman	Weigel	Welter	Whitead
Wise	Witt	Mr. Speaker	
		Corbett	

The nays were, none.

Absent or not voting, 1:

Ford

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

### Ways and Means Calendar

**Senate File 2288**, a bill for an act relating to the sales and use tax on optional service or warranty contracts and to the sales and use tax exemption on certain computers, equipment, machinery, and fuel, relating to the definition of manufacturer for purposes of the exemption, and providing a retroactive applicability date, 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. 2288)

The ayes were, 98:

Arnold	Barry	Bell	Bernau
Blodgett	Boddicker	Bogges	Bradley
Brand	Brauns	Brunkhorst	Bukta
Burnett	Carroll	Cataldo	Chapman
Chiodo	Churchill	Cohoon	Connors
Cormack	Dinkla	Dix	Doderer
Dolecheck	Dotzler	Drake	Drees
Eddie	Falck	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, 1:

Fallon

Absent or not voting, 1:

Ford

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

### Regular Calendar

**Senate File 2319**, a bill for an act revising the definition of the practice of land surveying, 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. 2319)

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
Frevert	Garman	Gipp	Greig
Greiner	Gries	Grundberg	Hahn
Hansen	Heaton	Holmes	Holveck
Houser	Huseman	Huser	Jacobs
Jenkins	Jochum	Kinzer	Klemme
Koenigs	Kreiman	Kremer	Lamberti
Larkin	Larson	Lord	Martin
Mascher	May	Mertz	Metcalf
Meyer	Millage	Moreland	Mundie
Murphy	Myers	Nelson	O'Brien
Osterhaus	Rants	Rayhons	Reynolds-Knight
Richardson	Scherrman	Schrader	Shoultz
Siegrist	Sukup	Taylor	Teig
Thomas	Thomson	Tyrrell	Van Fossen
Van Maanen	Vande Hoef	Veenstra	Warnstadt
Weidman	Weigel	Welter	Whitead
Wise	Witt	Mr. Speaker	
		Corbett	

The nays were, none.

Absent or not voting, 1:

Ford

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

### IMMEDIATE MESSAGES

Siegrist of Pottawattamie asked and received unanimous consent that the following bills be immediately messaged to the Senate: **Senate Files 2220, 2288 and 2319.**

**House File 2259**, a bill for an act relating to the corn promotion board, by increasing the ceiling on the state assessment of corn subject to a special referendum and authorizing the receipt of rents, royalties, and license fees by the board, was taken up for consideration.

#### SENATE FILE 2119 SUBSTITUTED FOR HOUSE FILE 2259

Boggess of Taylor asked and received unanimous consent to substitute Senate File 2119 for House File 2259, placing amendment H-8058 filed by Koenigs of Mitchell and Drees of Carroll on February 17, 1998, out of order.

**Senate File 2119**, a bill for an act relating to the corn promotion board, by increasing the ceiling on the state assessment of corn subject to a special referendum and authorizing the receipt of rents, royalties, and license fees by the board, was taken up for consideration.

Koenigs of Mitchell offered the following amendment H-8083 filed by him and moved its adoption:

H-8083

- 1 Amend Senate File 2119, as passed by the Senate, as
- 2 follows:
- 3 1. Page 2, by inserting after line 2 the
- 4 following:
- 5 "Sec. \_\_\_\_ Section 185C.27, Code 1997, is amended
- 6 to read as follows:
- 7 185C.27 REFUND OF ASSESSMENT.
- 8 A producer who has sold corn and had a state
- 9 assessment deducted from the sale price, by
- 10 application in writing to the board, may secure a
- 11 refund in the amount deducted. The refund shall be
- 12 payable only when the application shall have been made
- 13 to the board within ~~sixty~~ one hundred eighty days

14 after the deduction. Application forms shall be given  
 15 by the board to each first purchaser when requested  
 16 and the first purchaser shall make the applications  
 17 available to any producer. Each application for  
 18 refund by a producer shall have attached to the  
 19 application proof of the assessment deducted. The  
 20 proof of assessment may be in the form of a duplicate  
 21 or certified copy of the purchase invoice by the first  
 22 purchaser. The board shall have thirty days from the  
 23 date the application for refund is received to remit  
 24 the refund to the producer. The board may provide for  
 25 refunds of a federal assessment as provided by federal  
 26 law. Unless inconsistent with federal law, refunds  
 27 shall be made under section 185C.26.”  
 28 2. By renumbering as necessary.

Amendment H-8083 lost.

Boguess 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. 2119)

The ayes were, 82:

Arnold	Barry	Bell	Blodgett
Boddicker	Boguess	Bradley	Brand
Brauns	Brunkhorst	Bukta	Carroll
Cataldo	Chiodo	Churchill	Cphoon
Connors	Cormack	Dinkla	Dix
Dolecheck	Dotzler	Drake	Eddie
Falck	Gipp	Greig	Greiner
Gries	Grundberg	Hahn	Hansen
Heaton	Holmes	Houser	Huseman
Jacobs	Jenkins	Jochum	Kinzer
Klemme	Kreiman	Kremer	Lamberti
Larkin	Larson	Lord	Martin
May	Mertz	Metcalf	Meyer
Millage	Moreland	Myers	Nelson
O'Brien	Osterhaus	Rants	Rayhons
Reynolds-Knight	Richardson	Scherrman	Schraeder
Siegrist	Sukup	Taylor	Teig
Thomas	Thomson	Tyrrell	Van Fossen
Van Maanen	Vande Hoef	Veenstra	Warnstadt
Weidman	Weigel	Welter	Whitead
Wise	Mr. Speaker		
	Corbett		

The nays were, 17:

Bernau	Burnett	Chapman	Doderer
Drees	Fallon	Foegel	Frevert

Garman  
Mascher  
Witt

Holveck  
Mundie

Huser  
Murphy

Koenigs  
Shoultz

Absent or not voting, 1:

Ford

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

#### HOUSE FILE 2151 WITHDRAWN

Blodgett of Cerro Gordo asked and received unanimous consent to withdraw House File 2151 from further consideration by the House.

#### HOUSE FILE 2259 WITHDRAWN

Boggess of Taylor asked and received unanimous consent to withdraw House File 2259 from further consideration by the House.

#### Unfinished Business Calendar

**House File 2273**, a bill for an act relating to a transfer of the records management duties of the department of general services to the department of cultural affairs and making conforming changes, was taken up for consideration.

#### SENATE FILE 2183 SUBSTITUTED FOR HOUSE FILE 2273

Holmes of Scott asked and received unanimous consent to substitute Senate File 2183 for House File 2273.

**Senate File 2183**, a bill for an act relating to a transfer of the records management duties of the department of general services to the department of cultural affairs and making conforming changes, 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. 2183)

The ayes were, 99:

Arnold  
Blodgett  
Brand  
Burnett  
Chiodo

Barry  
Boddicker  
Brauns  
Carroll  
Churchill

Bell  
Boggess  
Brunkhorst  
Cataldo  
Cphoon

Bernau  
Bradley  
Bukta  
Chapman  
Connors

Cormack	Dinkla	Dix	Doderer
Dolecheck	Dotzler	Drake	Drees
Eddie	Falck	Fallon	Foege
Frevert	Garman	Gipp	Greig
Greiner	Gries	Grundberg	Hahn
Hansen	Heaton	Holmes	Holveck
Houser	Huseman	Huser	Jacobs
Jenkins	Jochum	Kinzer	Klemme
Koenigs	Kreiman	Kremer	Lamberti
Larkin	Larson	Lord	Martin
Mascher	May	Mertz	Metcalf
Meyer	Millage	Moreland	Mundie
Murphy	Myers	Nelson	O'Brien
Osterhaus	Rants	Rayhons	Reynolds-Knight
Richardson	Scherrman	Schrader	Shoultz
Siegrist	Sukup	Taylor	Teig
Thomas	Thomson	Tyrrell	Van Fossen
Van Maanen	Vande Hoef	Veenstra	Warnstadt
Weidman	Weigel	Welter	Whitead
Wise	Witt	Mr. Speaker	
		Corbett	

The nays were, none.

Absent or not voting, 1:

Ford

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

**House File 2327**, a bill for an act concerning the release of information by the department of transportation to governmental employees, was taken up for consideration.

Holmes of Scott offered the following amendment H-8270 filed by him and moved its adoption:

H-8270

- 1 Amend House File 2327 as follows:
- 2 1. Page 1, line 7, by inserting after the word
- 3 "subdivision" the following: "in the performance of
- 4 the employee's official duties".

Amendment H-8270 was adopted.

SENATE FILE 2267 SUBSTITUTED FOR HOUSE FILE 2327

Holmes of Scott asked and received unanimous consent to substitute Senate File 2267 for House File 2327.

**Senate File 2267**, a bill for an act concerning the release of information by the department of transportation to governmental employees, 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. 2267)

The ayes were, 98:

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
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	Wise
Witt	Mr. Speaker		
	Corbett		

The nays were, none.

Absent or not voting, 2:

Ford                      Whitead

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

#### HOUSE FILES 2273 AND 2327 WITHDRAWN

Holmes of Scott asked and received unanimous consent to withdraw House Files 2273 and 2327 from further consideration by the House.



## IMMEDIATE MESSAGES

Siegrist of Pottawattamie asked and received unanimous consent that the following bills be immediately messaged to the Senate: **Senate Files 2119, 2183 and 2267.**

**House File 2396**, a bill for an act relating to the Iowa egg council and to an assessment on the sale of eggs for support of the council, was taken up for consideration.

## SENATE FILE 2340 SUBSTITUTED FOR HOUSE FILE 2396

Boguess of Taylor asked and received unanimous consent to substitute Senate File 2340 for House File 2396.

**Senate File 2340**, a bill for an act relating to the Iowa egg council and to an assessment on the sale of eggs for support of the council, was taken up for consideration.

Boguess 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. 2340)

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	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  
Witt

Welter  
Mr. Speaker  
Corbett

Whitead

Wise

The nays were, none.

Absent or not voting, 2:

Connors

Ford

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

### HOUSE FILE 2396 WITHDRAWN

Bogges of Taylor asked and received unanimous consent to withdraw House File 2396 from further consideration by the House.

**House File 2401**, a bill for an act relating to the number of bank offices which may be established by a bank within a municipal corporation or urban complex, was taken up for consideration.

### SENATE FILE 2189 SUBSTITUTED FOR HOUSE FILE 2401

Jacobs of Polk asked and received unanimous consent to substitute Senate File 2189 for House File 2401.

**Senate File 2189**, a bill for an act relating to the number of bank offices which may be established by a bank within a municipal corporation or urban complex, was taken up for consideration.

Jacobs of Polk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2189)

The ayes were, 97:

Arnold  
Blodgett  
Brand  
Burnett  
Chiodo  
Cormack  
Dotzler  
Falck  
Garman  
Gries  
Heaton  
Huseman  
Jochum

Barry  
Boddicker  
Brauns  
Carroll  
Churchill  
Dix  
Drake  
Fallon  
Gipp  
Grundberg  
Holmes  
Huser  
Kinzer

Bell  
Bogges  
Brunkhorst  
Cataldo  
Cohon  
Doderer  
Drees  
Foege  
Greig  
Hahn  
Holveck  
Jacobs  
Klemme

Bernau  
Bradley  
Bukta  
Chapman  
Connors  
Dolecheck  
Eddie  
Frevert  
Greiner  
Hansen  
Houser  
Jenkins  
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, none.

Absent or not voting, 3:

Dinkla                      Ford                      Mundie

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

#### HOUSE FILES 2401 AND 2397 WITHDRAWN

Jacobs of Polk asked and received unanimous consent to withdraw House Files 2401 and 2397 from further consideration by the House.

**House File 2413**, a bill for an act relating to motor vehicle damage disclosure statements, was taken up for consideration.

Weidman of Cass offered the following amendment H-8410 filed by him and moved its adoption:

H-8410

- 1 Amend House File 2413 as follows:
- 2 1. Page 1, line 33, by inserting after the word
- 3 "sale." the following: "However, if the transferor
- 4 has a salvage certificate of title for the vehicle,
- 5 the transferor is not required to disclose under this
- 6 section the total retail cost of repairs to the
- 7 vehicle during the period of the transferor's
- 8 ownership of the vehicle."

Amendment H-8410 was adopted.

#### SENATE FILE 2192 SUBSTITUTED FOR HOUSE FILE 2413

Weidman of Cass asked and received unanimous consent to substitute Senate File 2192 for House File 2413.

**Senate File 2192**, a bill for an act relating to motor vehicle damage disclosure statements, was taken up for consideration.

O'Brien of Boone asked and received unanimous consent to withdraw amendment H-8422 filed by him on March 16, 1998.

Chiodo of Polk offered the following amendment H-8387 filed by Chiodo, et al., and moved its adoption:

H-8387

- 1 Amend Senate File 2192, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, line 19, by inserting after the word
- 4 "batteries," the following: "windshields, windows, a
- 5 sound system,".

A non-record roll call was requested.

The ayes were 45, nays 33.

Amendment H-8387 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. 2192)

The ayes were, 79:

Arnold	Barry	Bell	Blodgett
Boddicker	Boggess	Bradley	Brauns
Brunkhorst	Bukta	Carroll	Cataldo
Chiodo	Churchill	Cormack	Dinkla
Dolecheck	Dotzler	Drake	Eddie
Falck	Frevert	Garman	Gipp
Greig	Greiner	Gries	Grundberg
Hahn	Hansen	Heaton	Holmes
Houser	Huseman	Huser	Jacobs
Jenkins	Kinzer	Klemme	Kreiman
Kremer	Lamberti	Larson	Lord
Martin	May	Mertz	Metcalf
Meyer	Millage	Moreland	Mundie
Murphy	Nelson	O'Brien	Osterhaus
Rants	Rayhons	Reynolds-Knight	Richardson
Scherrman	Siegrist	Sukup	Teig
Thomas	Thomson	Tyrrell	Van Fossen
Van Maanen	Vande Hoef	Veenstra	Warnstadt
Weidman	Weigel	Welter	Whitead
Wise	Witt	Mr. Speaker	
		Corbett	

The nays were, 18:

Bernau	Brand	Burnett	Chapman
Cohoon	Connors	Doderer	Drees
Fallon	Foege	Holveck	Jochum
Koenigs	Larkin	Mascher	Myers
Schrader	Taylor		

Absent or not voting, 3:

Dix	Ford	Shoultz
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

### HOUSE FILE 2222 WITHDRAWN

O'Brien of Boone asked and received unanimous consent to withdraw House File 2222 from further consideration by the House.

### HOUSE FILE 2413 WITHDRAWN

Weidman of Cass asked and received unanimous consent to withdraw House File 2413 from further consideration by the House.

### MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 23, 1998, passed the following bill in which the concurrence of the Senate was asked:

House File 530, a bill for an act concerning assistive devices by requiring a warranty, and providing for replacement of assistive devices and consumer remedies.

Also: That the Senate has on March 23, 1998, amended and passed the following bill in which the concurrence of the House is asked:

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.

Also: That the Senate has on March 23, 1998, passed the following bill in which the concurrence of the Senate was asked:

House File 2429, a bill for an act relating to the regulation of physical exercise clubs.

Also: That the Senate has on March 23, 1998, passed the following bill in which the concurrence of the Senate was asked:

House File 2471, a bill for an act concerning the number of supreme court justices and court of appeals judges, and including a contingent effective date.

MARY PAT GUNDERSON, Secretary

## IMMEDIATE MESSAGES

Siegrist of Pottawattamie asked and received unanimous consent that the following bills be immediately messaged to the Senate: **Senate Files 2340, 2189 and 2192.**

## BILLS SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on March 23, 1998, he approved and transmitted to the Secretary of State the following bills:

House Joint Resolution 2004, a joint resolution designating by name an official highest elevation in the State of Iowa.

House File 2218, 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.

## COMMUNICATION RECEIVED

The following communication was received and filed in the office of the Chief Clerk:

## IOWA COMMUNICATIONS NETWORK

The Fiscal Year 1997 Annual Report, pursuant to Chapter 8D, 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

1998\314 Coach Denny Thiessen & the Prairie High School Boys' Basketball Team, Cedar Rapids – For winning the 1998 Class 3-A Iowa State Boys' Basketball Championship.

1998\315 Julius Werthmann, Davenport – For celebrating his 95th birthday.

1998\316 Coach Chris Jans & the Kirkwood Community College Men's Basketball Team – For winning the 1998 National Junior College Athletic Association Division II Championship.

1998\317 Mary and Lloyd Coulter, Missouri Valley – For celebrating their 50th wedding anniversary.

1998\318 Kathryn Greer, Missouri Valley – For celebrating her 85th birthday.

1998\319 Alex Power, Cedar Falls – For being named Individual Champion of the 1998 Iowa Mathcounts Competition.

- 1998\320 Coach Susan Bock and the Holmes Jr. High Mathcounts Team, Cedar Falls – For receiving first place in the 1998 Iowa Mathcounts Competition.
- 1998\321 Zac Hall, Burlington Community High School – For receiving the Horatio Ager Award in recognition of his outstanding personal and academic achievements.
- 1998\322 Coach Robert Miller & the Rock Valley High School Rockets, Rock Valley – For being the 1998 Boys' Class 1-A Basketball Champions.
- 1998\323 Darlene Vorhies, Fairfied – For her commendable work promoting and founding ARC of Jefferson and Nearby Counties.
- 1998\324 Jason Christensen, Underwood – For being named to the 1998 Boys' Basketball Academic All State Team.
- 1998\325 Sister Carlos Keeler, BVM, Dubuque – For celebrating her 100th birthday.

#### SUBCOMMITTEE ASSIGNMENTS

##### House File 2330

Ways and Means: Dix, Chair; Greig and Richardson.

##### House File 2511

Appropriations: Gipp, Chair; Koenigs and Sukup.

##### Senate File 547

Ways and Means: Larson, Chair; Jochum and Van Fossen.

#### COMMITTEE RECOMMENDATIONS

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendations have been received and are on file in the office of the Chief Clerk.

ELIZABETH A. ISAACSON  
Chief Clerk of the House

#### COMMITTEE ON JUDICIARY

**Senate File 2274**, a bill for an act relating to certain funds paid to or administered by the department of corrections, by making changes to procedures for the charging of payments for goods and services of Iowa prison industries, providing for the nonreversion of revolving farm fund balance investment proceeds, and making changes relating to the distribution and accounting for inmate earnings from private employers.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H-8545** March 19, 1998.

**Senate File 2311**, a bill for an act relating to partnerships by replacing the existing law with a uniform partnership law and providing penalties and an effective date.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H-8544** March 19, 1998.

**Senate File 2387**, a bill for an act relating to adoption procedural requirements including those related to investigations, reports, and counseling.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H-8543** March 19, 1998.

**Senate File 2398**, a bill for an act relating to the confinement and treatment of sex offenders.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H-8542** March 19, 1998.

#### COMMITTEE ON LABOR AND INDUSTRIAL RELATIONS

**Senate File 2112**, a bill for an act concerning the sunset provision relating to the employment security administrative contribution surcharge and providing an effective date.

Fiscal Note is not required.

Recommended **Do Pass** March 19, 1998.

**Senate File 2321**, a bill for an act relating to the confidentiality of certain records and reports held by the labor commissioner.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H-8541** March 19, 1998.

**Senate File 2333**, a bill for an act relating to occupational hearing loss recovery, providing definitions, and providing for the apportionment and measurement of hearing loss.

Fiscal Note is not required.

Recommended **Do Pass** March 19, 1998.

#### COMMITTEE ON LOCAL GOVERNMENT

**Senate File 2068**, a bill for an act concerning the method by which cities pay the medical costs incurred by members of the police and fire departments of cities who are injured while on duty.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H-8539** March 19, 1998.



**Senate File 2405**, a bill for an act providing for the joint construction or acquisition, furnishing, operation, and maintenance of public buildings by a county, city, and school district.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H-8540** March 19, 1998.

#### COMMITTEE ON TRANSPORTATION

**Senate File 2117**, a bill for an act relating to the reissuance of special instruction permits to operate motor vehicles to persons with physical disabilities.

Fiscal Note is not required.

Recommended **Do Pass** March 19, 1998.

**Senate File 2257**, a bill for an act relating to the regulation of and motor vehicle operation on the roads and streets of this state by providing for the classification of the system of roads and streets, authorizing easements on state-controlled lands, providing for the admissibility of official records of the state department of transportation, regulating motor vehicles and motor vehicle dealers, authorizing maintenance vehicles to stop or park on the traveled way of the roadway, allowing single trucks a variance on their maximum length, administering of motor vehicle laws by the state department of transportation concerning motor vehicle dealer sales, multiyear vehicle and vehicle dealer licensing, requiring the payment of certain civil penalties before issuance of temporary restricted licenses, and modifying the compilation requirements for airport sufficiency ratings.

Fiscal Note is not required.

Recommended **Do Pass** March 19, 1998.

**Senate File 2317**, a bill for an act relating to compensation by manufacturers or distributors for warranty work on vessels and providing a remedy.

Fiscal Note is not required.

Recommended **Do Pass** March 19, 1998.

#### AMENDMENTS FILED

H—8532	H.F.	2440	Dix of Butler
H—8534	S.F.	2295	Jochum of Dubuque
H—8535	S.F.	2295	Warnstadt of Woodbury
H—8536	S.F.	2400	Dix of Butler
H—8537	S.F.	2320	Chiodo of Polk
H—8538	S.F.	2320	Chiodo of Polk
H—8539	S.F.	2068	Committee on Local Government
H—8540	S.F.	2405	Committee on Local Government
H—8541	S.F.	2321	Committee on Labor and Industrial Relations

H—8542	S.F.	2398	Committee on Judiciary
H—8543	S.F.	2387	Committee on Judiciary
H—8544	S.F.	2311	Committee on Judiciary
H—8545	S.F.	2274	Committee on Judiciary
H—8546	H.F.	2533	Grundberg of Polk Frevort of Palo Alto
H—8547	S.F.	187	Whitead of Woodbury Warnstadt of Woodbury
H—8548	S.F.	2037	Churchill of Polk Cormack of Webster
H—8549	S.F.	2109	Huser of Polk
H—8550	S.F.	2161	Blodgett of Cerro Gordo
H—8551	S.F.	2257	Carroll of Poweshiek Huser of Polk Welter of Jones Blodgett of Cerro Gordo
H—8552	S.F.	2286	Doderer of Johnson
H—8553	S.F.	2292	Lamberti of Polk Doderer of Johnson
H—8554	S.F.	2313	Boddicker of Cedar
H—8555	S.F.	2320	Jacobs of Polk Chiodo of Polk
H—8556	S.F.	2338	Carroll of Poweshiek Kreiman of Davis
H—8557	S.F.	2368	Bradley of Clinton
H—8558	S.F.	2374	Boddicker of Cedar
H—8559	S.F.	2400	Fallon of Polk
H—8560	S.F.	2405	Huser of Polk
H—8562	S.F.	2320	Churchill of Polk Kreiman of Davis Witt of Black Hawk
			Sukup of Franklin Fallon of Polk
H—8563	S.F.	2320	Churchill of Polk Kreiman of Davis Fallon of Polk Witt of Black Hawk
H—8564	H.F.	721	Senate Amendment
H—8565	H.F.	2101	Martin of Scott
H—8566	H.F.	2447	Rayhons of Hancock
H—8567	H.F.	2498	Murphy of Dubuque
H—8568	H.F.	2498	Brunkhorst of Bremer Mertz of Kossuth Eddie of Buena Vista Drees of Carroll

H—8569	H.F.	2533	Mascher of Johnson
H—8570	H.F.	2352	Grundberg of Polk
H—8571	H.F.	2533	Witt of Black Hawk
H—8572	H.F.	2533	Mascher of Johnson
H—8573	H.F.	2533	Falck of Fayette
H—8574	H.F.	2533	Falck of Fayette
H—8575	H.F.	2533	Witt of Black Hawk
H—8576	H.F.	2533	Witt of Black Hawk
H—8577	H.F.	2533	Mascher of Johnson
H—8578	H.F.	2533	Warnstadt of Woodbury
H—8579	S.F.	530	Metcalf of Polk
H—8580	S.F.	2235	Dix of Butler
H—8581	S.F.	2295	Wise of Lee
H—8582	S.F.	2151	Taylor of Linn
H—8583	S.F.	2224	Martin of Scott
H—8584	S.F.	2286	Nelson of Marshall
H—8585	S.F.	2286	Nelson of Marshall
H—8586	S.F.	2295	Koenigs of Mitchell
H—8587	S.F.	2295	Greig of Emmet Thomas of Clayton
H—8588	S.F.	2295	Koenigs of Mitchell
H—8589	S.F.	2295	Mascher of Johnson Foege of Linn
			Doderer of Johnson
			Bernau of Story
			Reynolds-Knight of Van Buren
			Dotzler of Black Hawk
			Holveck of Polk
			Mundie of Webster
			Drees of Carroll
			Thomas of Clayton
H—8590	S.F.	2295	Mertz of Kossuth
H—8591	S.F.	2295	Mascher of Johnson
H—8592	S.F.	2295	Mascher of Johnson
H—8593	S.F.	2331	Kremer of Buchanan
H—8594	S.F.	2331	Kremer of Buchanan
H—8595	S.F.	2333	Dotzler of Black Hawk
H—8596	S.F.	2333	Taylor of Linn
H—8597	S.F.	2335	Grundberg of Polk
H—8598	S.F.	2353	Huser of Polk

On motion by Siegrist of Pottawattamie, the House adjourned at 5:40 p.m., until 8:45 a.m., Tuesday, March 24, 1998.

# JOURNAL OF THE HOUSE

Seventy-second Calendar Day - Forty-ninth Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Tuesday, March 24, 1998

The House met pursuant to adjournment at 8:53 a.m., Speaker pro tempore Van Maanen of Marion in the chair.

Prayer was offered by Reverend David Renfro, St. Paul Lutheran Church, Aurelia.

The Journal of Monday, March 23, 1998 was approved.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Holveck of Polk, until his arrival, on request of Taylor of Linn; Cormack of Webster on request of Gipp of Winneshiek.

## MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 23, 1998, adopted the following resolution in which the concurrence of the Senate was asked:

House Concurrent Resolution 105, a concurrent resolution to designate March 29 of each year as Iowa State Flag Day.

Also: That the Senate has on March 23, 1998, passed the following bill in which the concurrence of the Senate was asked:

House File 2146, a bill for an act establishing Iowa State Flag Day.

Also: That the Senate has on March 23, 1998, amended and passed the following bill in which the concurrence of the House is asked:

House File 2169, a bill for an act raising the limit on the amount of assets subject to a conservatorship in cases where a private nonprofit corporation serves as conservator.

Also: That the Senate has on March 23, 1998, amended and passed the following bill in which the concurrence of the House is asked:

House File 2262, a bill for an act to permit out-of-state peace officers to act within this state pursuant to agreements between state or local authorities.

Also: That the Senate has on March 23, 1998, amended and passed the following bill in which the concurrence of the House is asked:

House File 2271, a bill for an act relating to obsolete and unnecessary provisions of the Code.

Also: That the Senate has on March 23, 1998, passed the following bill in which the concurrence of the Senate was asked:

House File 2317, a bill for an act relating to drainage districts, by providing for the maintenance, repair, or replacement of improvements within drainage districts.

Also: That the Senate has on March 23, 1998, passed the following bill in which the concurrence of the Senate was asked:

House File 2438, a bill for an act relating to the regulation of commercial feed.

Also: That the Senate has on March 23, 1998, passed the following bill in which the concurrence of the Senate was asked:

House File 2492, a bill for an act relating to drainage districts, by extending the period for financing repairs and improvements.

Also: That the Senate has on March 23, 1998, adopted the following resolution in which the concurrence of the House is asked:

Senate Concurrent Resolution 109, a concurrent resolution to honor the memory of Jim Hancock.

Also: That the Senate has on March 23, 1998, passed the following bill in which the concurrence of the House is asked:

Senate File 2351, a bill for an act relating to the time for review of the reorganization of a public utility by the utilities board and providing an effective date.

Also: That the Senate has on March 23, 1998, passed the following bill in which the concurrence of the House is asked:

Senate File 2357, a bill for an act updating the Iowa Code references to the Internal Revenue Code, exempting certain preneed funeral trust income from taxation, revising the carryback and carryover periods for certain net operating losses, providing refunds, and providing an effective date and retroactive applicability dates.

MARY PAT GUNDERSON, Secretary

### SENATE MESSAGES CONSIDERED

**Senate File 2365**, by committee on ways and means, a bill for an act relating to the imposition of the sales and use tax on building materials, supplies, and equipment sold and used in the construction of facilities of rural water districts.

Read first time and referred to committee on **ways and means**.

**Senate File 2407**, by committee on ways and means, a bill for an act relating to the extension of the reduced excise tax imposed on motor fuel containing ethanol.

Read first time and **passed on file**.

## REREFERRED TO COMMITTEE

Siegrist of Pottawattamie asked and received unanimous consent that the following bills be rereferred to the committees as listed:

House File 223	Natural Resources
House File 358	Education
House File 569	Natural Resources
House File 663	Judiciary
House File 679	Natural Resources
House File 2024	Education
House File 2026	Education
House File 2035	Local Government
House File 2089	Local Government
House File 2167	Economic Development
House File 2186	Human Resources
House File 2219	Education
House File 2283	Local Government
House File 2425	Human Resources
House File 2437	Education
House File 2457	Judiciary
House File 2466	Local Government
House File 2470	Labor and Industrial Relations
House File 2477	Judiciary
House File 2486	Judiciary
House File 2504	Judiciary
House File 2507	Local Government
House File 2509	Human Resources
House File 2521	Transportation
House File 2522	Human Resources
House File 2532	State Government

## CONSIDERATION OF BILLS

## Unfinished Business Calendar

**House File 2439**, a bill for an act relating to the allocation of cost-share moneys as financial incentives to encourage summer construction of permanent soil and water conservation practices, was taken up for consideration.

## SENATE FILE 2324 SUBSTITUTED FOR HOUSE FILE 2439

Rayhons of Hancock asked and received unanimous consent to substitute Senate File 2324 for House File 2439.

**Senate File 2324**, a bill for an act relating to the allocation of cost-share moneys as financial incentives to encourage summer construction of permanent soil and water conservation practices, 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.

On the question "Shall the bill pass?" (S.F. 2324)

The ayes were, 96:

Arnold	Barry	Bell	Bernau
Blodgett	Boddicker	Bogges	Bradley
Brand	Brauns	Brunkhorst	Bukta
Burnett	Carroll	Cataldo	Chapman
Chiodo	Churchill	Cphoon	Connors
Corbett, Spkr.	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	Lamberti	Larkin
Larson	Lord	Martin	Mascher
May	Mertz	Metcalf	Millage
Moreland	Mundie	Murphy	Myers
Nelson	O'Brien	Osterhaus	Rants
Rayhons	Reynolds-Knight	Richardson	Scherrman
Schrader	Shoultz	Siegrist	Sukup
Taylor	Teig	Thomas	Thomson
Tyrrell	Van Fossen	Vande Hoef	Veenstra
Warnstadt	Weidman	Weigel	Welter
Whitead	Wise	Witt	Van Maanen, Presiding

The nays were, none.

Absent or not voting, 4:

Cormack	Holveck	Houser	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.

### HOUSE FILE 2439 WITHDRAWN

Rayhons of Hancock asked and received unanimous consent to withdraw House File 2439 from further consideration by the House.

**House File 2489**, a bill for an act establishing a state employee deferred compensation trust fund, was taken up for consideration.

**SENATE FILE 2350 SUBSTITUTED FOR HOUSE FILE 2489**

Jacobs of Polk asked and received unanimous consent to substitute Senate File 2350 for House File 2489.

**Senate File 2350**, a bill for an act establishing a state employee deferred compensation trust fund, was taken up for consideration.

Jacobs of Polk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2350)

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.	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	Lamberti	Larkin
Larson	Lord	Martin	Mascher
May	Mertz	Metcalf	Millage
Moreland	Mundie	Murphy	Myers
Nelson	O'Brien	Osterhaus	Rants
Rayhons	Reynolds-Knight	Richardson	Scherrman
Schrader	Shoultz	Siegrist	Sukup
Taylor	Teig	Thomas	Thomson
Tyrrell	Van Fossen	Vande Hoef	Veenstra
Warnstadt	Weidman	Weigel	Welter
Whitead	Wise	Witt	Van Maanen, Presiding

The nays were, none.

Absent or not voting, 4:

Cormack	Holveck	Houser	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.



## HOUSE FILE 2489 WITHDRAWN

Jacobs of Polk asked and received unanimous consent to withdraw House File 2489 from further consideration by the House.

**House File 2505**, a bill for an act relating to hepatitis type B immunizations of children and providing an applicability provision and an effective date, was taken up for consideration.

Blodgett of Cerro Gordo offered the following amendment H-8251 filed by him and moved its adoption:

H-8251

- 1 Amend House File 2505 as follows:
- 2 1. Page 1, by striking lines 11 and 12 and
- 3 inserting the following: "required of a child born on
- 4 or after July 1, 1994, prior to enrollment in school
- 5 in kindergarten or in any grade."

Amendment H-8251 was adopted.

## SENATE FILE 2341 SUBSTITUTED FOR HOUSE FILE 2505

Blodgett of Cerro Gordo asked and received unanimous consent to substitute Senate File 2341 for House File 2505.

**Senate File 2341**, a bill for an act relating to hepatitis type B immunizations of children and providing an applicability provision and an effective date, was taken up for consideration.

Blodgett of Cerro Gordo moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2341)

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.	Dinkla	Dix	Doderer
Dolecheck	Dotzler	Drake	Drees
Eddie	Falck	Foege	Ford
Frevort	Gipp	Greig	Greiner
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	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                      Garman

Absent or not voting, 4:

Cormack                      Holveck                      Houser                      Meyer

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

### HOUSE FILE 2505 WITHDRAWN

Blodgett of Cerro Gordo asked and received unanimous consent to withdraw House File 2505 from further consideration by the House.

### IMMEDIATE MESSAGES

Siegrist of Pottawattamie asked and received unanimous consent that the following bills be immediately messaged to the Senate: **Senate Files 2324, 2350 and 2341.**

**House File 2503**, a bill for an act relating to county vital statistics by providing for the issuance of marriage licenses and eliminating the fee for county birth registrations, was taken up for consideration.

### SENATE FILE 2367 SUBSTITUTED FOR HOUSE FILE 2503

Welter of Jones asked and received unanimous consent to substitute Senate File 2367 for House File 2503.

**Senate File 2367**, a bill for an act relating to county vital statistics by providing for the issuance of marriage licenses and eliminating the fee for county birth registrations, was taken up for consideration.

Welter of Jones moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

## On the question "Shall the bill pass?" (S.F. 2367)

The ayes were, 95:

Arnold	Barry	Bell	Bernau
Blodgett	Boddicker	Bogges	Bradley
Brand	Brauns	Brunkhorst	Bukta
Burnett	Carroll	Cataldo	Chapman
Chiodo	Churchill	Cohoon	Connors
Corbett, Spkr.	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	Kinze	Klemme	Koenigs
Kreiman	Kremer	Lamberti	Larkin
Larson	Lord	Martin	Mascher
May	Mertz	Metcalf	Millage
Moreland	Mundie	Murphy	Myers
Nelson	O'Brien	Osterhaus	Rayhons
Reynolds-Knight	Richardson	Scherrman	Schrader
Shoultz	Siegrist	Sukup	Taylor
Teig	Thomas	Thomson	Tyrrell
Van Fossen	Vande Hoef	Veenstra	Warnstadt
Weidman	Weigel	Welter	Whitead
Wise	Witt	Van Maanen,	
		Presiding	

The nays were, 1:

Rants

Absent or not voting, 4:

Cormack	Holveck	Houser	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.

## HOUSE FILE 2503 WITHDRAWN

Welter of Jones asked and received unanimous consent to withdraw House File 2503 from further consideration by the House.

House File 2448, a bill for an act relating to the operation and regulation of banks and making technical corrections, was taken up for consideration.

## SENATE FILE 2301 SUBSTITUTED FOR HOUSE FILE 2448

Churchill of Polk asked and received unanimous consent to substitute Senate File 2301 for House File 2448.

**Senate File 2301**, a bill for an act relating to the operation and regulation of banks and making technical corrections, 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. 2301)

The ayes were, 94:

Arnold	Barry	Bell	Bernau
Blodgett	Boddicker	Boggess	Bradley
Brand	Brauns	Brunkhorst	Bukta
Burnett	Carroll	Cataldo	Chiodo
Churchill	Cohon	Connors	Corbett, Spkr.
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	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, 6:

Chapman	Cormack	Greiner	Holveck
Houser	Meyer		

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

## HOUSE FILE 2448 WITHDRAWN

Churchill of Polk asked and received unanimous consent to withdraw House File 2448 from further consideration by the House.

## Regular Calendar

**Senate File 2090**, a bill for an act relating to compensation for the legal defense of indigent persons in prison disciplinary postconviction cases and providing an effective date and for retroactive applicability, with report of committee recommending passage, was taken up for consideration.

Millage of Scott moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2090)

The ayes were, 95:

Arnold	Barry	Bell	Bernau
Blodgett	Boddicker	Bogess	Bradley
Brand	Brauns	Brunkhorst	Bukta
Burnett	Carroll	Cataldo	Chapman
Chiodo	Cohoon	Connors	Corbett, Spkr.
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	Lamberti	Larkin	Larson
Lord	Martin	Mascher	May
Mertz	Metcalf	Millage	Moreland
Mundie	Murphy	Myers	Nelson
O'Brien	Osterhaus	Rants	Rayhons
Reynolds-Knight	Richardson	Scherrman	Schrader
Shoultz	Siegrist	Sukup	Taylor
Teig	Thomas	Thomson	Tyrrell
Van Fossen	Vande Hoef	Veenstra	Warnstadt
Weidman	Weigel	Welter	Whitead
Wise	Witt	Van Maanen,	
		Presiding	

The nays were, none.

Absent or not voting, 5:

Churchill	Cormack	Holveck	Houser
Meyer			

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 2367, 2301 and 2090.**

### Unfinished Business Calendar

**Senate File 2338**, a bill for an act relating to the entities responsible for assisting in international adoptions, with report of committee recommending amendment and passage, was taken up for consideration.

Carroll of Poweshiek offered amendment H-8490 filed by the committee on human resources and requested division as follows:

H-8490

- 1 Amend Senate File 2338 as passed by the Senate, as
- 2 follows:

H-8490A

- 3 1. Page 1, by inserting before line 1, the
- 4 following:
- 5 "Section 1. NEW SECTION. 600.12A DEATH OF PERSON
- 6 TO BE ADOPTED - FINAL ADOPTION DECREE.
- 7 If the person to be adopted dies prior to issuance
- 8 of a final adoption decree, the court may waive the
- 9 minimum residence requirements pursuant to section
- 10 600.10, proceed to the adoption hearing, and issue a
- 11 final adoption decree establishing the parent-child
- 12 relationship between the adoption petitioner and the
- 13 deceased person pursuant to section 600.13."

H-8490B

- 14 2. Page 1, by striking line 23 and inserting the
- 15 following: "defined in section 238.2, a person making
- 16 an independent placement as defined in section 600A.2,
- 17 or an".

H-8490A

- 18 3. Title page, line 1, by inserting after the
- 19 word "to" the following: "adoption, including
- 20 establishing provisions for adoptions in which the
- 21 person to be adopted dies prior to the issuance of a
- 22 final adoption decree and including provisions

23 relating to".

24 4. By renumbering as necessary.

Carroll of Poweshiek asked and received unanimous consent to withdraw the committee amendment H-8490A.

Carroll of Poweshiek moved the adoption of the committee amendment H-8490B.

The committee amendment H-8490B was adopted.

Carroll of Poweshiek offered the following amendment H-8556 filed by him and Kreiman of Davis and moved its adoption:

H-8556

1 Amend Senate File 2338, as passed by the Senate, as  
2 follows:

3 1. Page 1, by inserting before line 1, the  
4 following:

5 "Section 1. NEW SECTION. 600.12A DEATH OF PERSON  
6 TO BE ADOPTED - PROCESS FOR FINAL ADOPTION DECREE.

7 1. If the person to be adopted dies following the  
8 filing of an adoption petition pursuant to section  
9 600.3, but prior to issuance of a final adoption  
10 decree pursuant to section 600.13, the court may waive  
11 any investigations and reports required pursuant to  
12 section 600.8 that remain uncompleted, waive the  
13 minimum residence requirements pursuant to section  
14 600.10, proceed to the adoption hearing, and issue a  
15 final adoption decree, unless any person to whom  
16 notice is to be provided pursuant to section 600.11  
17 objects to the adoption.

18 2. A final adoption decree issued pursuant to this  
19 section terminates any parental rights existing prior  
20 to the time of its issuance and establishes the  
21 parent-child relationship between the adoption  
22 petitioner and the person adopted. However, the final  
23 adoption decree does not confer any rights on the  
24 adoption petitioner to the estate of the adopted  
25 person and does not confer any rights on the adopted  
26 person to the estate of the adoption petitioner."

27 2. Page 1, by inserting after line 35 the  
28 following:

29 "Sec. \_\_\_\_ EFFECTIVE DATE. Section 1, creating  
30 section 600.12A, being deemed of immediate importance,  
31 takes effect upon enactment."

32 3. Title page, line 1, by inserting after the  
33 word "to" the following: "adoptions including the  
34 process for adoption of a deceased person and relating  
35 to".

36 4. Title page, line 2, by inserting after the  
37 word "adoptions" the following: "and providing an

38 effective date".

39 5. By renumbering as necessary.

Amendment H-8556 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. 2338)

The ayes were, 95:

Arnold	Barry	Bell	Bernau
Blodgett	Boddicker	Boggess	Bradley
Brand	Brauns	Brunkhorst	Bukta
Burnett	Carroll	Cataldo	Chapman
Chiodo	Churchill	Cohoon	Connors
Corbett, Spkr.	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	Lamberti	Larkin
Larson	Lord	Martin	Mascher
May	Mertz	Metcalf	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, 5:

Cormack	Holveck	Houser	Meyer
Millage			

The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

**House File 2352**, a bill for an act relating to the prohibition of sex acts between juveniles and employees and agents at juvenile placement facilities and providing a penalty, was taken up for consideration.



Grundberg of Polk asked and received unanimous consent to withdraw amendment H-8445 filed by her on March 16, 1998.

Grundberg of Polk offered the following amendment H-8570 filed by her and moved its adoption:

H-8570

- 1 Amend House File 2352 as follows:
- 2 1. Page 1, by inserting after line 14 the
- 3 following:
- 4 "3. An officer, employee, contractor, vendor,
- 5 volunteer, or agent of a county who engages in a sex
- 6 act with a prisoner incarcerated in a county jail,
- 7 commits an aggravated misdemeanor."
- 8 2. By renumbering as necessary.

Amendment H-8570 was adopted.

#### SENATE FILE 2335 SUBSTITUTED FOR HOUSE FILE 2352

Grundberg of Polk asked and received unanimous consent to substitute Senate File 2335 for House File 2352.

**Senate File 2335**, a bill for an act relating to the prohibition of sex acts between juveniles and employees and agents at juvenile placement facilities and providing a penalty, was taken up for consideration.

Grundberg of Polk asked and received unanimous consent to withdraw amendment H-8439 filed by her on March 16, 1998.

Grundberg of Polk offered the following amendment H-8597 filed by her and moved its adoption:

H-8597

- 1 Amend Senate File 2335, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, by inserting after line 14 the
- 4 following:
- 5 "For purposes of this subsection, a "juvenile
- 6 placement facility" means any of the following:
- 7 a. A child foster care facility licensed under
- 8 section 237.4.
- 9 b. Institutions controlled by the department of
- 10 human services listed in section 218.1.
- 11 c. Juvenile detention and juvenile shelter care
- 12 homes approved under section 232.142.
- 13 d. Psychiatric medical institutions for children
- 14 licensed under chapter 135H.
- 15 e. Substance abuse facilities as defined in
- 16 section 125.2."

- 17 2. Title page, line 2, by inserting after the  
 18 word "facilities" the following: "and between  
 19 prisoners incarcerated in a county jail and employees  
 20 or agents of a county".  
 21 3. By renumbering as necessary.

Amendment H-8597 was adopted.

Speaker Corbett in the chair at 9:50 a.m.

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. 2335)

The ayes were, 96:

Arnold	Barry	Bell	Bernau
Blodgett	Boddicker	Boggess	Bradley
Brand	Brauns	Brunkhorst	Bukta
Burnett	Carroll	Cataldo	Chapman
Chiodo	Churchill	Cohoon	Connors
Dinkla	Dix	Doderer	Dolecheck
Dotzler	Drake	Drees	Eddie
Falck	Fallon	Foege	Ford
Frevert	Garman	Gipp	Greig
Greiner	Gries	Grundberg	Hahn
Hansen	Heaton	Holmes	Huseman
Huser	Jacobs	Jenkins	Jochum
Kinzer	Klemme	Koenigs	Kreiman
Kremer	Lamberti	Larkin	Larson
Lord	Martin	Mascher	May
Mertz	Metcalf	Millage	Moreland
Mundie	Murphy	Myers	Nelson
O'Brien	Osterhaus	Rants	Rayhons
Reynolds-Knight	Richardson	Scherrman	Schrader
Shoultz	Siegrist	Sukup	Taylor
Teig	Thomas	Thomson	Tyrrell
Van Fossen	Van Maanen	Vande Hoef	Veenstra
Warnstadt	Weidman	Weigel	Welter
Whitead	Wise	Witt	Mr. Speaker Corbett

The nays were, none.

Absent or not voting, 4:

Cormack	Holveck	Houser	Meyer
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The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

## HOUSE FILE 2352 WITHDRAWN

Grundberg of Polk asked and received unanimous consent to withdraw House File 2352 from further consideration by the House.

## HOUSE FILE 2309 WITHDRAWN

Shoultz of Black Hawk asked and received unanimous consent to withdraw House File 2309 from further consideration by the House.

**House File 2338**, a bill for an act concerning judicial administration, was taken up for consideration.

## SENATE FILE 2235 SUBSTITUTED FOR HOUSE FILE 2338

Dinkla of Guthrie asked and received unanimous consent to substitute Senate File 2235 for House File 2338.

**Senate File 2235**, a bill for an act concerning judicial administration, was taken up for consideration.

Lamberti of Polk offered the following amendment H-8278 filed by him and moved its adoption:

H-8278

1 Amend Senate File 2235, as passed by the Senate, as  
2 follows:

3 1. Page 1, by inserting before line 1 the  
4 following:

5 "Section 101. Section 2B.5, subsection 2, Code  
6 1997, is amended to read as follows:

7 2. Cause the Iowa court rules to be published, as  
8 directed by the supreme court after consultation with  
9 the legislative council. The Iowa court rules shall  
10 consist of all rules prescribed by the supreme court.  
11 The court rules shall be published in loose-leaf form,  
12 ~~appropriately indexed~~, and supplements shall be  
13 prepared and distributed as directed by the supreme  
14 court. The Iowa court rules and supplements to the  
15 court rules shall be priced as provided in section  
16 7A.22.

17 Sec. 102. Section 2B.10, subsection 3, Code 1997,  
18 is amended by striking the subsection."

19 2. Page 2, by inserting after line 30 the  
20 following:

21 "Sec. 103. Section 602.4102, subsections 3 and 5,  
22 Code 1997, are amended to read as follows:

23 3. The supreme court shall prescribe rules for the  
24 transfer of matters to the court of appeals. These  
25 rules may provide for the selective transfer of  
26 individual cases and may provide for the transfer of

27 cases according to subject matter or other general  
28 criteria. ~~Rules relating to the transfer of cases are~~  
29 ~~subject to section 602.4202.~~ A rule shall not provide  
30 for the transfer of a matter other than by an order of  
31 transfer under subsection 2.

32 5. The supreme court shall prescribe rules of  
33 appellate procedure which shall govern further review  
34 by the supreme court of decisions of the court of  
35 appeals. These rules shall contain, but need not be  
36 limited to, a specification of the grounds upon which  
37 further review may, in the discretion of the supreme  
38 court, be granted. ~~These rules are subject to section~~  
39 ~~602.4202.~~

40 Sec. 104. Section 602.4201, Code 1997, is amended  
41 to read as follows:

42 602.4201 RULES GOVERNING ACTIONS AND PROCEEDINGS.

43 1. The supreme court may prescribe all rules of  
44 pleading, practice, evidence, and procedure, and the  
45 forms of process, writs, and notices, for all  
46 proceedings in all courts of this state, for the  
47 purposes of simplifying the proceedings and promoting  
48 the speedy determination of litigation upon its  
49 merits. ~~Rules are subject to section 602.4202.~~

50 2. Rules of appellate procedure relating to

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1 appeals to and review by the supreme court,  
2 discretionary review by the courts of small claims  
3 actions, review by the supreme court by writ of  
4 certiorari to inferior courts, appeal to or review by  
5 the court of appeals of a matter transferred to that  
6 court by the supreme court, and further review by the  
7 supreme court of decisions of the court of appeals,  
8 shall be known as "Rules of Appellate Procedure", and  
9 shall be published as provided in section 2B.5.

10 3. The following rules are subject to section  
11 602.4202:

12 a. Rules of civil procedure.

13 b. Rules of criminal procedure.

14 c. Rules of evidence.

15 d. Rules of appellate procedure 1 through 9.

16 e. Rules of probate procedure.

17 f. Juvenile procedure.

18 g. Involuntary hospitalization of mentally ill.

19 h. Involuntary commitment or treatment of  
20 substance abusers.

21 Sec. 105. Section 602.4202, Code 1997, is amended  
22 to read as follows:

23 602.4202 RULEMAKING PROCEDURE.

24 1. The supreme court shall submit a rule or form  
25 prescribed by the supreme court under section  
26 602.4201, subsection 3, or pursuant to any other

27 rulemaking authority specifically made subject to this  
 28 section to the legislative council and shall at the  
 29 same time report the rule or form to the chairpersons  
 30 and ranking members of the senate and house committees  
 31 on judiciary. The legislative service bureau shall  
 32 make recommendations to the supreme court on the  
 33 proper style and format of rules and forms required to  
 34 be submitted to the legislative council under this  
 35 subsection.

36 2. A rule or form submitted as required under  
 37 subsection 1 takes effect sixty days after submission  
 38 to the legislative council, or at a later date  
 39 specified by the supreme court, unless the legislative  
 40 council, within sixty days after submission and by a  
 41 majority vote of its members, delays the effective  
 42 date of the rule or form to a date as provided in  
 43 subsection 3.

44 3. The effective date of a rule or form submitted  
 45 during the period of time beginning February 15 and  
 46 ending February 14 of the next calendar year may be  
 47 delayed by the legislative council until May 1 of that  
 48 next calendar year.

49 ~~4. A rule or form submitted as required under~~  
 50 ~~subsection 1 and effective on or before July 1 shall~~

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1 ~~be bound with the Acts of the general assembly meeting~~  
 2 ~~in regular session in the calendar year in which the~~  
 3 ~~July 1 falls.~~

4 ~~5-4.~~ If the general assembly enacts a bill  
 5 changing a rule or form, the general assembly's  
 6 enactment supersedes a conflicting provision in the  
 7 rule or form as submitted by the supreme court.

8 Sec. 106. Section 602.4303, subsection 2, Code  
 9 1997, is amended by striking the subsection."

10 3. Page 4, by inserting after line 32 the  
 11 following:

12 "Sec. 107. Section 684A.6, Code 1997, is amended  
 13 to read as follows:

14 684A.6 PROCEDURE.

15 The supreme court may prescribe rules of procedure  
 16 concerning the answering and certification of  
 17 questions of law under this chapter, ~~subject to~~  
 18 ~~section 602.4202.~~

19 Sec. 108. Section 101 through 108 of this Act,  
 20 being deemed of immediate importance, take effect upon  
 21 enactment."

22 4. Title page, line 1, by inserting after the  
 23 word "administration" the following: "and providing  
 24 an effective date".

25 5. By renumbering as necessary.

Amendment H-8278 was adopted.

Dix of Butler offered the following amendment H-8580 filed by him and moved its adoption:

H-8580

1 Amend Senate File 2235, as passed by the Senate, as  
2 follows:

3 1. Page 4, by inserting after line 32 the  
4 following:

5 "Sec. \_\_\_\_ Section 804.21, subsection 3, Code  
6 1997, is amended to read as follows:

7 3. If the magistrate who issued the warrant is  
8 absent or unable to act, the arrested person shall be  
9 taken to the nearest or most accessible magistrate in  
10 the judicial district where the offense occurred or a  
11 magistrate in an approved judicial district, and all  
12 documents on which the warrant was issued must be sent  
13 to such magistrate, or if they cannot be procured, the  
14 informant and the informant's witnesses must be  
15 subpoenaed to make new affidavits. For purposes of  
16 this subsection, an "approved judicial district"  
17 means, as to any particular arrest of a person  
18 described in this subsection, any judicial district in  
19 this state in which the chief judge of that judicial  
20 district and the chief judge of the judicial district  
21 in which the offense occurred have previously entered  
22 an order permitting a person arrested or described in  
23 this subsection to be taken to a magistrate from any  
24 judicial district subject to the order.

25 Sec. \_\_\_\_ Section 804.22, unnumbered paragraph 1,  
26 Code 1997, is amended to read as follows:

27 When an arrest is made without a warrant, the  
28 person arrested shall, without unnecessary delay, be  
29 taken before the nearest or most accessible magistrate  
30 in the judicial district in which such arrest was made  
31 or before a magistrate in an approved judicial  
32 district, and the grounds on which the arrest was made  
33 shall be stated to the magistrate by complaint,  
34 subscribed and sworn to by the complainant, or  
35 supported by the complainant's affirmation, and such  
36 magistrate shall proceed as follows:

37 Sec. \_\_\_\_ Section 804.22, Code 1997, is amended by  
38 adding the following new unnumbered paragraph:  
39 NEW UNNUMBERED PARAGRAPH. For purposes of this  
40 section, an "approved judicial district" means, as to  
41 any particular arrest of a person made without a  
42 warrant, any judicial district in this state in which  
43 the chief judge of that judicial district and the  
44 chief judge of the judicial district in which the  
45 arrest was made have previously entered an order  
46 permitting a person arrested without warrant to be  
47 taken to a magistrate from any judicial district

48 subject to the order."

49 2. By renumbering as necessary.

Amendment H-8580 was adopted.

Dinkla of Guthrie moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2235)

The ayes were, 95:

Arnold	Barry	Bell	Bernau
Blodgett	Boddicker	Boggess	Bradley
Brand	Brauns	Brunkhorst	Bukta
Burnett	Carroll	Cataldo	Chapman
Chiodo	Churchill	Cohoon	Connors
Dinkla	Dix	Doderer	Dolecheck
Dotzler	Drake	Drees	Eddie
Falck	Fallon	Foege	Ford
Frevert	Garman	Gipp	Greig
Greiner	Gries	Grundberg	Hahn
Hansen	Heaton	Holmes	Huseman
Huser	Jacobs	Jenkins	Jochum
Kinzer	Kelme	Koenigs	Kreiman
Kremer	Lamberti	Larkin	Larson
Lord	Martin	Mascher	May
Mertz	Metcalf	Millage	Moreland
Mundie	Murphy	Myers	Nelson
O'Brien	Osterhaus	Rants	Rayhons
Reynolds-Knight	Richardson	Scherrman	Schrader
Shoultz	Siegrist	Sukup	Taylor
Teig	Thomas	Tyrrell	Van Fossen
Van Maanen	Vande Hoef	Veenstra	Warnstadt
Weidman	Weigel	Welter	Whitead
Wise	Witt	Mr. Speaker	
		Corbett	

The nays were, none.

Absent or not voting, 5:

Cormack	Holveck	Houser	Meyer
Thomson			

The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

### HOUSE FILE 2338 WITHDRAWN

Dinkla of Guthrie asked and received unanimous consent to withdraw House File 2338 from further consideration by the House.

## IMMEDIATE MESSAGES

Siegrist of Pottawattamie asked and received unanimous consent that the following bills be immediately messaged to the Senate: **Senate Files 2338, 2335 and 2235.**

**House File 2101**, a bill for an act relating to gambling by imposing a moratorium on the number and types of gambling games and slot machines authorized in this state and on new licenses to conduct gambling on excursion gambling boats, and by limiting the location of new excursion gambling boat operations, was taken up for consideration.

Martin of Scott asked and received unanimous consent to suspend the rules for the immediate consideration of amendment H-8565.

Martin of Scott offered the following amendment H-8565 filed by her and moved its adoption:

H-8565

- 1 Amend House File 2101 as follows:
- 2 1. By striking everything after the enacting
- 3 clause and inserting the following:
- 4 "Section 1. Section 99D.11, subsection 7, Code
- 5 1997, is amended to read as follows:
- 6 7. A person under the age of twenty-one years
- 7 shall not make or attempt to make a pari-mutuel wager.
- 8 A person who violates this subsection commits a
- 9 scheduled violation under section 805.8, subsection
- 10 13.
- 11 Sec. 2. Section 99E.18, Code 1997, is amended by
- 12 adding the following new subsection:
- 13 NEW SUBSECTION. 5. A person under the age of
- 14 twenty-one years shall not purchase or attempt to
- 15 purchase a ticket or share. A person who violates
- 16 this subsection commits a scheduled violation under
- 17 section 805.8, subsection 13.
- 18 Sec. 3. Section 99F.4A, Code 1997, is amended by
- 19 adding the following new subsection:
- 20 NEW SUBSECTION. 8. The total number of licenses
- 21 to conduct gambling games at pari-mutuel racetracks
- 22 pursuant to subsection 2 shall not exceed three until
- 23 July 1, 2003.
- 24 Sec. 4. NEW SECTION. 99F.5A MORATORIUM FOR
- 25 ISSUANCE OF LICENSES FOR EXCURSION GAMBLING BOATS.
- 26 1. The total number of licenses issued to conduct
- 27 gambling games on excursion gambling boats pursuant to
- 28 this chapter shall not exceed ten until July 1, 2003.
- 29 2. Notwithstanding subsection 1, the following
- 30 actions may be taken during the moratorium from July
- 31 1, 1998, until July 1, 2003, with the approval of the



32 commission:

33 a. A licensed excursion gambling boat may move to  
34 a new location within the same county.

35 b. A licensed excursion gambling boat and its  
36 facilities may be sold and a new license may be issued  
37 for operation in the same county.

38 c. If a license to conduct gambling games on an  
39 excursion gambling boat is surrendered, not renewed,  
40 or revoked, a new license may be issued for operation  
41 in the same county.

42 Sec. 5. Section 99F.7, subsection 1, Code 1997, is  
43 amended to read as follows:

44 1. If the commission is satisfied that this  
45 chapter and its rules adopted under this chapter  
46 applicable to licensees have been or will be complied  
47 with, the commission shall issue a license for a  
48 period of not more than three years to an applicant to  
49 own a gambling game operation and to an applicant to  
50 operate an excursion gambling boat. The commission

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1 shall decide which of the gambling games authorized  
2 under this chapter it will permit. The commission  
3 shall decide the number, location, and type of  
4 excursion gambling boats licensed under this chapter  
5 for operation on the rivers, lakes, and reservoirs of  
6 this state. However, after July 1, 2003, the  
7 commission shall issue a new license for an excursion  
8 gambling boat operation only if the excursion gambling  
9 boat operates on the Mississippi or Missouri river.

10 The license shall set forth the name of the licensee,  
11 the type of license granted, the place where the  
12 excursion gambling boats will operate and dock, and  
13 the time and number of days during the excursion  
14 season and the off season when gambling may be  
15 conducted by the licensee. The commission shall not  
16 allow a licensee to conduct gambling games on an  
17 excursion gambling boat while docked during the off  
18 season if the licensee does not operate gambling  
19 excursions for a minimum number of days during the  
20 excursion season. The commission may delay the  
21 commencement of the excursion season at the request of  
22 a licensee.

23 Sec. 6. Section 99F.9, subsection 5, Code 1997, is  
24 amended to read as follows:

25 5. A person under the age of twenty-one years  
26 shall not attempt to make or make a wager on an  
27 excursion gambling boat or in a racetrack enclosure  
28 ~~and shall not be allowed in~~ enter the area of the  
29 excursion gambling boat or racetrack enclosure where  
30 gambling is being conducted. However, a person  
31 eighteen years of age or older may be employed to work

32 ~~in a gambling area on an excursion gambling boat or a~~  
33 ~~racetrack enclosure. A person who violates this~~  
34 ~~subsection with respect to a wager commits a scheduled~~  
35 ~~violation under section 805.8, subsection 13.~~

36 Sec. 7. Section 99F.9, Code 1997, is amended by  
37 adding the following new subsection:

38 NEW SUBSECTION. 7. A licensee shall not permit  
39 the operation of a satellite terminal as defined in  
40 section 527.2 to dispense cash or credit for gambling  
41 purposes on an excursion gambling boat or within a  
42 racetrack enclosure except in nongaming areas as  
43 designated by the commission. The commission may  
44 assess a civil penalty for a violation of this  
45 subsection.

46 Sec. 8. Section 805.8, Code Supplement 1997, is  
47 amended by adding the following new subsection:

48 NEW SUBSECTION. 13. GAMBLING VIOLATIONS. For  
49 violations of legal age for gambling or pari-mutuel  
50 wagering under section 99D.11, subsection 7, section

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1 99E.18, subsection 5, or section 99F.9, subsection 5,  
2 the scheduled fine is one hundred dollars. Failure to  
3 pay the fine by a person under the age of eighteen  
4 shall not result in the person being detained in a  
5 secure facility.”

6 2. Title page, by striking lines 1 through 5 and  
7 inserting the following: “An Act relating to gambling  
8 by imposing a moratorium on new licenses to conduct  
9 gambling on excursion gambling boats and at pari-  
10 mutuel racetracks with gambling games, limiting the  
11 location of future excursion gambling boats,  
12 prohibiting gambling licensees from allowing the  
13 loaning of money by credit card or other electronic  
14 means for gambling purposes, and imposing a scheduled  
15 fine for gambling by persons under twenty-one years of  
16 age.”

Amendment H-8565 was adopted.

SENATE FILE 2320 SUBSTITUTED FOR HOUSE FILE 2101

Martin of Scott asked and received unanimous consent to substitute Senate File 2320 for House File 2101.

**Senate File 2320**, a bill for an act relating to gambling by imposing a moratorium on new licenses to conduct gambling on excursion gambling boats and at pari-mutuel racetracks with gambling games, limiting the location of future excursion gambling boats, prohibiting gambling licensees from allowing the loaning of money by credit card or other electronic means for gambling purposes, and imposing a

scheduled fine for gambling by persons under twenty-one years of age, was taken up for consideration.

Sukup of Franklin offered the following amendment H-8478 filed by Sukup, et al., and moved its adoption:

H-8478

- 1 Amend Senate File 2320 as follows:
- 2 1. Page 1, by inserting before line 1 the
- 3 following:
- 4 "Section 1. Section 99D.9, subsection 6, Code
- 5 1997, is amended to read as follows:
- 6 6. A licensee ~~may~~ shall not loan to any person
- 7 money or any other thing of value or permit a
- 8 financial institution, vendor, or other person to loan
- 9 money on the licensed premises on the basis of a
- 10 credit card or similar instrument in person or through
- 11 an electronic or mechanical device including but not
- 12 limited to a satellite terminal as defined in section
- 13 527.2 for the purpose of permitting that person to
- 14 wager on any race. The use of a check or a debit card
- 15 with overdraft protection is not prohibited by this
- 16 subsection."
- 17 2. Page 2, by inserting after line 25 the
- 18 following:
- 19 "Sec. \_\_\_\_ Section 99F.7, subsection 9, Code 1997,
- 20 is amended to read as follows:
- 21 9. A licensee shall not loan to any person money
- 22 or any other thing of value or permit a financial
- 23 institution, vendor, or other person to loan money on
- 24 the licensed premises on the basis of a credit card or
- 25 similar instrument in person or through an electronic
- 26 or mechanical device including but not limited to a
- 27 satellite terminal as defined in section 527.2 for the
- 28 purpose of permitting that person to wager on any game
- 29 of chance. The use of a check or a debit card with
- 30 overdraft protection is not prohibited by this
- 31 subsection."
- 32 3. Page 3, by striking lines 3 through 11.
- 33 4. By renumbering as necessary.

Amendment H-8478 was adopted.

Chiodo of Polk asked and received unanimous consent that amendment H-8447 be deferred.

Churchill of Polk asked and received unanimous consent that amendment H-8563 be deferred.

Van Maanen of Marion asked and received unanimous consent that amendment H-8481 be deferred.

Jacobs of Polk offered amendment H-8555 filed by her and Chiodo of Polk as follows:

H-8555

- 1 Amend Senate File 2320, as passed by the Senate, as
- 2 follows:
- 3 1. Page 1, line 28, by inserting after the word
- 4 "boat" the following: "or a pari-mutuel racetrack".

Huser of Polk rose on a point of order that amendment H-8555 was not germane.

The Speaker ruled the point not well taken and amendment H-8555 germane.

Jacobs of Polk moved the adoption of amendment H-8555.

A non-record roll call was requested.

The ayes were 32, nays 44.

Amendment H-8555 lost.

Chiodo of Polk asked and received unanimous consent that amendment H-8537 be deferred.

Chiodo of Polk asked and received unanimous consent to withdraw amendment H-8538 filed by him on March 23, 1998.

Churchill of Polk asked and received unanimous consent that amendment H-8562 be deferred.

Rants of Woodbury asked and received unanimous consent to withdraw amendment H-8497 filed by him and Garman of Story on March 18, 1998.

Taylor of Linn offered amendment H-8606 filed by him from the floor as follows:

H-8606

- 1 Amend Senate File 2320, as passed by the Senate, as
- 2 follows:
- 3 1. Page 1, by inserting after line 17 the
- 4 following:
- 5 "Sec. \_\_\_\_ Section 99F.4A, Code 1997, is amended
- 6 by adding the following new subsection:
- 7 NEW SUBSECTION. 9. If a license issued pursuant
- 8 to this chapter or chapter 99D is transferred, an
- 9 existing collective bargaining agreement or the impact

10 of an employee representation election shall transfer  
 11 to the new licensee."

Martin of Scott rose on a point of order that amendment H-8606 was not germane.

The Speaker ruled the point not well taken and amendment H-8606 germane.

Taylor of Linn moved the adoption of amendment H-8606.

Roll call was requested by Schrader of Marion and Taylor of Linn.

On the question "Shall amendment H-8606 be adopted?" (S.F. 2320)

The ayes were, 57:

Bell	Bernau	Bradley	Brand
Bukta	Burnett	Cataldo	Chapman
Chiodo	Cohoon	Connors	Doderer
Dolecheck	Dotzler	Drake	Drees
Falck	Fallon	Foege	Ford
Frevert	Garman	Holveck	Huser
Jochum	Kinzer	Koenigs	Kreiman
Kremer	Lamberti	Larkin	Mascher
May	Mertz	Millage	Moreland
Mundie	Murphy	Myers	Nelson
O'Brien	Osterhaus	Rants	Reynolds-Knight
Richardson	Scherrman	Schrader	Shoultz
Siegrist	Taylor	Thomas	Van Fossen
Warnstadt	Weigel	Whitead	Wise
Witt			

The nays were, 38:

Arnold	Barry	Blodgett	Boddicker
Brauns	Brunkhorst	Carroll	Churchill
Dinkla	Dix	Eddie	Gipp
Greig	Greiner	Gries	Grundberg
Hahn	Hansen	Heaton	Holmes
Huseman	Jacobs	Jenkins	Klemme
Larson	Lord	Martin	Metcalf
Rayhons	Sukup	Teig	Thomson
Tyrrell	Van Maanen	Veenstra	Weidman
Welter	Mr. Speaker		
	Corbett		

Absent or not voting, 5:

Bogges	Cormack	Houser	Meyer
Vande Hoef			

Amendment H-8606 was adopted.

Chiodo of Polk asked and received unanimous consent to withdraw amendment H-8447 filed by him on March 16, 1998.

Churchill of Polk asked and received unanimous consent to withdraw amendment H-8563 filed by Churchill, et al., on March 23, 1998.

Van Maanen of Marion offered amendment H-8481, previously deferred, filed by him and Witt of Black Hawk as follows:

H-8481

- 1 Amend Senate File 2320, as passed by the Senate, as
- 2 follows:
- 3 1. Page 1, line 24, by striking the word and
- 4 figures "July 1, 1998," and inserting the following:
- 5 "the effective date of this Act".
- 6 2. Page 1, by inserting after line 33 the
- 7 following:
- 8 "\_\_\_\_. During the moratorium from the effective
- 9 date of this Act, until July 1, 2003, the commission
- 10 shall not authorize any of the following:
- 11 a. An increase in the number or type of gambling
- 12 games or the number of slot machines on excursion
- 13 gambling boats.
- 14 b. A number of slot machines at a pari-mutuel
- 15 racetrack which is greater than the number authorized
- 16 on or before the effective date of this Act."
- 17 3. Page 3, by inserting after line 20 the
- 18 following:
- 19 "Sec. \_\_\_\_ EFFECTIVE DATE. This Act, being deemed
- 20 of immediate importance, takes effect upon enactment."
- 21 4. Title page, line 8, by inserting after the
- 22 word "age" the following: ", and providing an
- 23 effective date".

Van Maanen of Marion offered the following amendment H-8603, to amendment H-8481, filed by him from the floor and moved its adoption:

H-8603

- 1 Amend the amendment, H-8481, to Senate File 2320,
- 2 as passed, by the Senate, as follows:
- 3 1. Page 1, by inserting after line 2 the
- 4 following:
- 5 "\_\_\_\_. Page 1, line 17, by inserting after the
- 6 figure "2003." the following: "The commission shall
- 7 authorize a licensee to conduct gambling games
- 8 pursuant to this chapter at one licensed premises
- 9 only.""

Amendment H-8603 was adopted.

Shoultz of Black Hawk asked and received unanimous consent to withdraw amendment H-8604, to amendment H-8481, filed by him from the floor.

Cataldo of Polk asked and received unanimous consent to withdraw amendment H-8605, to amendment H-8481, filed by him from the floor.

Shoultz of Black Hawk offered amendment H-8608, to amendment H-8481, filed by him from the floor as follows:

H-8608

1 Amend the amendment, H-8481, to Senate File 2320,  
2 as passed by the Senate, as follows:  
3 1. Page 1, by inserting after line 2 the  
4 following:  
5 "\_. Page 1, line 17, by striking the word  
6 "three" and inserting the following: "four".  
7 \_ Page 1, line 17, by inserting after the  
8 figure "2003." the following: "If a fourth license is  
9 issued, the commission shall set the number of slot  
10 machines authorized for the licensee and the number  
11 shall not be subject to the limitation specified in  
12 section 99F.5A.""

Witt of Black Hawk rose on a point of order that amendment H-8608 was not germane.

The Speaker ruled the point not well taken and amendment H-8608 germane.

Shoultz of Black Hawk moved the adoption of amendment H-8608, to amendment H-8481.

Amendment H-8608 lost.

Larkin of Lee rose on a point of order that amendment H-8481, as amended, was not germane.

The Speaker ruled the point well taken and amendment H-8481, as amended, not germane.

Van Maanen of Marion asked for unanimous consent to suspend the rules to consider amendment H-8481, as amended.

Objection was raised.

Van Maanen of Marion moved to suspend the rules to consider amendment H-8481, as amended.

A non-record roll call was requested.

The ayes were 51, nays 24.

The motion prevailed and the rules were suspended.

Van Maanen of Marion moved the adoption of amendment H-8481, as amended.

Amendment H-8481, as amended, was adopted.

Churchill of Polk offered the following amendment H-8562 filed by Churchill, et al., and moved its adoption:

H-8562

- 1 Amend Senate File 2320, as passed by the Senate, as
- 2 follows:
- 3 1. Page 3, by inserting after line 11 the
- 4 following:
- 5 "Sec. \_\_\_\_ Section 99F.15, Code 1997, is amended
- 6 by adding the following new subsection:
- 7 NEW SUBSECTION. 7. A person who is employed at an
- 8 excursion gambling boat facility or a pari-mutuel
- 9 racetrack enclosure shall not wager or gamble at the
- 10 gambling facility or enclosure at which the person is
- 11 employed. A person violating the subsection is guilty
- 12 of a simple misdemeanor."
- 13 2. Title page, line 6, by inserting after the
- 14 word "purposes," the following: "prohibiting employee
- 15 gambling and providing a penalty,".

Amendment H-8562 was adopted.

Chiodo of Polk asked and received unanimous consent to withdraw amendment H-8537 filed by him on March 23, 1998.

#### MOTION TO RECONSIDER PREVAILED

Heaton of Henry called up for consideration the motion to reconsider amendment H-8555 (found on page 889 of the House Journal) to Senate File 2320, filed by him from the floor, and moved to reconsider the vote by which amendment H-8555 failed to be adopted.

A non-record roll call was requested.

The ayes were 46, nays 40.

The motion prevailed and the House reconsidered amendment H-8555.



Jacobs of Polk moved the adoption of amendment H-8555.

A non-record roll call was requested.

The ayes were 41, nays 18.

Amendment H-8555 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. 2320)

The ayes were, 97:

Arnold	Barry	Bell	Bernau
Blodgett	Boddicker	Bogges	Bradley
Brand	Brauns	Brunkhorst	Bukta
Burnett	Carroll	Cataldo	Chapman
Chiodo	Churchill	Cohoon	Connors
Dinkla	Dix	Doderer	Dolecheck
Dotzler	Drake	Drees	Eddie
Falck	Fallon	Foege	Ford
Frevert	Garman	Gipp	Greig
Greiner	Gries	Grundberg	Hahn
Hansen	Heaton	Holmes	Holveck
Huseman	Huser	Jacobs	Jenkins
Jochum	Kinzer	Klemme	Koenigs
Kreiman	Kremer	Lamberti	Larkin
Larson	Lord	Martin	Mascher
May	Mertz	Metcalf	Millage
Moreland	Mundie	Murphy	Myers
Nelson	O'Brien	Osterhaus	Rants
Rayhons	Reynolds-Knight	Richardson	Scherrman
Schrader	Shoultz	Siegrist	Sukup
Taylor	Teig	Thomas	Thomson
Tyrrell	Van Fossen	Van Maanen	Vande Hoef
Veenstra	Warnstadt	Weidman	Weigel
Welter	Whitead	Wise	Witt
Mr. Speaker Corbett			

The nays were, none.

Absent or not voting, 3:

Cormack	Houser	Meyer
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The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

## HOUSE FILE 2101 WITHDRAWN

Martin of Scott asked and received unanimous consent to withdraw House File 2101 from further consideration by the House.

## IMMEDIATE MESSAGE

Siegrist of Pottawattamie asked and received unanimous consent that **Senate File 2320** be immediately messaged to the Senate.

## MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 24, 1998, passed the following bill in which the concurrence of the Senate was asked:

House File 2339, a bill for an act relating to limits on coverage of the remedial account of the Iowa comprehensive petroleum underground storage tank fund, the minimum copayment provisions in regard to the remedial account, and creating a no further action fund.

Also: That the Senate has on March 24, 1998, passed the following bill in which the concurrence of the Senate was asked:

House File 2490, a bill for an act relating to the administration of the insurance account of the comprehensive petroleum underground storage tank fund, creating an underground storage tank insurance board, an underground storage tank insurance fund, and transferring assets and liabilities of the insurance account of the comprehensive petroleum underground storage tank fund.

Also: That the Senate has on March 24, 1998, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 2192, a bill for an act relating to motor vehicle damage disclosure statements.

MARY PAT GUNDERSON, Secretary

## SENATE MESSAGES CONSIDERED

**Senate File 2351**, by committee on commerce, a bill for an act relating to the time for review of the reorganization of a public utility by the utilities board and providing an effective date.

Read first time and **passed on file**.

**Senate File 2357**, by committee on ways and means, a bill for an act updating the Iowa Code references to the Internal Revenue Code, exempting certain preneed funeral trust income from taxation, revising the carryback and carryover periods for certain net operating losses,

providing refunds, and providing an effective date and retroactive applicability dates.

Read first time and passed on file.

On motion by Siegrist of Pottawattamie, the House was recessed at 12:48 p.m., until 1:45 p.m.

### AFTERNOON SESSION

The House reconvened at 1:55 p.m., Rants of Woodbury in the chair.

### QUORUM CALL

A non-record roll call was requested to determine that a quorum was present. The vote revealed seventy-one members present, twenty-nine absent.

### Appropriations Calendar

**Senate File 2295**, a bill for an act relating to and making appropriations for agriculture and natural resources and providing an effective date, with report of committee recommending amendment and passage, was taken up for consideration.

Greiner of Washington offered amendment H-8454 filed by the committee on appropriations as follows:

H-8454

1 Amend Senate File 2295, as amended, passed, and  
2 reprinted by the Senate, as follows:  
3 1. Page 9, by striking lines 17 through 24.  
4 2. By striking page 15, line 20, through page 16,  
5 line 2.  
6 3. Page 16, by inserting after line 18, the  
7 following:  
8 "Sec. \_\_\_\_ REDUCTION OF APPROPRIATIONS. This  
9 section shall apply to each appointed nonelected  
10 position which is supported by moneys appropriated in  
11 sections 1 and 3 of this Act. If the amount of moneys  
12 to be used for a salary during the fiscal year  
13 beginning July 1, 1998, and ending June 30, 1999, is  
14 more than the amount actually required to pay that  
15 salary for the fiscal year, the amount of the relevant  
16 appropriation shall be reduced by the amount equal to  
17 the difference. The amount appropriated in section 1,  
18 subsection 4, of this Act, to support financial  
19 incentives for soil conservation practices under  
20 chapter 161A shall be increased by the amount of the  
21 difference."

- 22 4. By renumbering, relettering, or redesignating  
23 and correcting internal references as necessary.

Mertz of Kossuth offered the following amendment H-8495, to the committee amendment H-8454, filed by her and moved its adoption:

H-8495

- 1 Amend the amendment, H-8454, to Senate File 2295,  
2 as amended, passed, and reprinted by the Senate, as  
3 follows:  
4 1. Page 1, by striking line 3.

A non-record roll call was requested.

The ayes were 47, nays 36.

Amendment H-8495 was adopted.

Greiner of Washington offered the following amendment H-8520, to the committee amendment H-8454, filed by her and moved its adoption:

H-8520

- 1 Amend the amendment, H-8454, to Senate File 2295,  
2 as amended, passed, and reprinted by the Senate, as  
3 follows:  
4 1. Page 1, line 21, by inserting after the word  
5 "difference." the following: "However, the amount of  
6 the difference shall be allocated in the same manner  
7 as other moneys which are reallocated to soil and  
8 water conservation districts after the moneys are  
9 returned by a district to the soil conservation  
10 division."

Amendment H-8520 was adopted.

Witt of Black Hawk requested division of the committee amendment H-8454 as follows: Lines 3 through 5, division A; Lines 6 through 21, division B.

Witt of Black Hawk asked and received unanimous consent that the committee amendment H-8454A, as amended, be deferred.

Greiner of Washington moved the adoption of amendment H-8454B, as amended.

The committee amendment H-8454B, as amended, was adopted.

Greiner of Washington moved the adoption of the committee amendment H-8454A, as amended.

The committee amendment H-8454A, as amended, was adopted.

Greig of Emmet offered amendment H-8587 filed by him and Thomas of Clayton as follows:

H-8587

- 1 Amend Senate File 2295, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 4, line 17, by striking the figure
- 4 "6,600,518" and inserting the following: "6,880,518".
- 5 2. Page 4, line 18, by striking the figure
- 6 "171.28" and inserting the following: "177.28".
- 7 3. Page 4, line 19, by inserting before the word
- 8 "Of" the following: "(1)".
- 9 4. Page 4, by inserting after line 25 the
- 10 following:
- 11 "(2) Of the amount appropriated in this paragraph
- 12 "a", \$280,000 and 6.00 FTEs shall be used by the
- 13 division for purposes of cooperating with the
- 14 department of natural resources in the process of
- 15 reviewing and approving permits related to the
- 16 construction of animal feeding operation structures
- 17 associated with confinement feeding operations as
- 18 provided in chapter 455B."
- 19 5. Page 7, line 11, by striking the word "a."
- 20 6. Page 7, line 14, by striking the figure
- 21 "1,854,059" and inserting the following: "1,778,059".
- 22 7. Page 7, line 15, by striking the figure
- 23 "54.00" and inserting the following: "52.00".
- 24 8. Page 7, by striking lines 16 through 22.
- 25 9. Page 7, line 27, by striking the figure
- 26 "3,616,627" and inserting the following: "3,412,627".
- 27 10. Page 7, line 28, by striking the figure
- 28 "236.50" and inserting the following: "232.50".
- 29 11. Page 8, line 5, by striking the figure
- 30 "\$270,000" and inserting the following: "\$66,000".
- 31 12. Page 8, line 5, by striking the figure "6.00"
- 32 and inserting the following: "2.00".
- 33 13. Page 16, by inserting after line 18, the
- 34 following:
- 35 "Sec. \_\_. AGREEMENT BETWEEN DEPARTMENTS. The
- 36 department of natural resources and the division of
- 37 soil conservation of the department of agriculture and
- 38 land stewardship shall execute an agreement under
- 39 chapter 28E under which the soil conservation division
- 40 of the department of agriculture and land stewardship
- 41 shall cooperate with the department of natural
- 42 resources in the process of reviewing and approving
- 43 permits related to the construction of animal feeding
- 44 operation structures associated with confinement
- 45 feeding operations as provided in chapter 455B. The
- 46 governor's office shall serve to facilitate the

47 negotiation and execution of the agreement."

48 14. By renumbering as necessary.

The House stood at ease at 2:42 p.m., until the fall of the gavel.

The House resumed session at 4:25 p.m., Speaker Corbett in the chair.

Greig of Emmet moved the adoption of amendment H-8587.

Amendment H-8587 was adopted placing amendments H-8591 and H-8592 filed by Mascher of Johnson on March 23, 1998, out of order.

Wise of Lee offered the following amendment H-8581 filed by him and moved its adoption:

H-8581

- 1 Amend Senate File 2295, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 4, line 28, by striking the figure
- 4 "\$6,500,850" and inserting the following:
- 5 "\$7,500,850".

Roll call was requested by Koenigs of Mitchell and Greiner of Washington.

Rule 75 was invoked.

On the question "Shall amendment H-8581 be adopted?" (S.F. 2295)

The ayes were, 45:

Bell	Brand	Bukta	Burnett
Cataldo	Chapman	Chioldo	Cohoon
Connors	Doderer	Dotzler	Drees
Falck	Fallon	Foege	Ford
Frevort	Holveck	Huser	Jochum
Kinzer	Koenigs	Kreiman	Larkin
Mascher	May	Mertz	Moreland
Mundie	Murphy	Myers	O'Brien
Osterhaus	Reynolds-Knight	Richardson	Scherrman
Schrader	Shoultz	Taylor	Thomas
Warnstadt	Weigel	Whitead	Wise
Witt			

The nays were, 50:

Arnold	Barry	Boddicker	Bogges
Bradley	Brauns	Brunkhorst	Carroll
Churchill	Dix	Dolecheck	Drake
Eddie	Garman	Gipp	Greig
Greiner	Gries	Grundberg	Hahn

Hansen	Heaton	Holmes	Houser
Huseman	Jacobs	Jenkins	Klemme
Kremer	Lamberti	Larson	Lord
Martin	Metcalf	Meyer	Millage
Nelson	Rants	Rayhons	Siegrist
Sukup	Teig	Thomson	Tyrrell
Van Maanen	Vande Hoef	Veenstra	Weidman
Welter	Mr. Speaker		
	Corbett		

Absent or not voting, 5:

Bernau	Blodgett	Cormack	Dinkla
Van Fossen			

Amendment H-8581 lost.

Koenigs of Mitchell offered the following amendment H-8588 filed by him and moved its adoption:

H-8588

- 1 Amend Senate File 2295 as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 8, line 10, by striking the letter "a."
- 4 2. Page 8, line 14, by striking the figure "(1)"
- 5 and inserting the following: "a."
- 6 3. Page 8, line 29, by striking the figure "(2)"
- 7 and inserting the following: "b."
- 8 4. By striking page 8, line 34, through page 9,
- 9 line 16.
- 10 5. Page 16, by inserting before line 3 the
- 11 following:
- 12 "Sec. \_\_\_\_ WATER QUALITY STUDIES. There is
- 13 appropriated from the general fund of the state to the
- 14 state board of regents for the fiscal year beginning
- 15 July 1, 1998, and ending June 30, 1999, the following
- 16 amount, or so much thereof as is necessary, to be used
- 17 for the purpose designated:
- 18 For allocation to Iowa state university of science
- 19 and technology for purposes of conducting studies
- 20 regarding groundwater and surface water contamination
- 21 in this state:
- 22 ..... \$ 300,000
- 23 The identity of a site selected in conducting
- 24 testing pursuant to a study shall remain confidential
- 25 and shall not be subject to disclosure under chapter
- 26 22. However, the identity of the site shall be
- 27 provided to the department of natural resources, which
- 28 shall keep the identity confidential. The findings of
- 29 the testing shall not be used in a case or proceeding
- 30 brought against a person based upon a violation of
- 31 state law. The university shall cooperate with the

32 department of natural resources in designing,  
33 implementing, and conducting the studies. The  
34 university shall report all results of the studies to  
35 the department, the legislative fiscal bureau, and the  
36 members of the joint appropriations subcommittee on  
37 agriculture and natural resources of the general  
38 assembly."  
39 6. By renumbering as necessary.

Amendment H-8588 lost.

Witt of Black Hawk offered the following amendment H-8514 filed by him and moved its adoption:

H-8514

1 Amend Senate File 2295, as amended, passed, and  
2 reprinted by the Senate, as follows:  
3 1. Page 9, lines 1 and 2, by striking the words  
4 "Iowa state university of science and technology" and  
5 inserting the following: "the center for health  
6 effects of environmental contamination established  
7 under section 263.17".  
8 2. Page 9, line 11, by striking the word  
9 "university" and inserting the following: "center".  
10 3. Page 9, line 13, by striking the word  
11 "university" and inserting the following: "center".

Amendment H-8514 lost.

Murphy of Dubuque offered the following amendment H-8513 filed by him and moved its adoption:

H-8513

1 Amend Senate File 2295, as amended, passed, and  
2 reprinted by the Senate, as follows:  
3 1. Page 9, by striking lines 4 through 11 and  
4 inserting the following: "contamination in the state.  
5 The university shall cooperate with the department".

A non-record roll call was requested.

The ayes were 25, nays 40.

Amendment H-8513 lost.

Dolecheck of Ringgold offered the following amendment H-8432 filed by him and moved its adoption:

H-8432

1 Amend Senate File 2295, as amended, passed, and



2 reprinted by the Senate, as follows:

3 1. Page 11, line 12, by striking the figure

4 "1,600,000" and inserting the following: "1,630,000".

5 2. Page 11, by inserting after line 17 the

6 following:

7 "\_\_\_ Of the amount appropriated in this section,

8 not more than \$30,000 shall be used by the department

9 to carry out the provisions of 1998 Iowa Acts, Senate

10 File 429, if enacted by the Seventy-seventh General

11 Assembly, 1998 Session. However, if Senate File 429

12 is not enacted, the amount appropriated under this

13 section for the administration and enforcement of

14 navigation laws and water safety shall be reduced by

15 \$30,000."

16 3. By renumbering as necessary.

Amendment H-8432 was adopted.

Mascher of Johnson offered the following amendment H-8589 filed by Mascher, et al., and moved its adoption:

H-8589

1 Amend Senate File 2295, as amended, passed, and

2 reprinted by the Senate, as follows:

3 1. Page 12, line 8, by striking the figure

4 "\$9,000,000" and inserting the following:

5 "\$12,000,000".

Roll call was requested by Mascher of Johnson and Siegrist of Pottawattamie.

Rule 75 was invoked.

On the question "Shall amendment H-8589 be adopted?" (S.F. 2295)

The ayes were, 47:

Arnold	Bell	Bernau	Brand
Bukta	Burnett	Cataldo	Chapman
Chiodo	Cohoon	Connors	Doderer
Dotzler	Drees	Falck	Fallon
Foege	Ford	Frevert	Holveck
Huser	Jochum	Kinzer	Koenigs
Kreiman	Larkin	Mascher	May
Mertz	Moreland	Mundie	Murphy
Myers	O'Brien	Osterhaus	Reynolds-Knight
Richardson	Scherrman	Schrader	Shoultz
Taylor	Thomas	Warnstadt	Weigel
Whitead	Wise	Witt	

The nays were, 52:

Barry	Blodgett	Boddicker	Bogges
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Bradley	Brauns	Brunkhorst	Carroll
Churchill	Dinkla	Dix	Dolecheck
Drake	Eddie	Garman	Gipp
Greig	Greiner	Gries	Grundberg
Hahn	Hansen	Heaton	Holmes
Houser	Huseman	Jacobs	Jenkins
Klemme	Kremer	Lamberti	Larson
Lord	Martin	Metcalf	Meyer
Millage	Nelson	Rants	Rayhons
Siegrist	Sukup	Teig	Thomson
Tyrrell	Van Fossen	Van Maanen	Vande Hoef
Veenstra	Weidman	Welter	Mr. Speaker Corbett

Absent or not voting, 1:

Cormack

Amendment H-8589 lost.

Witt of Black Hawk offered the following amendment H-8498 filed by him and moved its adoption:

H-8498

1 Amend Senate File 2295, as amended, passed, and  
2 reprinted by the Senate, as follows:  
3 1. Page 15, by inserting after line 19 the  
4 following:  
5 "Sec. \_\_\_\_ SURFACE WATER AND GROUNDWATER  
6 MONITORING. There is appropriated from the general  
7 fund of the state to the department of natural  
8 resources for the fiscal year beginning July 1, 1998,  
9 and ending June 30, 1999, the following amount, or so  
10 much thereof as is necessary, to be used for the  
11 purposes designated:  
12 For the surface water and groundwater monitoring  
13 programs, including salaries, support, maintenance,  
14 miscellaneous purposes, and for not more than the  
15 following full-time equivalent positions:  
16 ..... \$ 1,000,000  
17 ..... FTEs 2.00  
18 Notwithstanding section 8.33, moneys appropriated  
19 in this section which remain unexpended or unobligated  
20 on June 30, 1999, shall not revert to the general fund  
21 of the state but shall remain available for the  
22 purposes designated for the fiscal year beginning July  
23 1, 1999."  
24 2. Page 17, by inserting after line 11 the  
25 following:  
26 "Sec. \_\_\_\_ NEW SECTION. 455B.282 SURFACE WATER  
27 AND GROUNDWATER MONITORING.  
28 1. The commission shall establish and administer a

- 29 long-term surface water monitoring program which  
30 includes, at a minimum, all of the following elements:  
31 a. A significant number of fixed monitoring sites  
32 selected to include a full array of geographical  
33 conditions and watershed sizes.  
34 b. Inclusion of lakes, reservoirs, ponds, and  
35 wetlands in regular surface water monitoring.  
36 c. High frequency of sampling at a significant  
37 number of fixed station sites to provide information  
38 on contaminant concentration and movement.  
39 d. Analysis of samples for common pesticides at  
40 all fixed station sites and analysis of pesticide  
41 metabolites at all fixed station sites located at  
42 large river monitoring sites.  
43 e. Implementation of watershed-based rotational  
44 monitoring where a portion of the watersheds are  
45 intensively monitored on a cyclical basis of one out  
46 of every five years.  
47 f. Incorporation of biological monitoring into the  
48 monitoring for all sites.  
49 g. Problem assessment and research.  
50 2. The commission shall establish and administer a

Page 2

- 1 long-term groundwater monitoring program which  
2 includes, at a minimum, the following elements:  
3 a. Fixed station, long-term monitoring to collect  
4 baseline data for trend analysis in six major  
5 aquifers. Water levels at the aquifer sites shall be  
6 monitored and each site shall be regularly sampled for  
7 inorganics, common herbicides, and selected volatile  
8 organic compounds.  
9 b. An ambient rotational groundwater quality  
10 monitoring program conducted in cooperation with the  
11 United States geological survey and the university of  
12 Iowa hygienic laboratory.  
13 c. Identification of groundwater quality issues  
14 and conducting of research needed to address the  
15 issues. The issues shall initially include, but not  
16 be limited to, all of the following:  
17 (1) Identification of storage and handling of  
18 hazardous materials and facilities.  
19 (2) The relative contribution of point and  
20 nonpoint sources of groundwater contamination.  
21 (3) Organic chemicals in unsaturated zones.  
22 (4) The effects of large withdrawals on aquifers.  
23 (5) Identification of recharge zones for all  
24 aquifers."

Roll call was requested by Witt of Black Hawk and Greiner of Wash-  
ington.

On the question "Shall amendment H-8498 be adopted?" (S.F. 2295)

The ayes were, 46:

Bell	Bernau	Brand	Bukta
Burnett	Cataldo	Chapman	Chiodo
Cohoon	Connors	Doderer	Dotzler
Drees	Falck	Fallon	Foege
Ford	Frevert	Holveck	Huser
Jochum	Kinzer	Koenigs	Kreiman
Larkin	Mascher	May	Mertz
Moreland	Mundie	Murphy	Myers
O'Brien	Osterhaus	Reynolds-Knight	Richardson
Scherrman	Schrader	Shoultz	Taylor
Thomas	Warnstadt	Weigel	Whitead
Wise	Witt		

The nays were, 53:

Arnold	Barry	Blodgett	Boddicker
Boggess	Bradley	Brauns	Brunkhorst
Carroll	Churchill	Dinkla	Dix
Dolecheck	Drake	Eddie	Garman
Gipp	Greig	Greiner	Gries
Grundberg	Hahn	Hansen	Heaton
Holmes	Houser	Huseman	Jacobs
Jenkins	Klemme	Kremer	Lamberti
Larson	Lord	Martin	Metcalf
Meyer	Millage	Nelson	Rants
Rayhons	Siegrist	Sukup	Teig
Thomson	Tyrrell	Van Fossen	Van Maanen
Vande Hoef	Veenstra	Weidman	Welter
Mr. Speaker Corbett			

Absent or not voting, 1:

Cormack

Amendment H-8498 lost.

Mertz of Kossuth offered the following amendment H-8590 filed by her and moved its adoption:

H-8590

- 1 Amend Senate File 2295, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 16, by inserting after line 12, the
- 4 following:
- 5 "Sec. \_\_\_\_ MARINE FUEL TAX RECEIPTS - CAPITAL
- 6 PROJECTS - LAKE DREDGING. From any moneys
- 7 appropriated from the marine fuel tax receipts

8 deposited in the general fund of the state to the  
 9 department of natural resources for the fiscal year  
 10 beginning July 1, 1998, and ending June 30, 1999, for  
 11 purposes of funding capital projects traditionally  
 12 funded from marine fuel tax receipts for the purposes  
 13 specified in section 452A.79, the department of  
 14 natural resources shall allocate the following amount  
 15 for the purpose designated:

16 To local sponsors of a dredging operation at  
 17 crystal lake in Hancock county for purposes of  
 18 performing the dredging operations:  
 19 ..... \$ 250,000

20 Moneys allocated under this section shall be  
 21 available upon a match by local sponsors of one dollar  
 22 for each one dollar of state moneys."

23 2. By renumbering as necessary.

A non-record roll call was requested.

The ayes were 34, nays 41.

Amendment H-8590 lost.

Jochum of Dubuque offered the following amendment H-8534 filed  
 by her and moved its adoption:

H-8534

1 Amend Senate File 2295, as amended, passed, and  
 2 reprinted by the Senate, as follows:

3 1. Page 16, by inserting after line 18 the  
 4 following:

5 "Sec. \_\_. STUDY - COMMERCIAL FERTILIZERS AND  
 6 SOIL CONDITIONERS. The department of agriculture and  
 7 land stewardship shall conduct a study regarding the  
 8 use of ingredients by manufacturers of commercial  
 9 fertilizers and soil conditioners to determine the  
 10 extent to which more effective controls should be  
 11 placed upon the use of commercial fertilizers and soil  
 12 conditioners containing heavy metals derived from  
 13 industrial waste materials. The department shall  
 14 consider the extent to which the use of the heavy  
 15 metals poses a risk to human health and the  
 16 environment. The department shall consider the need  
 17 for more stringent labeling requirements and  
 18 standards. The department shall consult with other  
 19 state agencies and agencies of the federal government  
 20 in conducting this study. The department shall report  
 21 the findings and any recommendations to the general  
 22 assembly not later than January 1, 1999."

23 2. By renumbering as necessary.

Amendment H-8534 lost.

Warnstadt of Woodbury offered the following amendment H-8535 filed by him and moved its adoption:

H-8535

- 1 Amend Senate File 2295, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 16, by inserting after line 18 the
- 4 following:
- 5 "Sec. \_\_\_\_ LOESS HILLS STUDY CONFERENCE. The
- 6 legislative council is requested to establish an
- 7 interim study conference to analyze and develop
- 8 proposals for the designation and protection of loess
- 9 soil areas which possess outstanding cultural and
- 10 natural values, such as scenic, forest, prairie, and
- 11 mineral, geological, historic, archaeological,
- 12 recreational, educational, water quality, or flood
- 13 protection values. The legislative council may
- 14 authorize the loess hills development authority to
- 15 coordinate the study and develop recommendations
- 16 relating to the protection, preservation, and uses of
- 17 land in the loess hills areas of this state.
- 18 The interim study conference shall report its
- 19 findings and recommendations to the legislative
- 20 council and to the members of the general assembly."
- 21 2. By renumbering as necessary.

Roll call was requested by Myers of Johnson and Greiner of Washington.

Rule 75 was invoked.

On the question "Shall amendment H-8535 be adopted?" (S.F. 2295)

The ayes were, 48:

Bell	Bernau	Boggess	Brand
Brauns	Bukta	Burnett	Cataldo
Chapman	Chiodo	Cohoon	Connors
Doderer	Dotzler	Drees	Falck
Fallon	Foege	Ford	Frevert
Holveck	Huser	Jochum	Kinzer
Koenigs	Kreiman	Larkin	Mascher
May	Mertz	Moreland	Mundie
Murphy	Myers	O'Brien	Osterhaus
Reynolds-Knight	Richardson	Scherrman	Schrader
Shoultz	Taylor	Thomas	Warnstadt
Weigel	Whitead	Wise	Witt

The nays were, 51:

Arnold	Barry	Blodgett	Boddicker
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Bradley	Brunkhorst	Carroll	Churchill
Dinkla	Dix	Dolecheck	Drake
Eddie	Garman	Gipp	Greig
Greiner	Gries	Grundberg	Hahn
Hansen	Heaton	Holmes	Houser
Huseman	Jacobs	Jenkins	Klemme
Kremer	Lamberti	Larson	Lord
Martin	Metcalf	Meyer	Millage
Nelson	Rants	Rayhons	Siegrist
Sukup	Teig	Thomson	Tyrrell
Van Fossen	Van Maanen	Vande Hoef	Veenstra
Weidman	Welter	Mr. Speaker	
		Corbett	

Absent or not voting, 1:

Cormack

Amendment H-8535 lost.

Koenigs of Mitchell asked and received unanimous consent to withdraw amendment H-8586 filed by him on March 23, 1998.

#### MOTION TO RECONSIDER LOST

Koenigs of Mitchell called up for consideration the motion to reconsider amendment H-8587 to Senate File 2295, filed by him from the floor, and moved to reconsider the vote by which amendment H-8587 (found on page 898 of the House Journal) was adopted.

A non-record roll call was requested.

The ayes were 42, nays 50.

The motion to reconsider lost.

Hahn of Muscatine moved to suspend the rules for the immediate consideration of amendment H-8602 filed by him from the floor as follows:

H-8602

- 1 Amend Senate File 2295, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 9, line 26, by inserting before the word
- 4 "For" the following: "a."
- 5 2. Page 9, by inserting after line 28 the
- 6 following:
- 7 "b. The department of natural resources shall
- 8 conduct a study of the populations of various mussel
- 9 species in the waters of this state with emphasis on
- 10 the sublegal population of washboard mussels in the

11 waters of the state. The department shall conduct  
12 independent field investigations of the various mussel  
13 beds in boundary waters of this state. The department  
14 shall fund up to fifty percent of the cost of the  
15 field investigations with the commercial mussel  
16 industry contributing the remainder. The department  
17 shall contract with a malacologist who is acceptable  
18 to the commercial mussel industry and the department  
19 to conduct the study and investigation. The  
20 department shall review current scientific studies  
21 conducted by other state natural resource agencies,  
22 federal wildlife and natural resource agencies, and  
23 private parties including commercial fishers, shell  
24 buyers, and shell exporters.

25 The department shall report its findings to the  
26 chairpersons and ranking members of the house  
27 committee on natural resources and the senate  
28 committee on natural resources and environment not  
29 later than January 15, 2000. Notwithstanding  
30 paragraph "c", if the data in the report supports a  
31 closed season for washboard mussels, the natural  
32 resource commission may consider closing the season  
33 for washboard mussels.

34 c. Notwithstanding sections 481A.38, 481A.39,  
35 482.1, and 482.12, for the year beginning January 1,  
36 1998, and ending December 31, 1999, the open season  
37 for taking washboard mussels shall be from April 1 to  
38 August 31. Washboard mussels shall be taken only  
39 during the hours between sunrise and sunset. The  
40 minimum size limit for the taking of washboard mussels  
41 shall be four inches."

42 3. Page 18, by inserting after line 12 the  
43 following:

44 "\_. Section 3, subsection 7, paragraph "c", of  
45 this Act, being deemed of immediate importance, takes  
46 effect upon enactment."

A non-record roll call was requested.

Rule 75 was invoked.

The ayes were 48, nays 50.

The motion to suspend the rules lost.

Greiner of Washington moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2295)

The ayes were, 61:

Arnold

Barry

Blodgett

Boddicker



Boguess	Bradley	Brauns	Brunkhorst
Bukta	Carroll	Cataldo	Churchill
Dinkla	Dix	Dolecheck	Drake
Eddie	Falck	Frevert	Garman
Gipp	Greig	Greiner	Gries
Grundberg	Hahn	Hansen	Heaton
Holmes	Houser	Huseman	Jacobs
Jenkins	Klemme	Koenigs	Kremer
Lamberti	Larson	Lord	Martin
May	Mertz	Metcalf	Meyer
Millage	Nelson	Rants	Rayhons
Siegrist	Sukup	Teig	Thomas
Thomson	Tyrrell	Van Fossen	Van Maanen
Vande Hoef	Veenstra	Weidman	Welter
Mr. Speaker Corbett			

The nays were, 37:

Bell	Bernau	Burnett	Chapman
Chiodo	Cohoon	Connors	Doderer
Dotzler	Drees	Fallon	Foege
Ford	Holveck	Huser	Jochum
Kinzer	Kreiman	Larkin	Mascher
Moreland	Mundie	Murphy	Myers
O'Brien	Osterhaus	Reynolds-Knight	Richardson
Scherrman	Schrader	Shoultz	Taylor
Warnstadt	Weigel	Whitead	Wise
Witt			

Absent or not voting, 2:

Brand                      Cormack

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 2295** be immediately messaged to the Senate.

### INTRODUCTION OF BILL

**House File 2539**, by committee on appropriations, a bill for an act relating to and making appropriations to the justice system and providing effective dates.

Read first time and placed on the **appropriations calendar**.

### MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 24, 1998, amended and passed the following bill in which the concurrence of the House is asked:

House File 2272, a bill for an act requiring the state board of education to adopt rules relating to the incorporation of accountability for student achievement into the education standards and accreditation process.

Also: That the Senate has on March 24, 1998, passed the following bill in which the concurrence of the Senate was asked:

House File 2292, a bill for an act relating to permits for aquifer storage and recovery and making penalties applicable.

Also: That the Senate has on March 24, 1998, passed the following bill in which the concurrence of the Senate was asked:

House File 2340, a bill for an act relating to the inclusion of dentists and certain other medical specialists in the volunteer health care provider program.

Also: That the Senate has on March 24, 1998, passed the following bill in which the concurrence of the Senate was asked:

House File 2369, a bill for an act relating to the human immunodeficiency virus including the testing of an alleged offender for the human immunodeficiency virus, the intentional transmission of the human immunodeficiency virus, making penalties applicable, establishing penalties, and providing for an affirmative defense.

Also: That the Senate has on March 24, 1998, amended and passed the following bill in which the concurrence of the House is asked:

House File 2403, a bill for an act relating to property of a debtor which is exempt from execution.

Also: That the Senate has on March 24, 1998, passed the following bill in which the concurrence of the Senate was asked:

House File 2435, a bill for an act relating to the entrepreneurs with disabilities program.

Also: That the Senate has on March 24, 1998, passed the following bill in which the concurrence of the Senate was asked:

House File 2516, a bill for an act providing for mandatory licensure for marital and family therapists and mental health counselors, establishing transition provisions, removing frequency requirements regarding board of behavioral science examiners' meetings, and providing an effective date.

Also: That the Senate has on March 24, 1998, passed the following bill in which the concurrence of the Senate was asked:

House File 2523, a bill for an act relating to the reimbursement of certain providers of services under the medical assistance program.

Also: That the Senate has on March 24, 1998, passed the following bill in which the concurrence of the Senate was asked:

House File 2527, a bill for an act providing for victim rights, providing for penalties, and an effective date.

MARY PAT GUNDERSON, Secretary

### PRESENTATION OF VISITORS

The Speaker announced that the following visitors were present in the House chamber:

Forty 12th grade students from Tri-County, Thornburg, accompanied by Jim Freeze. By Greiner of Washington and Tyrrell of Iowa.

Eleven 7th and 8th grade students from Pine Grove Mennonite School, Chester, accompanied by Marianne Nightingale. By Weigel of Chickasaw.

### 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

- 1998\326 Justin Laursen, Storm Lake – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 1998\327 Thelma Hesson, Baxter – For celebrating her 90th birthday.
- 1998\328 Larry and JoAnn Hesson, Baxter – For celebrating their 40th wedding anniversary.
- 1998\329 Fred and Pat Harrison, Newton – For celebrating their 50th wedding anniversary.
- 1998\330 Coach Steve Bergman and the Iowa City West High School, Iowa City – For winning the 1998 4-A Boys' Basketball Championship.
- 1998\331 Coach Jim Zalesky and the University of Iowa Wrestling Team, Iowa City – For winning the 1998 NCAA Championship.
- 1998\332 Betty Simmons, Carter Lake – For being named Carter Lake Senior Citizen of the Year.
- 1998\333 Lyle Parker, Carter Lake – For being named Carter Lake Citizen of the Year.
- 1998\334 Merle and Pauline Harland, Clarinda – For celebrating their 70th wedding anniversary.
- 1998\335 Joe Williams, Iowa City – For being Champion of the 167 lbs. division of the 1998 NCAA Wrestling Championship.

- 1998\336 Jeff McGinness, Iowa City – For being Champion of the 134 lbs. division of the 1998 NCAA Wrestling Championship.
- 1998\337 Mark Ironside, Iowa City – For being Champion of the 142 lbs. division of the 1998 NCAA Wrestling Championship.
- 1998\338 Coach Angie Lee and the University of Iowa Women's Basketball Team, Iowa City – For winning the Big 10 Championship.
- 1998\339 Minh Tran, Council Bluffs – For his participation in the Legislative Shaddow Program.

#### SUBCOMMITTEE ASSIGNMENTS

##### House File 2174

Ways and Means: Van Fossen, Chair; Doderer and Greig.

##### Senate File 2365

Ways and Means: Teig, Chair; Drake 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

**Committee Bill** (Formerly House Study Bill 701), relating to and making appropriations to the justice system and providing effective dates.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 23, 1998.

#### COMMITTEE ON WAYS AND MEANS

**Senate File 2218**, a bill for an act relating to the issuance of highway travel permits to raw milk transporters whose motor trucks exceed gross weight and axle weight restrictions and establishing a fee.

Fiscal Note is not required.

Recommended **Do Pass** March 23, 1998.

**Senate File 2364**, a bill for an act relating to the sales, services, and use taxes exemption for the sales of food and beverages for human consumption by certain organizations, providing refunds, and including effective and retroactive applicability date provisions.

Fiscal Note is not required.

Recommended **Do Pass** March 23, 1998.

### RESOLUTION FILED

**SCR 109**, by Dearden, Dvorsky, Maddox, Fraise, Horn, McKean, and Angelo, a concurrent resolution to honor the memory of Jim Hancock.

Laid over under **Rule 25**.

### AMENDMENTS FILED

H—8599	H.F.	2262	Senate Amendment
H—8600	H.F.	2271	Senate Amendment
H—8601	H.F.	2169	Senate Amendment
H—8607	S.F.	2378	Garman of Story
H—8609	S.F.	2052	Klemme of Plymouth
H—8610	H.F.	2533	Dinkla of Guthrie Warnstadt of Woodbury
H—8611	H.F.	2533	Scherrman of Dubuque Holveck of Polk
H—8612	S.F.	2398	Jochum of Dubuque
H—8613	S.F.	187	Brand of Tama
H—8614	S.F.	2292	Jochum of Dubuque Murphy of Dubuque
H—8615	S.F.	2333	Dotzler of Black Hawk
H—8616	S.F.	2366	Gries of Crawford
H—8617	S.F.	2374	Boddicker of Cedar
H—8618	S.F.	2380	Wise of Lee
H—8619	S.F.	2384	Kreiman of Davis
H—8620	S.F.	2387	Kreiman of Davis
H—8621	H.C.R.	109	Burnett of Story
H—8622	S.F.	2331	Bernau of Story
H—8623	S.F.	2400	Vande Hoef of Osceola
H—8624	S.F.	2363	Murphy of Dubuque
H—8625	H.F.	2272	Senate Amendment
H—8626	H.F.	2533	Frevert of Palo Alto
H—8627	H.F.	2533	Chiodo of Polk
H—8628	H.F.	2533	Frevert of Palo Alto
H—8629	H.F.	2533	Frevert of Palo Alto
			Bernau of Story
			Bukta of Clinton
			Cataldo of Polk

Chapman of Linn			Chiodo of Polk
Cohoon of Des Moines			Connors of Polk
Doderer of Johnson			Dotzler of Black Hawk
Drees of Carroll			Falck of Fayette
Fallon of Polk			Foege of Linn
Ford of Polk			Holveck of Polk
Huser of Polk			Jochum of Dubuque
Kinzer of Scott			Koenigs of Mitchell
Kreiman of Davis			Larkin of Lee
Mascher of Johnson			May of Worth
Mertz of Kossuth			Moreland of Wapello
Mundie of Webster			Murphy of Dubuque
Myers of Johnson			O'Brien of Boone
Osterhaus of Jackson			Reynolds-Knight of Van Buren
Richardson of Warren			Scherrman of Dubuque
Schrader of Marion			Shoultz of Black Hawk
Taylor of Linn			Thomas of Clayton
Warnstadt of Woodbury			Weigel of Chickasaw
Whitead of Woodbury			Wise of Lee
Witt of Black Hawk			
H—8630	H.F.	2533	Frevert of Palo Alto
H—8631	H.F.	2533	Frevert of Palo Alto
H—8632	H.F.	2403	Senate Amendment
H—8633	H.F.	2538	Larkin of Lee
H—8634	H.F.	2533	Rants of Woodbury
Gries of Crawford			Garman of Story
Gipp of Winneshiek			Blodgett of Cerro Gordo
Hansen of Pottawattamie			Thomson of Linn
Nelson of Marshall			Heaton of Henry
Mascher of Johnson			Murphy of Dubuque
H—8635	S.F.	2333	Taylor of Linn
H—8636	S.F.	2333	Connors of Polk
H—8637	S.F.	2363	Moreland of Wapello
H—8638	S.F.	2363	Brand of Tama
H—8639	S.F.	2353	Brand of Tama
			Foege of Linn
			Wise of Lee
H—8640	S.F.	2374	Bernau of Story
H—8641	S.F.	2376	Larkin of Lee
H—8642	S.F.	2406	Brand of Tama
H—8643	H.F.	2533	Scherrman of Dubuque
			Holveck of Polk
			Brand of Tama
			Mascher of Johnson

H—8644	H.F.	2533	Warnstadt of Woodbury
H—8645	H.F.	2272	Rants of Woodbury
H—8646	S.F.	2366	Mascher of Johnson
			Brand of Tama
			Cohoon of Des Moines
			Foege of Linn
			Thomas of Clayton
			Warnstadt of Woodbury
			Wise of Lee
H—8647	S.F.	2366	Cohoon of Des Moines
			Brand of Tama
			Bukta of Clinton
			Falck of Fayette
			Kinzer of Scott
			Mascher of Johnson
			Thomas of Clayton
			Warnstadt of Woodbury
			Wise of Lee
H—8648	S.F.	2366	Foege of Linn
			Brand of Tama
			Bukta of Clinton
			Cohoon of Des Moines
			Falck of Fayette
			Kinzer of Scott
			Mascher of Johnson
			Thomas of Clayton
			Warnstadt of Woodbury
			Wise of Lee
H—8649	S.F.	2366	Bukta of Clinton
			Brand of Tama
			Cohoon of Des Moines
			Falck of Fayette
			Foege of Linn
			Kinzer of Scott
			Mascher of Johnson
			Thomas of Clayton
			Warnstadt of Woodbury
			Wise of Lee
H—8650	S.F.	2366	Wise of Lee
			Brand of Tama
			Bukta of Clinton
			Cohoon of Des Moines
			Falck of Fayette
			Foege of Linn
			Kinzer of Scott
			Mascher of Johnson
			Thomas of Clayton
			Warnstadt of Woodbury
H—8651	S.F.	2366	Mascher of Johnson
H—8652	S.F.	2366	Falck of Fayette
H—8653	S.F.	2366	Falck of Fayette
H—8654	S.F.	2366	Falck of Fayette
H—8655	H.F.	2498	Chiodo of Polk
H—8656	S.F.	2406	Ford of Polk
H—8657	S.F.	2406	Ford of Polk
H—8658	H.F.	2533	Grundberg of Polk
H—8659	S.F.	2366	Weigel of Chickasaw
			Mertz of Kossuth
			Koenigs of Mitchell
			May of Worth
			Scherrman of Dubuque
			Osterhaus of Jackson

H—8660	S.F.	2400	Dix of Butler
H—8661	H.F.	2533	Mascher of Johnson
H—8662	S.F.	2400	Dix of Butler
H—8663	S.F.	2400	Dix of Butler
H—8664	H.F.	2533	Mascher of Johnson

On motion by Siegrist of Pottawattamie, the House adjourned at 8:20 p.m., until 8:45 a.m., Wednesday, March 25, 1998.



# JOURNAL OF THE HOUSE

Seventy-third Calendar Day - Fiftieth Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Wednesday, March 25, 1998

The House met pursuant to adjournment at 8:55 a.m., Speaker Corbett in the chair.

Prayer was offered by Pastor Curt Kuhns, Mennonite Church, Manson.

The Journal of Tuesday, March 24, 1998 was approved.

## MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 24, 1998, amended and passed the following bill in which the concurrence of the House is asked:

House File 681, a bill for an act creating an environmental audit privilege and immunity, and an environmental auditor training program, and providing penalties.

Also: That the Senate has on March 24, 1998, passed the following bill in which the concurrence of the Senate was asked:

House File 2502, a bill for an act relating to the statewide notification center and providing for alternative staff and the information requirements associated with the notice of an excavation.

MARY PAT GUNDERSON, Secretary

## SPECIAL PRESENTATION

Churchill of Polk presented to the House eleven Russian insurance agents: Viktor Zubarev, Vladimir Aleinikov, Vladimir Biryukov, Sergey Kuznetsov, Tatiana Shouvalova, Yuri Grin'ko, Vladimir Cheremetov, Pavel Lukin, Valery Ovasiamikov, and Natasha Dronova.

The House rose and expressed its welcome.

On motion by Siegrist of Pottawattamie, the House was recessed at 9:00 a.m., until 10:00 a.m.

The House resumed session at 10:30 a.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-nine members present, thirty-one absent.

## CONSIDERATION OF BILLS

### Regular Calendar

**Senate File 518**, a bill for an act relating to the administration of state government, by providing for the practices of the department of general services, state procurement, motor vehicles, and state printing, with report of committee recommending passage, was taken up for consideration.

Bradley of Clinton offered the following amendment H-8496 filed by him and moved its adoption:

H-8496

- 1 Amend Senate File 518, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 3, by striking lines 5 and 6.
- 4 2. Page 3, line 22, by striking the words
- 5 "advertise for" and inserting the following:
- 6 "~~advertise for~~ solicit".
- 7 3. Page 3, by striking lines 23 through 27 and
- 8 inserting the following: "improvement by publishing
- 9 an advertisement in a print format. The advertisement
- 10 shall appear in".
- 11 4. Page 3, line 31, by striking the word "The"
- 12 and inserting the following: "The department may
- 13 publish an advertisement in an electronic format as an
- 14 additional method of soliciting bids under this
- 15 paragraph."
- 16 5. Page 4, line 29, by inserting after the word
- 17 "Code" the following: "Supplement".

Amendment H-8496 was adopted.

Bradley of Clinton moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 518)

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	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, none.

Absent or not voting, 1:

Shoultz

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

**Senate File 2112**, a bill for an act concerning the sunset provision relating to the employment security administrative contribution surcharge and providing an effective date, 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. 2112)

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	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:

Millage

Absent or not voting, none.

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

**Senate File 2310**, a bill for an act relating to professional engineering licensure requirements for applicants with certain educational qualifications, 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. 2310)

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 MESSAGES

Siegrist of Pottawattamie asked and received unanimous consent that the following bills be immediately messaged to the Senate: **Senate Files 518, 2112 and 2310.**

### SENATE AMENDMENT CONSIDERED

Gries of Crawford called up for consideration **House Concurrent Resolution 15**, a concurrent resolution providing for the formation of a committee by the Legislative Council to conduct a comprehensive study of school finance and make recommendations for a revised school aid formula, amended by the Senate amendment H-8069 as follows:

H-8069

- 1 Amend House Concurrent Resolution 15, as passed by
- 2 the House, as follows:
- 3 1. By striking page 2, line 1, through page 3,
- 4 line 3, and inserting the following: "SENATE
- 5 CONCURRING, That the Legislative Council may appoint a
- 6 working committee to conduct a comprehensive study of,
- 7 and make recommendations regarding, the school finance
- 8 formula. The study may include a review of other
- 9 sources of kindergarten through grade twelve public
- 10 school funding. The working committee shall be
- 11 composed of ten members, representing both political
- 12 parties and both houses of the General Assembly. Five

13 members shall be members of the Senate, three of whom  
14 shall be appointed by the Majority Leader of the  
15 Senate and two of whom shall be appointed by the  
16 Minority Leader of the Senate. The additional five  
17 members shall be members of the House of  
18 Representatives, appointed by the Speaker of the  
19 House, three of whom shall be of the majority party  
20 and two of whom shall be of the minority party. The  
21 temporary co-chairpersons of the committee shall be  
22 the chairpersons of the Senate and House Committees on  
23 Education.  
24 The committee shall be staffed by the Legislative  
25 Service Bureau and the Legislative Fiscal Bureau. The  
26 committee may begin its deliberations during the 1998  
27 Session of the General Assembly, and, if the committee  
28 is established, shall issue a report of  
29 recommendations to the General Assembly by January 1,  
30 1999. The Legislative Council may expend from moneys  
31 appropriated in section 2.12 up to \$150,000, or so  
32 much thereof as is necessary, to fund the expenses of  
33 the committee."

Gries of Crawford offered the following amendment H-8153, to the Senate amendment H-8069, filed by him and Wise of Lee and moved its adoption:

#### H-8153

1 Amend the Senate amendment, H-8069, to House  
2 Concurrent Resolution 15, as passed by the House, as  
3 follows:  
4 1. Page 1, line 5, by striking the word "may" and  
5 inserting the following: "shall".  
6 2. Page 1, by striking lines 25 through 30 and  
7 inserting the following: "Service Bureau and the  
8 Legislative Fiscal Bureau. The committee shall begin  
9 its deliberations following the adjournment of the  
10 1998 Session of the General Assembly and shall issue  
11 its report of recommendations by December 1, 1999.  
12 It is the intent of the General Assembly that the  
13 General Assembly meeting in 2000 shall enact a school  
14 aid formula to replace the formula contained in Code  
15 chapter 257. The new formula shall take effect for  
16 computations and procedures needed during the school  
17 year beginning July 1, 2000, in order to implement the  
18 new formula for the school year beginning July 1,  
19 2001. The Legislative Council may expend from  
20 moneys".

Amendment H-8153 was adopted.

On motion by Gries of Crawford, the House concurred in the Senate amendment H-8069, as amended.

Gries of Crawford moved the adoption of the resolution, as amended.

The motion prevailed and House Concurrent Resolution 15, as amended, was adopted.

IMMEDIATE MESSAGE

Siegrist of Pottawattamie asked and received unanimous consent that **House Concurrent Resolution 15** be immediately messaged to the Senate.

Appropriations Calendar

**Senate File 2366**, a bill for an act relating to the licensing and employment of practitioners and the school districts employing them, making appropriations, and including retroactive applicability and effective date provisions, with report of committee recommending amendment and passage, was taken up for consideration.

Millage of Scott asked and received unanimous consent to withdraw amendment H-8501 filed by the committee on appropriations on March 19, 1998.

Gries of Crawford asked and received unanimous consent to withdraw amendment H-8457 filed by the committee on education on March 17, 1998.

Gries of Crawford offered amendment H-8616 filed by him as follows:

H-8616

- 1 Amend Senate File 2366, 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. DEPARTMENT OF EDUCATION. There is
- 6 appropriated from the general fund of the state to the
- 7 department of education for the fiscal year beginning
- 8 July 1, 1998, and ending June 30, 1999, the following
- 9 amount, or so much thereof as is necessary, to be used
- 10 for the purposes designated:
- 11 1. For frontier school or extended school year
- 12 grants:
- 13 ..... \$ 1,500,000
- 14 By September 1, 1998, the department shall
- 15 establish criteria and a process for the awarding of
- 16 grants for planning or implementation purposes.
- 17 Grants shall be equitably distributed geographically
- 18 among rural and urban areas. Notwithstanding section
- 19 8.33, unencumbered or unobligated funds remaining on

20 June 30 of the fiscal year for which the funds were  
21 appropriated shall not revert but shall be available  
22 for expenditure for the following fiscal year for the  
23 purposes of this subsection.

24 2. To the board of educational examiners, for  
25 purposes of developing and implementing a multi-level  
26 voluntary para-educator licensing system in accordance  
27 with section 272.12, if enacted:

28 ..... \$ 75,000

29 3. For deposit in the Iowa empowerment fund if  
30 legislation providing for the creation of an Iowa  
31 empowerment board, an Iowa empowerment fund, and for  
32 the appropriation of moneys to be administered by a  
33 community empowerment area, is enacted by the Seventy-  
34 seventh General Assembly, 1998 Session:

35 ..... \$ 5,200,000

36 4. For deposit in the national board for  
37 professional teaching standards certification fund in  
38 accordance with section 256.44, if enacted:

39 ..... \$ 250,000

40 5. For beginning teacher induction program grants  
41 as provided in chapter 256E, if enacted:

42 ..... \$ 240,000

43 It is the intent of the general assembly that  
44 grants awarded from funds appropriated under this  
45 subsection shall provide support to a minimum of one  
46 hundred thirty-three teams of mentors and beginning  
47 teachers.

48 6. For purposes of the practitioner performance  
49 improvement program as provided in section 279.14A, if  
50 enacted:

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1 ..... \$ 300,000

2 7. For the establishment and implementation of an  
3 instructional leadership pilot program as provided in  
4 sections 279.59 through 279.61, if enacted:

5 ..... \$ 1,000,000

6 By January 15, 1999, the department of education  
7 shall prepare and submit a proposal for a program for  
8 leadership development of practitioners and school  
9 board members to the chairpersons and ranking members  
10 of the house and senate standing education committees  
11 and of the joint subcommittee on education  
12 appropriations.

13 Sec. 2. NEW SECTION. 256.17A TEACHER INTERNSHIP  
14 PILOT PROGRAM.

15 1. If the general assembly appropriates moneys for  
16 a teacher internship pilot program, the state board of  
17 education shall, by July 1, 1999, establish and  
18 implement a competitive pilot program approval process  
19 open to Iowa colleges and universities with master's



20 programs in practitioner preparation approved by the  
21 state board.

22 2. To be eligible to receive a grant under this  
23 section, an eligible institution shall submit to the  
24 department of education a plan for an internship  
25 program that, at a minimum, includes the following:

26 a. Student interns enrolled in the program shall  
27 complete a one-year teaching experience conducted in a  
28 collaborating school district. A student intern shall  
29 be an employee of the participating school district.  
30 The amount of money a school district shall pay to a  
31 student intern shall be negotiated by the school  
32 district and the eligible institution in consultation  
33 with the department of education.

34 b. Application of the best teaching practices in  
35 diverse settings and in responding to diverse student  
36 needs under the supervision of selected district  
37 teachers and personnel employed by the eligible  
38 institution.

39 c. Seminars and special projects designed to meet  
40 student intern needs.

41 d. Collaboration and support from a participating  
42 school district relating to supervision and assessment  
43 of the student intern's performance.

44 e. Collaboration and support from the eligible  
45 institution in developing rigorous graduate coursework  
46 and in matters relating to supervision, instruction,  
47 and evaluation of the student intern in conjunction  
48 with personnel employed by the participating school  
49 district.

50 3. Student interns who enroll in the program shall

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1 receive graduate credit for successful completion of  
2 teacher internship program coursework. The successful  
3 completion of a one-year teacher internship under the  
4 program shall be recognized as the equivalent of one  
5 year of teaching experience.

6 4. A teacher who is employed by a school district  
7 and who acts as a clinical supervisor for the teacher  
8 internship pilot program shall be eligible for a  
9 stipend of one thousand dollars per semester of  
10 participation in the program. The stipend and the  
11 costs of the employer's share of contributions to  
12 federal social security and the Iowa public employees'  
13 retirement system established under chapter 294, for  
14 such amounts by the district, shall be paid from  
15 moneys received by the participating school district  
16 from moneys appropriated to the department of  
17 education pursuant to this section.

18 5. Moneys received by a school district under this  
19 section shall not be commingled with state aid

20 payments made under section 257.16 to a school  
21 district and shall be accounted for by the school  
22 district separately from state aid payments.  
23 6. Payments made to school districts under this  
24 section are miscellaneous income for purposes of  
25 chapter 257 and are considered encumbered. A school  
26 district shall maintain a separate budget listing for  
27 payments received and expenditures made pursuant to  
28 this section.

29 7. Moneys received by a school district under this  
30 section shall not be used for payment of any  
31 collective bargaining agreement or arbitrator's  
32 decision negotiated or awarded under chapter 20.

33 8. Annually on or by January 15, the eligible  
34 institution shall submit a report describing  
35 activities associated with the program to the  
36 department of education, which shall summarize the  
37 reports received and submit the summary to the  
38 chairpersons and ranking members of the standing house  
39 and senate education committees.

40 9. a. There is appropriated from the general fund  
41 of the state to the department of education for the  
42 fiscal year beginning July 1, 1998, and ending June  
43 30, 1999, the sum of two hundred twenty thousand  
44 dollars for the teacher internship pilot program.

45 b. There is appropriated from the general fund of  
46 the state to the department of education for each  
47 fiscal year of the fiscal period beginning July 1,  
48 1999, and ending June 30, 2001, the sum of five  
49 hundred seventy-five thousand dollars for the teacher  
50 internship pilot program.

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1 Sec. 3. NEW SECTION. 256.22 FRONTIER SCHOOL AND  
2 EXTENDED YEAR SCHOOL GRANT PROGRAM.

3 1. Subject to an appropriation of sufficient funds  
4 by the general assembly, the department shall  
5 establish a frontier school and extended year school  
6 grant program to provide for the allocation of grants  
7 to school districts, or a collaboration of school  
8 districts, to provide technical assistance for  
9 conversion of an existing school to a frontier school  
10 or to an extended school year calendar, or for  
11 investigating the possibility of converting an  
12 existing school within a district to a frontier school  
13 calendar or to an extended school year calendar. A  
14 district that wants to participate in the program  
15 shall submit to the department a written request for a  
16 grant by September 1, 1998. The school district or  
17 collaboration of school districts shall agree to  
18 appoint a planning committee composed of parents,  
19 guardians, teachers, administrators, and individuals

20 representing business, and the local community. The  
21 school district or collaboration shall also indicate  
22 in its request its intention to use any grant moneys  
23 received under this section to examine, at a minimum,  
24 all of the following:

- 25 a. Mission and instructional focus of the school.
- 26 b. Organizational structure and management of the  
27 school.
- 28 c. Impact of labor agreements and contracts on the  
29 success of the school.
- 30 d. Roles and responsibilities of all involved  
31 constituencies.
- 32 e. Arrangements for special needs students.
- 33 f. Connection of the school to the district.
- 34 g. Facility and operation costs.
- 35 h. Measurement of results including student  
36 achievement results.

37 2. Grant moneys shall be distributed to qualifying  
38 school districts by the department no later than  
39 October 15, 1998. Grant amounts shall be distributed  
40 as determined by the department. Not more than  
41 fifteen of the grants awarded per year in accordance  
42 with this section shall be used for purposes of  
43 frontier school planning or conversion.

44 3. For purposes of this section, "frontier school"  
45 means a school that is nonsectarian in its program,  
46 admission policies, employment practices, and all  
47 other operations. The school is a public school and  
48 is part of the state's system of public education.  
49 The primary focus of a frontier school shall be to  
50 provide a comprehensive program of instruction for at

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1 least one grade or age group from five through  
2 eighteen years of age. Frontier schools may be  
3 designed to allow significant autonomy to the schools.  
4 However, frontier schools shall be accountable for  
5 significant results.

6 4. By February 15, 1999, a school district or  
7 collaboration of districts receiving moneys under this  
8 section shall submit an interim report to the  
9 department describing the planning activities  
10 conducted by the school district or the collaboration  
11 and providing preliminary conclusions. The school  
12 district or collaboration shall submit a final report  
13 by June 1, 1999, to the department. The department  
14 shall summarize the school district reports in a final  
15 report to the chairpersons and ranking members of the  
16 house and senate standing education committees by  
17 January 1, 2000.

18 5. Except as provided in this subsection, frontier  
19 schools are exempt from all statutes and rules

20 applicable to a school, a school board, or a school  
21 district, although a frontier school may elect to  
22 comply with one or more provisions of statute or rule.  
23 However, the frontier school shall be organized and  
24 operated as a nonprofit cooperative association under  
25 chapter 498 or nonprofit corporation under chapter  
26 504A; the provisions of chapters 21 and 22 shall apply  
27 to meetings and records of the frontier school board;  
28 and frontier schools are subject to and shall comply  
29 with chapters 216 and 216A relating to civil and human  
30 rights, and sections 275.55A, 279.9A, 280.17B,  
31 280.21B, and 282.4, relating to suspension and  
32 expulsion of a student. The frontier school shall  
33 employ or contract with necessary teachers, as defined  
34 in section 272.1, who hold a valid license with an  
35 endorsement for the type of service for which the  
36 teacher is employed. Frontier schools are subject to  
37 the same financial audits, audit procedures, and audit  
38 requirements as a school district. The audits shall  
39 be consistent with the requirements of sections 11.6,  
40 11.14, 11.19, 256.9, subsection 19, and section  
41 279.29, except to the extent deviations are necessary  
42 because of the program at the school. The department,  
43 auditor of state, or the legislative fiscal bureau may  
44 conduct financial, program, or compliance audits. The  
45 provisions of chapter 20 shall not apply to the board  
46 of directors of a frontier school or its employees.  
47 Sec. 4. NEW SECTION. 256.44 NATIONAL BOARD  
48 CERTIFICATION AWARD – APPROPRIATION.  
49 1. A teacher, as defined in section 272.1, who  
50 registers for a national board for professional

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1 teaching standards certificate and is employed by a  
2 school district in Iowa shall be eligible for a  
3 registration award as provided in subsection 2, and  
4 upon achievement of a national board for professional  
5 teaching standards certificate, is eligible for an  
6 annual award of ten thousand dollars for each year the  
7 certificate is valid as provided in this section.  
8 2. To receive a partial registration award in the  
9 amount of one-half of the registration fee charged by  
10 the national board for professional teaching  
11 standards, the teacher shall apply to the department  
12 of education within one year of registration,  
13 submitting to the department any documentation the  
14 department requires. A teacher shall receive a final  
15 registration award in the amount of the remaining  
16 registration fee charged by the national board if the  
17 teacher notifies the department of the teacher's  
18 certification achievement and submits any  
19 documentation requested by the department.

20 3. To receive a five-year annual award for  
21 achieving certification by the national board of  
22 professional teaching standards, a teacher shall apply  
23 to the department within one year of eligibility.  
24 Payment for awards shall be made only upon  
25 departmental approval of an application or  
26 recertification of eligibility. A nonrenewable term  
27 of eligibility shall be for five years or for the  
28 years the certificate is valid, whichever time period  
29 is shorter. In order to continue receipt of payments,  
30 a recipient shall annually recertify eligibility.

31 4. A national board for professional teaching  
32 standards certification fund is established in the  
33 office of treasurer of state to be administered by the  
34 department. Moneys appropriated by the general  
35 assembly for deposit in the fund shall be paid as  
36 follows:

37 a. Upon receipt of award documentation as provided  
38 in subsection 2.

39 b. On January 15 to teachers whose applications  
40 and recertifications for annual awards as provided in  
41 subsection 3 are approved by the department. The  
42 treasurer of state shall act as custodian of the fund  
43 and may invest the moneys deposited in the fund. The  
44 income from any investment shall be credited to and  
45 deposited in the fund. The director of revenue and  
46 finance shall issue warrants upon the fund pursuant to  
47 the order of the department and such warrants shall be  
48 paid from the fund by the treasurer of state.  
49 Notwithstanding section 8.33, unencumbered or  
50 unobligated moneys remaining in the fund on June 30 of

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1 the fiscal year for which the funds were appropriated  
2 shall not revert but shall be available for subsequent  
3 fiscal years for the purposes of this section.

4 5. An individual shall not qualify for a term of  
5 annual award eligibility unless the individual  
6 applies, certifying eligibility, to the department  
7 prior to June 30, 2003.

8 Sec. 5. Section 256.45, unnumbered paragraphs 1,  
9 3, and 4, Code 1997, are amended to read as follows:

10 The department of education shall establish ~~within~~  
11 ~~the department and administer~~ the position of  
12 ambassador to education. It shall be the function of  
13 the ambassador to education to act as an education  
14 liaison to primary and secondary schools in this  
15 state. The ambassador to education position shall be  
16 filled by the educator selected as teacher of the year  
17 by the governor, but only if that person agrees to  
18 fill the ambassador to education position.

19 The ambassador to education shall receive, in lieu

20 of compensation from the district in which the  
21 ambassador is regularly employed, a salary which is  
22 equal to the amount of salary received by the person  
23 during the previous would have received from the  
24 district in the person's regular position during the  
25 school year for which the person serves as ambassador,  
26 or thirty thousand dollars, whichever amount is  
27 greater. The ambassador shall also be compensated for  
28 actual expenses incurred as a result of the  
29 performance of duties under this section.

30 ~~The district which~~ department shall grant funds in  
31 an amount equal to the salary and benefits the person  
32 selected as ambassador to education would have  
33 received from the district, or thirty thousand  
34 dollars, whichever amount is greater, to the school  
35 district that employs the person selected as the  
36 ambassador to education. The department shall also  
37 reimburse the school district for actual expenses  
38 incurred as a result of the performance of duties  
39 under this section. The school district shall grant  
40 the person a one-year sabbatical in order to allow the  
41 person to be the ambassador to education, and during  
42 the sabbatical, shall pay the salary and benefits of  
43 the ambassador with funds granted by the department.  
44 The person selected as the ambassador to education  
45 shall be entitled to return to the person's same or a  
46 comparable position without loss of accrued benefits  
47 or seniority.

48 Sec. 6. NEW SECTION. 256E.1 BEGINNING TEACHER  
49 INDUCTION PROGRAM ESTABLISHED - GRANTS.

50 If the general assembly appropriates moneys for

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1 purposes of teacher induction, the department of  
2 education shall coordinate a beginning teacher  
3 induction program to promote excellence in teaching,  
4 to build a supportive environment within school  
5 districts, to increase the retention of promising  
6 beginning teachers, and to promote the personal and  
7 professional well-being of teachers. The department  
8 of education shall develop a process for awarding  
9 beginning teacher induction grants to school  
10 districts, and shall adopt rules pursuant to chapter  
11 17A relating to the equitable distribution of grants  
12 to school districts to reflect diversity  
13 geographically and by population.

14 Sec. 7. NEW SECTION. 256E.2 DEFINITIONS.

15 As used in this chapter, unless the context  
16 otherwise requires:

17 1. "Beginning teacher" means an individual serving  
18 under an initial provisional or conditional license,  
19 issued by the board of educational examiners under

20 chapter 272, who is assuming a position as a classroom  
21 teacher.

22 2. "Board of directors" means the board of  
23 directors of a school district or a collaboration of  
24 boards of directors of school districts.

25 3. "Classroom teacher" means an individual who  
26 holds a valid practitioner's license and who is  
27 employed by a school district under sections 279.13  
28 through 279.19 in a school district or area education  
29 agency in this state to provide instruction to  
30 students.

31 4. "Department" means the department of education.

32 5. "Director" means the director of the department  
33 of education.

34 6. "District facilitator" means a licensed  
35 professional pursuant to chapter 272 who is appointed  
36 by the board of directors, or a collaboration of  
37 districts, to serve as the liaison between the board  
38 of directors and the department for the beginning  
39 teacher induction program.

40 7. "Mentor" means an individual employed by a  
41 school district or area education agency as a  
42 classroom teacher and who holds a valid license to  
43 teach issued under chapter 272.

44 Sec. 8. NEW SECTION. 256E.3 DISTRICT PLAN.

45 1. A board of directors of a school district or  
46 the boards of directors of a collaboration of school  
47 districts participating in the beginning teacher  
48 induction program shall appoint a district  
49 facilitator, whose duties shall include, but are not  
50 limited to, overseeing the development of a plan for

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1 meeting the goals of the program as set forth in  
2 section 256E.1, and composing a district committee  
3 pursuant to subsection 2.

4 2. The membership of the district committee  
5 composed by the district facilitator shall include,  
6 but is not limited to, licensed practitioners and an  
7 area education agency staff development professional.

8 3. The district committee shall adopt a plan and  
9 written procedures for a mentor program consistent  
10 with this chapter. The plan and the written  
11 procedures shall, at a minimum, provide the process  
12 for the selection of and the number of mentors; the  
13 mentor training process; the timetable by which the  
14 plan shall be implemented; placement of mentors and  
15 beginning teachers; the minimum amount of contact time  
16 between mentors and beginning teachers; the minimum  
17 amount of release time for mentors and beginning  
18 teachers for meetings for planning, demonstration,  
19 observation, feedback, and workshops; the process for

20 dissolving mentoring partnerships; and the process for  
21 measuring the results of the program. The district  
22 committee shall recommend to the board of directors or  
23 boards of directors of a collaboration the names of  
24 classroom teachers eligible to be mentors.

25 4. The district facilitator shall submit the plan,  
26 and the proposed costs of implementing the plan, to  
27 the board of directors or boards of directors of a  
28 collaboration, which shall consider the plan and, once  
29 approved, submit the plan and a reasonable cost  
30 proposal to the department of education, which shall  
31 award grants as equitably as possible based on the  
32 geographic and population diversity of the school  
33 districts submitting plans. Grants may be awarded in  
34 subsequent years based upon the most recent plan on  
35 file with the department.

36 5. The district committee is encouraged to work  
37 with area education agencies and postsecondary  
38 institutions in the preparation and implementation of  
39 a plan.

40 Sec. 9. NEW SECTION. 256E.4 BEGINNING TEACHER  
41 AND MENTOR SELECTION AND PLACEMENT.

42 1. To be eligible to be a mentor, a licensed  
43 practitioner shall, at a minimum, be employed by a  
44 school district as a classroom teacher, have a record  
45 of at least four years of effective practice, have  
46 been employed for one full year in the district on a  
47 nonprobationary basis, and demonstrate professional  
48 commitment to the improvement of teaching and  
49 learning, and the development of beginning teachers.

50 2. The district facilitator shall place beginning

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1 teachers in a manner that provides the greatest  
2 opportunity to participate with the largest number of  
3 mentors.

4 Sec. 10. NEW SECTION. 256E.5 BEGINNING TEACHER  
5 INDUCTION STATE SUBSIDY - FUND.

6 1. A teacher who is enrolled as a mentor in an  
7 approved beginning teacher induction program shall be  
8 eligible for an award of five hundred dollars per  
9 semester of participation in the program, which shall  
10 be paid from moneys received pursuant to this section  
11 by the school district employing the mentor.

12 2. Moneys received by a school district pursuant  
13 to this chapter shall be expended to provide mentors  
14 with awards in accordance with subsection 1, to  
15 implement the plan, to pay the costs of the employer's  
16 share of contributions to federal social security and  
17 the Iowa public employees' retirement system or a  
18 pension and annuity retirement system established  
19 under chapter 294, for such amounts paid by the



20 district.

21 3. Moneys received by a school district under this  
22 chapter are miscellaneous income for purposes of  
23 chapter 257 or are considered encumbered. Each local  
24 school district shall maintain a separate listing  
25 within their budget for payments received and  
26 expenditures made pursuant to this section.

27 4. Moneys received for purposes of this chapter  
28 shall not be used for payment of any collective  
29 bargaining agreement or arbitrator's decision  
30 negotiated or awarded under chapter 20.

31 5. A beginning teacher induction fund is  
32 established in the office of the treasurer of state to  
33 be administered by the department. Moneys  
34 appropriated by the general assembly for deposit in  
35 the fund shall be used to provide funding to school  
36 districts pursuant to the requirements of this  
37 section.

38 6. Notwithstanding section 8.33, unencumbered or  
39 unobligated funds remaining on June 30 of the fiscal  
40 year for which the funds were appropriated shall not  
41 revert but shall be available for expenditure in the  
42 following fiscal year for the purposes of this  
43 section.

44 Sec. 11. NEW SECTION. 256E.6 REPORTS.

45 The board of directors of a school district or the  
46 boards of directors of a collaboration of school  
47 districts implementing an approved beginning teacher  
48 induction program as provided in this chapter shall  
49 submit an assessment of the program's results by July  
50 1 of the fiscal year succeeding the year in which the

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1 school district or the collaboration of school  
2 districts received moneys under this chapter. The  
3 department shall annually report the statewide results  
4 of the program to the chairpersons and the ranking  
5 members of the house and senate education committees  
6 by January 1.

7 Sec. 12. NEW SECTION. 256F.1 LEGISLATIVE  
8 FINDINGS AND INTENT.

9 The general assembly finds that it is in the best  
10 interest of the state to encourage and fund early  
11 education programs focused on kindergarten through  
12 grade three in the public school districts. The goal  
13 of these programs is to improve student achievement in  
14 the basic educational subject matters of reading,  
15 language arts, and mathematics, and to accomplish  
16 proficiency in those subjects by grade four. Toward  
17 that goal, it is the intent of this chapter to  
18 establish and fund an early childhood education  
19 imperatives program.

20 Sec. 13. NEW SECTION. 256F.2 EARLY CHILDHOOD  
21 EDUCATION IMPERATIVES PROGRAM APPROPRIATION.

22 1. There is appropriated from the general fund of  
23 the state to the department of education for the  
24 fiscal year beginning July 1, 1998, and for each  
25 succeeding fiscal year, the sum of nine million  
26 dollars for the early childhood education imperatives  
27 program.

28 2. For each fiscal year for which moneys are  
29 appropriated in subsection 1, the amount of moneys  
30 allocated to school districts shall be in the  
31 proportion that the basic enrollment of a district  
32 bears to the sum of the basic enrollments of all  
33 school districts in the state for the budget year.  
34 However, a district shall not receive less than seven  
35 thousand five hundred dollars in a fiscal year.

36 3. For each year for which an appropriation is  
37 made to the early childhood education imperatives  
38 program, the department of education shall notify the  
39 department of revenue and finance of the amount to be  
40 paid to each school district based upon the  
41 distribution plan set forth for the appropriation made  
42 pursuant to this section. The allocation to each  
43 school district under this section shall be made in  
44 one payment on or about October 15 of the fiscal year  
45 for which the appropriation is made, taking into  
46 consideration the relative budget and cash position of  
47 the state resources. Prior to the receipt of moneys,  
48 school districts shall provide to the department of  
49 education adequate assurance that they have developed  
50 or are developing an early childhood education plan as

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1 required by section 256F.3 and that moneys received  
2 under this section will be used in accordance with the  
3 required early childhood education plan.

4 4. Moneys received under this section shall not be  
5 commingled with state aid payments made under sections  
6 257.16 to a school district and shall be accounted for  
7 by the school district separately from state aid  
8 payments.

9 5. Payments made to school districts under this  
10 section are miscellaneous income for purposes of  
11 chapter 257 or are considered encumbered. Each school  
12 district shall maintain a separate listing within  
13 their budgets for payments received and expenditures  
14 made pursuant to this section.

15 6. Moneys received under this section shall not be  
16 used for payment of any collective bargaining  
17 agreement or arbitrator's decision negotiated or  
18 awarded under chapter 20.

19 Sec. 14. NEW SECTION. 256F.3 EARLY CHILDHOOD

20 EDUCATION IMPERATIVES PROGRAM – REPORTS.

21 1. Progress, as determined by school districts  
 22 through appropriate assessments, for children enrolled  
 23 in kindergarten through grade three in attaining or  
 24 surpassing student achievement goals as established  
 25 under the accreditation process in chapter 256, and an  
 26 accounting of the use of the moneys received by the  
 27 school districts in accordance with this chapter,  
 28 shall be submitted in an annual report to the  
 29 department of education by September 1 in the fiscal  
 30 year beginning July 1, 1999, and in each succeeding  
 31 year. Each school district shall also certify, in the  
 32 annual report to the department, that the school  
 33 districts used the moneys received under this chapter  
 34 to supplement, and not to supplant, the moneys  
 35 otherwise received and used by the school district for  
 36 kindergarten through grade three education purposes.  
 37 2. The department shall submit, to the  
 38 chairpersons and ranking members of the house and  
 39 senate education committees by January 1, 2000, a  
 40 report describing the ways in which the school  
 41 districts are making use of the moneys received under  
 42 this chapter, and including the school districts, if  
 43 any, that used moneys received under this chapter to  
 44 supplant funds the school district was already  
 45 receiving for kindergarten through grade three  
 46 education purposes.  
 47 3. The department shall submit, to the  
 48 chairpersons and ranking members of the house and  
 49 senate education committees by January 1, 2002, a  
 50 report describing school district progress on

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1 attaining or surpassing student achievement goals.  
 2 Sec. 15. NEW SECTION. 256F.4 EARLY CHILDHOOD  
 3 EDUCATION IMPERATIVES PROGRAM EXPENDITURES.  
 4 School districts shall expend funds received  
 5 pursuant to section 256F.2 to support reading  
 6 instruction in phonics, and other education practices,  
 7 programs, or assistance for kindergarten through grade  
 8 three that may include, but are not limited to, the  
 9 following: reducing adult to student ratios through  
 10 the hiring of teachers, former teachers, and para-  
 11 educator teaching assistants; talented and gifted  
 12 programs; and implementation of instructional programs  
 13 designed to improve student achievement in the areas  
 14 of reading, language arts, and mathematics.  
 15 Sec. 16. NEW SECTION. 256F.5 REPEAL.  
 16 This chapter is repealed effective July 1, 2001,  
 17 except that section 256F.3 is not repealed until  
 18 January 1, 2002.  
 19 Sec. 17. NEW SECTION. 257.13 ON-TIME FUNDING FOR

## 20 INCREASED ENROLLMENT.

21 1. If a district's actual enrollment for the  
22 budget year, determined under section 257.6, is  
23 greater than its budget enrollment for the budget  
24 year, the district may submit a request to the school  
25 budget review committee for on-time funding for  
26 increased enrollment. The school budget review  
27 committee shall consider the relative increase in  
28 enrollment on a district-by-district basis, in  
29 determining whether to approve the request, and shall  
30 determine the amount of additional funding to be  
31 provided if the request is granted. An application  
32 for on-time funding must be received by the department  
33 of education by October 1. Written notice of the  
34 committee's decision shall be given through the  
35 department of education to the school board for a  
36 district.

37 2. If the school budget review committee approves  
38 a request for on-time funding for increased  
39 enrollment, the funding shall be in an amount up to  
40 the product of one-third of the state cost per pupil  
41 for the budget year multiplied by the difference  
42 between the actual enrollment for the budget year and  
43 the budget enrollment for the budget year. The  
44 additional funding received under this section is  
45 miscellaneous income to the district.

46 3. Moneys appropriated by the general assembly for  
47 purposes of this section shall be paid to school  
48 districts in one lump sum within thirty days of  
49 notification by the school budget review committee of  
50 approval for on-time funding for increased enrollment

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1 for a budget year. If the requests approved by the  
2 school budget review committee exceed the  
3 appropriation made for purposes of this section, the  
4 payments to school districts receiving approval for  
5 on-time funding shall be prorated such that each  
6 school district approved for on-time funding shall  
7 receive an amount of on-time funding equal to the  
8 percentage that the on-time funding to be provided to  
9 the district bears to the total amount of on-time  
10 funding to be provided to all districts receiving  
11 approval.

12 4. If the board of directors of a school district  
13 determines that a need exists for additional funds  
14 exceeding the amount provided in this section, a  
15 request for supplemental aid based upon increased  
16 enrollment may be submitted to the school budget  
17 review committee as provided in section 257.31.

18 5. A school district which is receiving a budget  
19 adjustment for a budget year pursuant to section

20 257.14 shall receive on-time funding for increased  
21 enrollment, reduced by the amount of the budget  
22 adjustment for that budget year.

23 6. There is appropriated from the general fund of  
24 the state to the department of education for the  
25 fiscal year beginning July 1, 1999, and for each  
26 succeeding fiscal year, the sum of four million  
27 dollars or as much thereof as is necessary to pay  
28 additional funding authorized under this section.

29 Sec. 18. Section 257.14, Code Supplement 1997, is  
30 amended to read as follows:

31 257.14 BUDGET ADJUSTMENT.

32 1. For the budget years commencing July 1, 1997,  
33 and July 1, 1998, and July 1, 1999, if the department  
34 of management determines that the regular program  
35 district cost of a school district for a budget year  
36 is less than the total of the regular program district  
37 cost plus any adjustment added under this section for  
38 the base year for that school district, the department  
39 of management shall provide a budget adjustment for  
40 that district for that budget year that is equal to  
41 the difference.

42 2. For the budget year beginning July 1, ~~1995~~  
43 1999, if the department of management determines that  
44 the regular program district cost plus the budget  
45 adjustment computed under subsection 1 of a school  
46 district is less than one hundred one percent of the  
47 total of the regular program district cost plus any  
48 adjustment added under this section for the base year  
49 for that school district, the department of management  
50 shall provide an additional budget adjustment for that

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1 budget year that is equal to the difference.

2 Sec. 19. Section 272.1, Code 1997, is amended by  
3 adding the following new subsection:

4 NEW SUBSECTION. 4A. "Para-educator" means a  
5 person who is licensed to assist a teacher in the  
6 performance of instructional tasks to support and  
7 assist classroom instruction and related school  
8 activities.

9 Sec. 20. NEW SECTION. 272.12 PARA-EDUCATOR  
10 LICENSES.

11 1. The board of educational examiners shall adopt  
12 rules pursuant to chapter 17A relating to a multi-  
13 level voluntary licensing system ranging from para-  
14 educator generalist to para-educator specialist. The  
15 rules shall outline the instructional and other school  
16 activity tasks the individuals licensed under this  
17 section may perform. The board shall determine  
18 whether an applicant is qualified to perform the  
19 duties for which a para-educator license is sought.

- 20 2. Applicants for a para-educator license as a  
21 generalist must hold a high school diploma from an  
22 accredited secondary school or a high school  
23 equivalency diploma issued in accordance with chapter  
24 259A. The applicant must also have completed  
25 additional in-service training in at least all of the  
26 following areas:
- 27 a. Behavior management.
  - 28 b. Ethical responsibilities and behavior.
  - 29 c. Exceptional child and at-risk child behavior.
  - 30 d. Collaboration skills and interpersonal  
31 relations.
  - 32 e. Child and youth development.
- 33 3. Applicants for a para-educator license as a  
34 specialist must meet the requirements of subsection 2  
35 and additional requirements as prescribed by rule.
- 36 4. A public school district, area education  
37 agency, community college, institution of higher  
38 education under the state board of regents, or an  
39 accredited private institution as defined in section  
40 261.9, subsection 1, with a program approved by the  
41 state board of education, may train and recommend  
42 individuals for board licensure.
- 43 5. Applicants shall be disqualified for any of the  
44 following reasons:
- 45 a. The applicant is less than eighteen years of  
46 age.
  - 47 b. The applicant has a record of founded child  
48 abuse.
  - 49 c. The applicant has been convicted of a felony.
  - 50 d. The applicant's application is fraudulent.

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- 1 e. The applicant's license or certification from  
2 another state is suspended or revoked.
  - 3 f. The applicant fails to meet board standards for  
4 application for an initial or renewed license.
  - 5 6. Qualifications or criteria for the granting or  
6 revocation of a license or the determination of an  
7 individual's professional standing shall not include  
8 membership or nonmembership in any teachers'  
9 organization.
- 10 Sec. 21. Section 279.14, Code 1997, is amended to  
11 read as follows:
- 12 279.14 EVALUATION CRITERIA AND PROCEDURES.
- 13 1. The board shall establish evaluation criteria  
14 and shall implement evaluation procedures. If an  
15 exclusive bargaining representative has been  
16 certified, the board shall negotiate in good faith  
17 with respect to evaluation procedures pursuant to  
18 chapter 20.
- 19 2. Notwithstanding chapter 20, any challenge to an

20 evaluation raised after the service of the notice of  
21 intent to recommend termination of a teacher's  
22 continuing contract in accordance with section 279.15  
23 shall be brought only in the hearing before the school  
24 board held in accordance with section 279.16.

25 Sec. 22. NEW SECTION. 279.14A PRACTITIONER  
26 PERFORMANCE IMPROVEMENT PROGRAM.

27 1. The department of education shall establish and  
28 implement a voluntary practitioner performance  
29 improvement program that shall provide technical  
30 assistance to teachers and administrators from each  
31 public school district and area education agency.  
32 Individuals under contract with a school district may  
33 receive technical assistance in accordance with this  
34 subsection. The department shall consult with the  
35 Iowa state education association, the Iowa association  
36 of school boards, the school administrators of Iowa,  
37 the professional educators of Iowa, and, as  
38 practicable, other entities providing similar  
39 programs, in developing the program. At a minimum,  
40 the program shall provide administrators with  
41 training, including but not limited to, seminars and  
42 written materials, relating to the areas of employment  
43 policies and procedures, employment documentation,  
44 performance evaluations, corrective performance  
45 techniques, discipline, termination, and support by  
46 qualified individuals for implementation of the  
47 program. Training received by an administrator in  
48 accordance with this section shall apply toward an  
49 administrator's evaluator approval renewal.  
50 2. The department shall submit an annual report to

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1 the chairpersons and ranking members of the house and  
2 senate standing education committees summarizing  
3 program activities and describing the department's  
4 plans for improving or changing the program.

5 Sec. 23. Section 279.19, unnumbered paragraph 1,  
6 Code 1997, are amended to read as follows:

7 The first ~~two~~ three consecutive years of employment  
8 of a teacher in the same school district are a  
9 probationary period. However, if the teacher has  
10 successfully completed a probationary period of  
11 employment for another school district located in  
12 Iowa, the probationary period in the current district  
13 of employment shall not exceed one year. A board of  
14 directors may waive the probationary period for any  
15 teacher who previously has served a probationary  
16 period in another school district and the board may  
17 extend the probationary period for an additional year  
18 with the consent of the teacher.

19 Sec. 24. Section 279.46, Code 1997, is amended to

20 read as follows:

21 279.46 RETIREMENT INCENTIVES - TAX.

22 The board of directors of a school district may  
23 adopt a program for payment of a monetary bonus,  
24 continuation of health or medical insurance coverage,  
25 or other incentives for encouraging its employees to  
26 retire before the normal retirement date as defined in  
27 chapter 97B. The program is available only to  
28 employees between ~~fifty-nine~~ fifty-five and sixty-five  
29 years of age who notify the board of directors prior  
30 to ~~March~~ April 1 of the fiscal year that they intend  
31 to retire not later than the next following June 30.  
32 However, the age at which employees shall be  
33 designated eligible for the program, within the age  
34 range of fifty-five to sixty-five years of age, shall  
35 be at the discretion of the board. An employee  
36 retiring under this section shall apply for a  
37 retirement allowance under chapter 97B or chapter 294.  
38 If the board may include in the district management  
39 levy an amount to pay the total estimated accumulated  
40 cost to a the school district of the health or medical  
41 insurance coverage, bonus, or other incentives for  
42 employees who retire under this section does not  
43 exceed the estimated savings in salaries and benefits  
44 for employees who replace the employees who retire  
45 under the program, the board may include in the  
46 district management levy an amount to pay the costs of  
47 the program provided in this section.

48 Sec. 25. NEW SECTION. 279.59 STATEMENT OF  
49 PURPOSE.

50 The purpose of the instructional leadership pilot

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1 program is to recognize and reward teachers and  
2 administrators for outstanding leadership,  
3 performance, and service. The program is intended to  
4 encourage and reinforce masterful teaching and  
5 leadership, and provide extensive professional and  
6 financial recognition to teachers and administrators  
7 who are achieving outstanding results in their work  
8 with students.

9 Sec. 26. NEW SECTION. 279.60 INSTRUCTIONAL  
10 LEADERSHIP PILOT PROGRAM.

11 1. Subject to an appropriation of sufficient funds  
12 by the general assembly, the department shall  
13 establish and implement an instructional leadership  
14 pilot program to be administered in cooperation with  
15 school districts in the state. The instructional  
16 leadership pilot program shall include, but not be  
17 limited to, all of the following:

18 a. A nomination procedure that permits nominations  
19 to be made by a practitioner or other individuals.



- 20 b. Award distribution to individual practitioners  
21 or to nominated teams of practitioners.
- 22 c. Award eligibility based upon a satisfactory or  
23 higher ranking on a performance evaluation by the  
24 practitioner's administrator or a recommendation from  
25 the board of directors of the school district, and  
26 certification by the school district that the  
27 practitioner improved student achievement in the  
28 school year of award eligibility. To receive an award  
29 a practitioner must have successfully completed at  
30 least three consecutive years of service under  
31 contract with a school district in this state.
- 32 d. Voluntary participation by a nominee.
- 33 e. Use of objective methods for measuring  
34 improvement in student achievement. Multiple  
35 measurement and assessment tools may be used to  
36 measure student achievement. However, the  
37 practitioner or the school district may request  
38 approval from the director of the department of  
39 education to use an alternative method for measuring  
40 improvement in student achievement. The director's  
41 decision shall be final.
- 42 2. The department shall develop and distribute to  
43 school districts a weighting system for criteria  
44 evaluation to be used by districts in making awards to  
45 practitioners that ranks the criteria in the following  
46 order of priority: improvement in student  
47 achievement, practitioner participation as a member or  
48 leader of a team, initiative to improve student  
49 achievement and student change, practitioner  
50 advancement through education or professional

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- 1 designation achievement, and community involvement.  
2 In addition to the criteria established in accordance  
3 with this section, a school district may provide  
4 additional weighted criteria for evaluation,  
5 including, but not limited to, classroom or school  
6 environment and objective measures of teaching skill.
- 7 3. To nominate a practitioner or team of  
8 practitioners for an award, an individual shall submit  
9 an application and report, on a form designed and  
10 distributed to school districts by the department of  
11 education, to a local school district coordinator  
12 designated by the board of directors of the school  
13 district. The form shall be completed by the  
14 practitioner, one colleague, one administrator, and  
15 three parents selected by the practitioner, and shall  
16 be forwarded to the local school district coordinator.
- 17 4. The local school district coordinator shall  
18 submit the forms to the department, which shall  
19 tabulate and rank for each school district the

20 applications received according to the minimum  
21 criteria established in accordance with subsection 2.

22 5. The board of directors shall also consult with  
23 practitioners to plan appropriate recognition events  
24 within the school district for presentation of the  
25 awards.

26 6. Applications submitted under this section shall  
27 be considered confidential personnel records under  
28 section 22.7.

29 For purposes of this section, "practitioner" means  
30 the same as defined in section 272.1.

31 Sec. 27. NEW SECTION. 279.61 INSTRUCTIONAL  
32 LEADERSHIP PILOT PROGRAM - FUNDING.

33 1. Subject to an appropriation of sufficient funds  
34 by the general assembly, and the establishment of an  
35 instructional leadership pilot program, by September  
36 15, each school district willing to participate in the  
37 instructional leadership pilot program shall notify  
38 the department of education of the intent to  
39 participate in the program.

40 2. From the moneys appropriated for purposes of  
41 this program, the amount of moneys allocated to school  
42 districts that have notified the department of the  
43 intent to participate in the program shall be in the  
44 proportion that the basic enrollment of a district  
45 bears to the sum of the basic enrollments of all  
46 school districts in the state for the budget year that  
47 are willing to participate in the program. However,  
48 the amount of an award to a school district shall not  
49 exceed the sum of one hundred thousand dollars.

50 3. For each year in which an appropriation is made

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1 to the instructional leadership pilot program, the  
2 department of education shall notify the department of  
3 revenue and finance of the amount to be paid to each  
4 school district based upon the distribution plan set  
5 forth for the appropriation made pursuant to this  
6 section. The allocation to each school district under  
7 this section shall be made in one payment on or about  
8 January 15 of the fiscal year in which the  
9 appropriation is made, taking into consideration the  
10 relative budget and cash position of the state  
11 resources.

12 4. Moneys received under this section shall not be  
13 commingled with state aid payments made under sections  
14 257.16 to a school district and shall be accounted for  
15 by the local school district separately from state aid  
16 payments.

17 5. Payments made to school districts under this  
18 section are miscellaneous income for purposes of  
19 chapter 257 or are considered encumbered. Each local

20 school district shall maintain a separate listing  
 21 within their budget for payments received and  
 22 expenditures made pursuant to this section.  
 23 6. Moneys received under this section shall not be  
 24 used for payment of any collective bargaining  
 25 agreement or arbitrator's decision negotiated or  
 26 awarded under chapter 20.

27 7. Awards to practitioners under this program  
 28 shall not be built into the base pay for the  
 29 practitioner, but shall be included in the calculation  
 30 to determine pension contributions in the year in  
 31 which the award is received.

32 Sec. 28. NEW SECTION. 279.62 FUTURE REPEAL.

33 This section and sections 279.59 through 279.61 are  
 34 repealed effective July 1, 2003.

35 Sec. 29. Section 280.18, unnumbered paragraph 2,  
 36 Code 1997, is amended to read as follows:

37 In order to achieve the goal of improving student  
 38 achievement and performance on a statewide basis, the  
 39 board of directors of each school district shall adopt  
 40 goals that will improve student achievement at each  
 41 grade level in the skills listed in this section and  
 42 other skills deemed important by the board. ~~Not later~~  
 43 ~~than July 1, 1989, the~~ At a minimum, each board shall  
 44 adopt a goal of addressing the educational inequities  
 45 among Iowa's minority students and develop plans for  
 46 improving minority student academic performance. The  
 47 board of each district shall transmit to the  
 48 department of education its plans for achieving the  
 49 goals it has adopted and the periodic assessment that  
 50 will be used to determine whether its goals have been

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1 achieved. The committee appointed by the board under  
 2 section 280.12 shall advise the board concerning the  
 3 development of goals, the assessment process to be  
 4 used, and the measurements to be used.

5 Sec. 30. Section 294A.5, Code 1997, is amended to  
 6 read as follows:

7 294A.5 MINIMUM SALARY SUPPLEMENT.

8 1. For the school year beginning July 1, 1987  
 9 1998, and succeeding school years, the minimum annual  
 10 salary paid to a full-time teacher as regular  
 11 compensation shall be eighteen ~~twenty-three~~ thousand  
 12 dollars.

13 2. The minimum salary supplement shall be the sum  
 14 of the following, as applicable:

15 a. For the school year beginning July 1, 1987  
 16 1998, for phase I, each school district and area  
 17 education agency shall certify to the department of  
 18 education by the third Friday in September the names  
 19 of all teachers employed by the district or area

20 education agency whose regular compensation is less  
21 than ~~eighteen~~ twenty-three thousand dollars per year  
22 for that year and the amounts needed as minimum salary  
23 supplements. The minimum salary supplement for each  
24 eligible teacher is the total of the difference  
25 between ~~eighteen~~ twenty-three thousand dollars and the  
26 teacher's regular compensation plus the amount  
27 required to pay the employer's share of the federal  
28 social security and Iowa public employees' retirement  
29 system, or a pension and annuity retirement system  
30 established under chapter 294, payments on  
31 additional salary moneys. However, for purposes of  
32 this paragraph, a teacher's regular compensation for  
33 the school year beginning July 1, 1998, shall not be  
34 lower than eighteen thousand dollars.

35 b. The total minimum salary supplement paid to a  
36 school district under phase I for the school year  
37 beginning July 1, 1997.

38 3. The board of directors shall report the  
39 salaries of teachers employed on less than a full-time  
40 equivalent basis, and the amount of minimum salary  
41 supplement shall be prorated.

42 Sec. 31. Section 294A.6, unnumbered paragraph 1,  
43 Code 1997, is amended to read as follows:

44 For the school year beginning July 1, ~~1987~~ 1998,  
45 the department of education shall notify the  
46 department of revenue and finance of the total minimum  
47 salary supplement, as described in section 294A.5,  
48 subsection 2, paragraphs "a" and "b", to be paid to  
49 each school district and area education agency under  
50 phase I and the department of revenue and finance

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1 shall make the payments. For school years after the  
2 school year beginning July 1, ~~1987~~ 1998, if a school  
3 district or area education agency reduces the number  
4 of its full-time equivalent teachers below the number  
5 employed during the school year beginning July 1, ~~1987~~  
6 1998, the department of revenue and finance shall  
7 reduce the total minimum salary supplement payable to  
8 that school district or area education agency so that  
9 the amount paid is equal to the ratio of the number of  
10 full-time equivalent teachers employed in the school  
11 district or area education agency for that school year  
12 divided by the number of full-time equivalent teachers  
13 employed in the school district or area education  
14 agency for the school year beginning July 1, ~~1987~~  
15 1998, and multiplying that fraction by the total  
16 minimum salary supplement paid to that school district  
17 or area education agency for the school year beginning  
18 July 1, ~~1987~~ 1998.

19 Sec. 32. Section 294A.25, subsection 1, Code

20 Supplement 1997, is amended to read as follows:

21 1. For the fiscal year beginning July 1, 1990  
 22 1998, and for each succeeding year, there is  
 23 appropriated from the general fund of the state to the  
 24 department of education the amount of ninety-two  
 25 eighty-two million one eight hundred ninety-one  
 26 thousand eighty-five three hundred thirty-six dollars  
 27 to be used to improve teacher salaries. ~~For each~~  
 28 ~~fiscal year in the fiscal period commencing July 1,~~  
 29 ~~1991, and ending June 30, 1993, there is appropriated~~  
 30 ~~an amount equal to the amount appropriated for the~~  
 31 ~~fiscal year beginning July 1, 1990, plus an amount~~  
 32 ~~sufficient to pay the costs of the additional funding~~  
 33 ~~provided for school districts and area education~~  
 34 ~~agencies under sections 294A.9 and 294A.14. For each~~  
 35 ~~fiscal year beginning on or after July 1, 1995, there~~  
 36 ~~is appropriated the sum which was appropriated for the~~  
 37 ~~previous fiscal year, including supplemental payments.~~  
 38 The moneys shall be distributed as provided in this  
 39 section.

40 Sec. 33. Section 294A.25, subsection 7, Code  
 41 Supplement 1997, is amended to read as follows:

42 7. Commencing with the fiscal year beginning July  
 43 1, 1990, the amount of sixty seventy-five thousand  
 44 dollars for the ambassador to education program under  
 45 section ~~256.43~~ 256.45.

46 Sec. 34. Section 669.14, Code 1997, is amended by  
 47 adding the following new subsection:

48 NEW SUBSECTION. 14. Any claim arising in respect  
 49 to technical assistance provided by the department of  
 50 education pursuant to section 279.14A.

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1 Sec. 35. CURRENT NATIONAL BOARD CERTIFICATE  
 2 HOLDERS. In order to receive payment under section  
 3 256.44, as enacted by this Act, a teacher who by July  
 4 1, 1998, meets the qualifications for an award under  
 5 section 256.44 shall apply to the department for  
 6 payment under section 256.44 by June 30, 1999.

7 Sec. 36. CONTINGENT APPROPRIATION - TAXABLE  
 8 VALUATION INCREASE. For the fiscal year beginning  
 9 July 1, 1998, and ending June 30, 1999, if the actual  
 10 taxable valuation of real property located in this  
 11 state, based upon January 1, 1997, assessments, which  
 12 is used in the computation of property taxes payable  
 13 in the fiscal year beginning July 1, 1998, increases  
 14 from the estimate of such taxable valuation, there is  
 15 appropriated from the general fund of the state the  
 16 lesser of \$4,000,000 or the amount of the reduction in  
 17 state foundation aid under section 257.1 as a result  
 18 of such increase in taxable valuation to be used to  
 19 fund section 257.13, as enacted by this Act, and the

- 20 moneys shall be allocated as provided in section  
21 257.13, subsection 2, as enacted by this Act.
- 22 Sec. 37. EMERGENCY RULES. The department may  
23 adopt emergency rules as necessary for the  
24 administration of chapter 256E and section 279.60, if  
25 enacted.
- 26 Sec. 38. EFFECTIVE DATE AND RETROACTIVE  
27 APPLICABILITY. The section of this Act that amends  
28 section 279.46, being deemed of immediate importance,  
29 takes effect upon enactment and applies retroactively  
30 to retirement incentive programs in existence after  
31 December 31, 1997.
- 32 Sec. 39. EFFECTIVE DATE. Section 17 of this Act,  
33 relating to on-time funding for increased enrollment,  
34 being deemed of immediate importance, takes effect  
35 upon enactment for the purpose of computations  
36 required for payment of state aid to school districts  
37 for budget years beginning on or after July 1, 1998.  
38 Section 17 of this Act remains in effect until the  
39 repeal of chapter 257 on July 1, 2001."
- 40 2. By renumbering as necessary.

On motion by Siegrist of Pottawattamie, the House was recessed at 11:36 a.m., until 1:30 p.m. (Senate File 2366 and amendment H-8616 pending.)

The House resumed session at 1:33 p.m., and consideration of Senate File 2366 with amendment H-8616 pending, Speaker pro tempore Van Maanen of Marion in the chair.

### QUORUM CALL

A non-record roll call was requested to determine that a quorum was present. The vote revealed seventy-three members present, twenty-seven absent.

The House stood at ease at 1:40 p.m., until the fall of the gavel.

The House resumed session at 1:50 p.m., Speaker pro tempore Van Maanen of Marion in the chair.

Wise of Lee offered the following amendment H-8689, to amendment H-8616, filed by him from the floor and moved its adoption:

H-8689

- 1 Amend the amendment, H-8616, to Senate File 2366,
- 2 as amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 1, line 11, by striking the words
- 5 "frontier school or".

- 6 2. Page 4, line 1, by striking the words  
7 "FRONTIER SCHOOL AND".
- 8 3. Page 4, by striking line 5 and inserting the  
9 following: "establish an extended year school".
- 10 4. Page 4, by striking lines 8 through 13 and  
11 inserting the following: "districts, to provide  
12 assistance for conversion of an existing school to an  
13 extended school year calendar. A".
- 14 5. Page 4, by striking lines 40 through 43 and  
15 inserting the following: "as determined by the  
16 department."
- 17 6. By striking page 4, line 44, through page 5,  
18 line 5.
- 19 7. Page 5, line 9, by striking the word  
20 "planning".
- 21 8. Page 5, by striking lines 18 through 46.
- 22 9. By renumbering as necessary.

Speaker Corbett in the chair at 2:15 p.m.

Roll call was requested by Wise of Lee and Gries of Crawford.

On the question "Shall amendment H-8689, to amendment H-8616, be adopted?" (S.F. 2366)

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	Shultz	Taylor
Thomas	Warnstadt	Weigel	Whitead
Wise	Witt		

The nays were, 54:

Arnold	Barry	Blodgett	Boddicker
Bogges	Bradley	Brauns	Brunkhorst
Carroll	Churchill	Cormack	Dinkla
Dix	Dolecheck	Drake	Eddie
Garman	Gipp	Greig	Greiner
Gries	Grundberg	Hahn	Hansen
Heaton	Holmes	Houser	Huseman
Jacobs	Jenkins	Klemme	Kremer
Lamberti	Larson	Lord	Martin
Metcalf	Meyer	Millage	Nelson
Rants	Rayhons	Siegrist	Sukup

Teig  
Van Maanen  
Welter

Thomson  
Vande Hoef  
Mr. Speaker  
Corbett

Tyrrell  
Veenstra

Van Fossen  
Weidman

Absent or not voting, none.

Amendment H-8689 lost.

Richardson of Warren asked and received unanimous consent that amendment H-8667, to amendment H-8616, be deferred.

Richardson of Warren asked and received unanimous consent that amendment H-8693, to amendment H-8616, be deferred.

Mascher of Johnson asked and received unanimous consent to withdraw amendment H-8646, to amendment H-8616, filed by her on March 24, 1998.

Garman of Story offered the following amendment H-8690, to amendment H-8616, filed by her from the floor and moved its adoption:

H-8690

- 1 Amend the amendment, H-8616, to Senate File 2366,
- 2 as amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 1, by striking lines 11 through 28.
- 5 2. By striking page 1, line 36 through page 7,
- 6 line 7 and inserting the following:
- 7 "\_\_\_ For support of public school district
- 8 improvements in educational practices and programs for
- 9 students enrolled in grades four through 12:
- 10 ..... \$ 5,585,000
- 11 a. From the moneys appropriated in this
- 12 subsection, the amount of moneys allocated to school
- 13 districts shall be in the proportion that the basic
- 14 enrollment of a district bears to the sum of the basic
- 15 enrollments of all school districts in the state for
- 16 the budget year.
- 17 b. The department of education shall notify the
- 18 department of revenue and finance of the amount to be
- 19 paid to each school district based upon the
- 20 distribution plan set forth for the appropriation made
- 21 pursuant to this subsection. The allocation to each
- 22 school district under this subsection shall be made in
- 23 one payment on or about October 15 of the fiscal year,
- 24 taking into consideration the relative budget and cash
- 25 position of the state resources. However, a district
- 26 shall not receive less than seven thousand five
- 27 hundred dollars.
- 28 c. Moneys received under this subsection shall not



- 29 be commingled with state aid payments made under  
30 section 257.16 to a school district and shall be  
31 accounted for by the local school district separately  
32 from state aid payments.
- 33 \_\_\_\_\_. Payments made to school districts under this  
34 subsection are miscellaneous income for purposes of  
35 chapter 257 or are considered encumbered. Each local  
36 school district shall maintain a separate listing  
37 within the district's budget for payments received and  
38 expenditures made pursuant to this subsection.
- 39 \_\_\_\_\_. Moneys received under this subsection shall  
40 not be used for payment of any collective bargaining  
41 agreement or arbitrator's decision negotiated or  
42 awarded under chapter 20."
- 43 3. By striking page 7, line 48, through page 11,  
44 line 6.
- 45 4. By striking page 15, line 2, through page 16,  
46 line 9.
- 47 5. By striking page 16, line 10, through page 17,  
48 line 4.
- 49 6. By striking page 17, line 5, through page 20,  
50 line 34.

## Page 2

- 1 7. By striking page 21, line 5, through page 22,  
2 line 39.
- 3 8. By striking page 22, line 46, through page 23,  
4 line 6.
- 5 9. Page 23, by striking lines 22 through 31.
- 6 10. By renumbering as necessary.

A non-record roll call was requested.

Rule 75 was invoked.

The ayes were 49, nays 49.

Amendment H-8690 lost.

The following amendments were deferred by unanimous consent:

Amendment H-8649, to amendment H-8616, filed by Bukta of Clinton.

Amendment H-8694, to amendment H-8616, filed by Schrader of Marion.

Amendment H-8648, to amendment H-8616, filed by Foege of Linn.

Thomson of Linn offered the following amendment H-8677, to amendment H-8616, filed by her from the floor and moved its adoption:

H-8677

1 Amend the amendment, H-8616, to Senate File 2366,  
2 as amended, passed, and reprinted by the Senate, as  
3 follows:

4 1. Page 2, by inserting after line 12 the  
5 following:

6 "Sec. 101. Section 256.16, Code 1997, is amended  
7 to read as follows:

8 256.16 SPECIFIC CRITERIA FOR TEACHER PRACTITIONER  
9 PREPARATION AND CERTAIN EDUCATORS.

10 1. Pursuant to section 256.7, subsection 5, the  
11 state board shall adopt rules requiring all higher  
12 education institutions providing practitioner  
13 preparation to ~~include in the professional education~~  
14 ~~program, preparation~~ demonstrate that each student who  
15 graduates from the practitioner preparation program  
16 successfully completed the following:

17 a. Preparation that contributes to education of  
18 students with disabilities and students who are gifted  
19 and talented, ~~which must be successfully completed~~  
20 ~~before graduation from the practitioner preparation~~  
21 ~~program.~~

22 b. Preparation for recognizing at-risk students,  
23 and for understanding and ameliorating the behavior of  
24 at-risk students. For purposes of this section, "at-  
25 risk students" shall include students who are "at-  
26 risk" as defined under administrative rules adopted by  
27 the state board of education, or who are at risk of  
28 becoming a substance abuser, or who have been  
29 identified as a substance abuser.

30 c. Preparation for accelerating the achievement of  
31 students through the use of learning techniques that  
32 shall include, but are not limited to, reading  
33 instruction in phonics.

34 2. A person initially applying for a license shall  
35 successfully complete a professional education program  
36 containing the subject matter specified in this  
37 section, before the initial action by the board of  
38 educational examiners takes place.

39 2. Page 23, by inserting after line 25 the  
40 following:

41 "Sec. \_\_\_\_ EFFECTIVE DATE. Section 101 of this  
42 Act, relating to preparation for recognizing at-risk  
43 students and for accelerating the achievement growth  
44 of students through the use of learning techniques,  
45 takes effect July 1, 1999."

Amendment H-8677 was adopted.

The following amendments were deferred by unanimous consent:

Amendment H-8651, to amendment H-8616, filed by Mascher of  
Johnson.

Amendment H-8681, to amendment H-8616, filed by Mascher of Johnson.

Brunkhorst of Bremer offered amendment H-8680, to amendment H-8616, filed by him from the floor as follows:

H-8680

1 Amend the amendment, H-8616, to Senate File 2366 as  
2 amended, passed, and reprinted by the Senate, as  
3 follows:

4 1. Page 2, line 16, by striking the words "state  
5 board" and inserting the following: "department".

6 2. Page 2, line 17, by striking the word and  
7 figures "July 1, 1999" and inserting the following:  
8 "November 1, 1998".

9 3. Page 4, line 13, by striking the words  
10 "calendar or" and inserting the following: "or".

11 4. Page 13, by inserting after line 18 the  
12 following:

13 "Sec. \_\_\_\_ Section 257.1, subsection 2, unnumbered  
14 paragraph 3, Code 1997, is amended to read as follows:

15 For the budget year commencing July 1, ~~1995~~ 1999,  
16 the department of management shall add the amount of  
17 the additional budget adjustment computed in section  
18 257.14, subsection 2, to the combined foundation  
19 base."

20 5. Page 23, line 24, by striking the word and  
21 figure "section 279.60" and inserting the following:  
22 "sections 256.17A and 279.60".

23 6. By renumbering as necessary.

Veenstra of Sioux in the chair at 4:28 p.m.

Weigel of Chickasaw requested division of amendment H-8680, to amendment H-8616, as follows:

Division A - Lines 4 through 10.

Division B - Lines 11 through 23.

Brunkhorst of Bremer moved the adoption of amendment H-8680A, to amendment H-8616.

Amendment H-8680A was adopted.

Wise of Lee asked and received unanimous consent that amendment H-8687, to amendment H-8616, be deferred.

Falck of Fayette asked and received unanimous consent to withdraw amendment H-8654, to amendment H-8616, filed by him on March 24, 1998.

Falck of Fayette asked and received unanimous consent to withdraw amendment H-8692, to amendment H-8616, filed by him from the floor.

Brunkhorst of Bremer offered the following amendment H-8697, to amendment H-8616, filed by him from the floor and moved its adoption:

H-8697

- 1 Amend the amendment, H-8616, to Senate File 2366 as
- 2 amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 5, line 23, by inserting after the word
- 5 "However," the following: "a frontier school shall
- 6 meet all applicable state and local health and safety
- 7 requirements;"
- 8 2. By renumbering as necessary.

Amendment H-8697 was adopted.

The following amendments were deferred by unanimous consent:

Amendment H-8674, to amendment H-8616, filed by Falck of Fayette.

Amendment H-8682, to amendment H-8616, filed by Mascher of Johnson.

Amendment H-8668, to amendment H-8616, filed by Richardson of Warren.

Amendment H-8669, to amendment H-8616, filed by Richardson of Warren.

Speaker Corbett in the chair at 4:40 p.m.

### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Cataldo of Polk, until his return, on request of Schrader of Marion.

Wise of Lee offered amendment H-8650, to amendment H-8616, filed by Wise, et al., and requested division as follows:

H-8650

- 1 Amend the amendment, H-8616, to Senate File 2366,
- 2 as amended, passed, and reprinted by the Senate, as
- 3 follows:

H-8650C

- 4 1. Page 11, line 25, by striking the word "nine"  
5 and inserting the following: "thirty".

H-8650A

- 6 2. Page 12, line 31, by inserting after the word  
7 "year." the following: "The report submitted by the  
8 school district shall also include the district-wide  
9 progress made in attaining student achievement goals  
10 on the academic and other core indicators adopted by  
11 rule by the department of education in accordance with  
12 1998 Iowa Acts, House File 2272, if enacted."

H-8650B

- 13 3. Page 13, lines 5 and 6, by striking the words  
14 "reading instruction in phonics, and other".

H-8650A

- 15 4. Page 13, by striking lines 9 through 12 and  
16 inserting the following: "following: class-size  
17 reduction, reading recovery instruction, and  
18 implementation of instructional programs".

Wise of Lee moved the adoption of amendment H-8650A, to amend-  
ment H-8616.

Roll call was requested by Wise of Lee and Gries of Crawford.

On the question "Shall amendment H-8650A, to amendment  
H-8616, be adopted?" (S.F. 2366)

The ayes were, 46:

Bell	Bernau	Brand	Bukta
Burnett	Chapman	Cohoon	Connors
Doderer	Dotzler	Drees	Falck
Fallon	Foege	Ford	Frevert
Holveck	Huser	Jochum	Kinzer
Koenigs	Kreiman	Kremer	Larkin
Mascher	May	Mertz	Moreland
Mundie	Murphy	Myers	Nelson
O'Brien	Osterhaus	Reynolds-Knight	Richardson
Scherrman	Schrader	Shoultz	Taylor
Thomas	Warnstadt	Weigel	Whitead
Wise	Witt		

The nays were, 48:

Arnold	Barry	Blodgett	Boddicker
Boggess	Brauns	Brunkhorst	Carroll

Churchill	Cormack	Dinkla	Dix
Dolecheck	Drake	Eddie	Garman
Gipp	Greiner	Gries	Grundberg
Hahn	Hansen	Heaton	Holmes
Huseman	Jacobs	Jenkins	Klemme
Lamberti	Larson	Lord	Martin
Metcalf	Meyer	Millage	Rants
Rayhons	Siegrist	Sukup	Teig
Thomson	Tyrrell	Van Fossen	Van Maanen
Veenstra	Weidman	Welter	Mr. Speaker Corbett

Absent or not voting, 6:

Bradley	Cataldo	Chiodo	Greig
Houser	Vande Hoef		

Amendment H-8650A lost.

Wise of Lee asked and received unanimous consent to withdraw amendment H-8650C, to amendment H-8616, filed by him on March 24, 1998.

Wise of Lee moved the adoption of amendment H-8650B, to amendment H-8616.

Dolecheck of Ringgold in the chair at 5:06 p.m.

Speaker Corbett in the chair at 5:20 p.m.

Roll call was requested by Siegrist of Pottawattamie and Millage of Scott.

On the question "Shall amendment H-8650B, to amendment H-8616, be adopted?" (S.F. 2366)

The ayes were, 48:

Bell	Bernau	Brand	Bukta
Burnett	Cataldo	Chapman	Chiodo
Cohoon	Connors	Doderer	Dotzler
Drees	Falck	Fallon	Foege
Ford	Frevert	Holveck	Huser
Jenkins	Jochum	Kinzer	Koenigs
Kreiman	Larkin	Mascher	May
Mertz	Moreland	Mundie	Murphy
Myers	Nelson	O'Brien	Osterhaus
Reynolds-Knight	Richardson	Scherrman	Schrader
Shoultz	Taylor	Thomas	Warnstadt
Weigel	Whitead	Wise	Witt

The nays were, 52:

Arnold	Barry	Blodgett	Boddicker
Bogges	Bradley	Brauns	Brunkhorst
Carroll	Churchill	Cormack	Dinkla
Dix	Dolecheck	Drake	Eddie
Garman	Gipp	Greig	Greiner
Gries	Grundberg	Hahn	Hansen
Heaton	Holmes	Houser	Huseman
Jacobs	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	Mr. Speaker Corbett

Absent or not voting, none.

Amendment H-8650B lost.

Weigel of Chickasaw offered the following amendment H-8714, to amendment H-8616, filed by him from the floor and moved its adoption:

H-8714

- 1 Amend the amendment, H-8616, to Senate File 2366,
- 2 as amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 13, line 15, by inserting after the word
- 5 "REPEAL" the following: "OF CHAPTER".
- 6 2. Page 13, by inserting after line 18 the
- 7 following:
- 8 "Sec. \_\_\_\_ Section 257.1, subsection 2, unnumbered
- 9 paragraph 3, Code 1997, is amended to read as follows:
- 10 For the budget year years commencing July 1, ~~1995~~
- 11 1998, and July 1, 1999, the department of management
- 12 shall add the amount of the additional budget
- 13 adjustment computed in section 257.14, subsection 2,
- 14 to the combined foundation base."
- 15 3. Page 14, by striking line 42 and inserting the
- 16 following:
- 17 "2. For the budget year years beginning July 1,
- 18 ~~1995~~ 1998, and July 1."
- 19 4. By renumbering as necessary.

Amendment H-8714 lost.

Brunkhorst of Bremer moved the adoption of amendment H-8680B, to amendment 8616.

Roll call was requested by Siegrist of Pottawattamie and Rants of Woodbury.

On the question "Shall amendment H-8680B, to amendment H-8616, be adopted?" (S.F. 2366)

The ayes were, 65:

Arnold	Barry	Blodgett	Boddicker
Bogges	Bradley	Brand	Brauns
Brunkhorst	Carroll	Cormack	Dinkla
Dix	Dolecheck	Drake	Drees
Eddie	Falck	Frevert	Garman
Gipp	Greig	Greiner	Gries
Hahn	Hansen	Heaton	Holmes
Houser	Huseman	Huser	Jacobs
Jenkins	Klemme	Koenigs	Kreiman
Kremer	Lamberti	Larson	Lord
Martin	Mertz	Meyer	Mundie
Nelson	O'Brien	Osterhaus	Rayhons
Reynolds-Knight	Richardson	Schrader	Siegrist
Sukup	Teig	Thomas	Thomson
Tyrrell	Van Fossen	Van Maanen	Vande Hoef
Veenstra	Weidman	Weigel	Welter
Mr. Speaker Corbett			

The nays were, 32:

Bell	Bernau	Bukta	Burnett
Cataldo	Chapman	Chiodo	Churchill
Cohoon	Connors	Dotzler	Fallon
Foege	Ford	Holveck	Jochum
Kinzer	Larkin	Mascher	May
Metcalf	Millage	Moreland	Murphy
Myers	Scherrman	Shoultz	Taylor
Warnstadt	Whitead	Wise	Witt

Absent or not voting, 3:

Doderer                      Grundberg                      Rants

Amendment H-8680B was adopted, placing out of order amendment H-8708 filed by Weigel of Chickasaw from the floor.

Weigel of Chickasaw offered amendment H-8659, to amendment H-8616, filed by Weigel, et al., as follows:

H-8659

- 1 Amend the amendment, H-8616, to Senate File 2366,
- 2 as amended, passed, and reprinted by the Senate, as



3 follows:

4 1. Page 14, line 28, by inserting after the word  
5 "section" the following: "and section 285.17. One-  
6 half of the amount appropriated under this subsection  
7 shall be used for purposes of this section and the  
8 remaining half shall be used for purposes of providing  
9 transportation assistance to public school districts  
10 as provided in section 285.17".

11 2. Page 21, by inserting after line 4 the  
12 following:

13 "Sec.     . NEW SECTION. 285.17 TRANSPORTATION  
14 ASSISTANCE AID TO DISTRICTS.

15 1. Subject to an appropriation of sufficient funds  
16 by the general assembly, the department shall pay  
17 transportation assistance aid to school districts  
18 whose average transportation costs per pupil exceed  
19 one hundred twenty-five percent of the state average  
20 transportation costs per pupil determined under  
21 subsection 2.

22 2. A district's average transportation costs per  
23 pupil shall be determined by dividing the district's  
24 actual cost for all children transported in all school  
25 buses for a school year pursuant to section 285.8, by  
26 the district's actual enrollment for the school year,  
27 as defined in section 257.6. The state average  
28 transportation costs per pupil shall be determined by  
29 dividing the total actual costs for all children  
30 transported in all districts for a school year, by the  
31 total of all districts' actual enrollments for the  
32 school year.

33 3. A school district shall annually certify its  
34 actual cost for all children transported in all school  
35 buses by July 15 after each school year on forms  
36 prescribed by the department of education.

37 4. If a school district's average transportation  
38 costs per pupil are greater than one hundred twenty-  
39 five percent of the state average transportation costs  
40 per pupil, the department of education shall pay  
41 transportation assistance aid equal to the amount of  
42 the difference multiplied by the district's actual  
43 enrollment for the school year. However, if the funds  
44 appropriated for purposes of this section are  
45 insufficient to pay transportation assistance aid as  
46 provided in this section, the payments to school  
47 districts determined by the department of education to  
48 be eligible for transportation assistance as provided  
49 in this section shall be prorated such that each  
50 school district eligible for assistance aid under this

Page 2

1 section shall receive an amount of transportation  
2 assistance aid equal to the percentage that the

3 transportation assistance aid to be provided to the  
 4 district bears to the total amount of transportation  
 5 assistance aid to be provided to all school districts  
 6 determined by the department of education to be  
 7 eligible for transportation assistance aid in  
 8 accordance with this section.

9 5. Transportation assistance aid received by a  
 10 school district pursuant to this section is  
 11 miscellaneous income for purposes of chapter 257.”  
 12 3. Page 23, line 19, by striking the word and  
 13 figure “section 257.13” and inserting the following:  
 14 “sections 257.13 and 285.17.”.

15 4. Page 23, line 21, by inserting after the word  
 16 and figure “subsection 2” the following: “and section  
 17 285.17, subsection 4”.

18 5. By renumbering as necessary.

Brunkhorst of Bremer rose on a point of order that amendment H-8659, to amendment H-8616, was not germane.

The Speaker ruled the point well taken and amendment H-8659 not germane.

The House stood at ease at 6:00 p.m., until the fall of the gavel.

The House resumed session at 6:20 p.m., Speaker Corbett in the chair.

Cohon of Des Moines offered the following amendment H-8647, to amendment H-8616, filed by Cohoon, et al., and moved its adoption:

H-8647

1 Amend the amendment, H-8616, to Senate File 2366,  
 2 as amended, passed, and reprinted by the Senate, as  
 3 follows:

4 1. Page 15, by inserting after line 1 the  
 5 following:

6 “Sec. \_\_\_\_ Section 257.20, subsection 2,  
 7 paragraphs a and b, Code 1997, are amended by striking  
 8 the paragraphs.”

9 2. By renumbering as necessary.

Roll call was requested by Cohoon of Des Moines and Gries of Crawford.

On the question “Shall amendment H-8647, to amendment H-8616, be adopted?” (S.F. 2366)

The ayes were, 46:

Bell

Bernau

Brand

Bukta

Burnett	Cataldo	Chapman	Chiodo
Cohoon	Connors	Doderer	Dotzler
Drees	Falck	Fallon	Foege
Ford	Frovert	Garman	Holveck
Huser	Jochum	Kinzer	Koenigs
Kreiman	Larkin	Mascher	May
Mertz	Moreland	Mundie	Murphy
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	Cormack	Dinkla
Dix	Dolecheck	Drake	Eddie
Gipp	Greig	Greiner	Gries
Grundberg	Hahn	Hansen	Heaton
Holmes	Houser	Huseman	Jacobs
Jenkins	Klemme	Kremer	Lamberti
Larson	Lord	Martin	Metcalf
Meyer	Millage	Nelson	Rants
Rayhons	Siegrist	Sukup	Teig
Thomson	Tyrrell	Van Fossen	Van Maanen
Vande Hoef	Veenstra	Weidman	Welter
Mr. Speaker Corbett			

Absent or not voting, 1:

Myers

Amendment H-8647 lost.

Siegrist of Pottawattamie asked and received unanimous consent that Senate File 2366 be deferred and that the bill be placed on the unfinished business calendar. (Amendment H-8616 pending.)

### INTRODUCTION OF BILLS

**House File 2540**, by committee on ways and means, a bill for an act relating to the sales, services, and use tax exemption for the sale of tangible personal property which is purchased for lease or rental.

Read first time and placed on the **ways and means calendar**.

**House File 2541**, by committee on ways and means, a bill for an act relating to the use tax exemption for vehicles used substantially in interstate commerce.

Read first time and placed on the **ways and means calendar**.

**House File 2542**, by committee on ways and means, a bill for an act regulating bulk dry animal nutrient products, providing for fees and an appropriation, providing penalties, and providing for an effective date.

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 March 25, 1998, adopted the following resolution in which the concurrence of the Senate was asked:

House Joint Resolution 2003, a joint resolution to approve the request by the state public defender to establish the Fort Dodge satellite public defender office as a separate local public defender office.

Also: That the Senate has on March 25, 1998, passed the following bill in which the concurrence of the Senate was asked:

House File 2443, a bill for an act relating to state workers' compensation coverage for students at a community college participating in school-to-work programs.

Also: That the Senate has on March 25, 1998, passed the following bill in which the concurrence of the Senate was asked:

House File 2465, a bill for an act relating to workers' compensation by changing the name of the division and personnel responsible, providing for the commencement of compensation during a healing period, and providing for reporting requirements.

Also: That the Senate has on March 25, 1998, passed the following bill in which the concurrence of the Senate was asked:

House File 2478, a bill for an act relating to confidentiality in the mediation process.

MARY PAT GUNDERSON, Secretary

### EXPLANATIONS OF VOTE

I was necessarily absent from the House chamber on March 24, 1998. Had I been present, I would have voted "aye" on Senate Files 2090, 2235, 2301, 2320, 2324, 2335, 2338, 2341, 2350, 2367, and amendments H-8535 to Senate File 2295 and H-8606 to Senate File 2320, and "nay" on Senate File 2295 and amendments H-8498, H-8581 and H-8589 all to Senate File 2295.

CORMACK of Webster

I was necessarily absent from the House chamber on March 23, 1998. Had I been present, I would have voted "aye" on Senate Files 316, 2023, 2119, 2136, 2153, 2162, 2174, 2183, 2184, 2189, 2192, 2220, 2267, 2288, 2319, 2340 and 2373.

FORD of Polk

### PRESENTATION OF VISITORS

The Speaker announced that the following visitors were present in the House chamber:

Eighteen 8th grade students from Ruthven-Ayrshire School, Ruthven, accompanied by Jon Josephson. By Frevert of Palo Alto.

Thirty 6th grade students from Twin Cedars Elementary, Bussey, accompanied by Mark Law. By Schrader of Marion.

### 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

- 1998\340 Nathan Knause, Muscatine – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 1998\341 Nicholas Edwardsen, Muscatine – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 1998\342 Jenelia Copenhaver, Griswold – For being certified for the first time through the Iowa Certification Program for Public Librarians.
- 1998\343 Johanna Hader, Elkader – For celebrating her 90th birthday.
- 1998\344 George and Lorna Wesely, Lockridge – For celebrating their 50th wedding anniversary.

### COMMITTEE RECOMMENDATIONS

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendations have been received and are on file in the office of the Chief Clerk.

ELIZABETH A. ISAACSON  
Chief Clerk of the House

### COMMITTEE ON APPROPRIATIONS

Senate File 2296, a bill for an act appropriating funds to the department of

economic development, certain board of regents institutions, the department of workforce development, the public employment relations board, making related statutory changes, and providing an effective date provision.

Fiscal Note is not required.

Recommended Amend and Do Pass with amendment H-8711 March 25, 1998.

#### COMMITTEE ON WAYS AND MEANS

**Committee Bill** (Formerly House File 209), relating to the sales, services, and use tax exemption for the sale of tangible personal property which is purchased for lease or rental.

Fiscal Note is not required.

Recommended Amend and Do Pass March 25, 1998.

**Committee Bill** (Formerly House File 2441), regulating bulk dry animal nutrient products, providing for fees and an appropriation, providing penalties, and providing for an effective date.

Fiscal Note is not required.

Recommended Do Pass March 25, 1998.

**Committee Bill** (Formerly House Study Bill 700), relating to the use tax exemption for vehicles used substantially in interstate commerce.

Fiscal Note is not required.

Recommended Do Pass March 25, 1998.

#### AMENDMENTS FILED

H-8665	S.F.	2366	Brunkhorst of Bremer
H-8666	H.F.	681	Senate Amendment
H-8667	S.F.	2366	Richardson of Warren
H-8668	S.F.	2366	Richardson of Warren
H-8669	S.F.	2366	Richardson of Warren
H-8670	S.F.	2366	Richardson of Warren
H-8671	S.F.	2085	Welter of Jones May of Worth
H-8672	H.F.	2498	Brunkhorst of Bremer Millage of Scott Mertz of Kossuth
H-8673	S.F.	2366	Grundberg of Polk
H-8674	S.F.	2366	Falck of Fayette Bukta of Clinton Cohon of Des Moines Kinzer of Scott Thomas of Clayton Wise of Lee

H—8675	S.F.	2366	Warnstadt of Woodbury
			Bukta of Clinton
			Falck of Fayette
			Kinzer of Scott
			Thomas of Clayton
			Wise of Lee
H—8676	H.F.	2533	Grundberg of Polk
H—8678	S.F.	2366	Rants of Woodbury
H—8679	S.F.	2254	Fallon of Polk
H—8681	S.F.	2366	Mascher of Johnson
			Wise of Lee
H—8682	S.F.	2366	Mascher of Johnson
H—8683	S.F.	2257	Drake of Pottawattamie
			Welter of Jones
			Huser of Polk
H—8684	S.F.	2313	Boddicker of Cedar
			Millage of Scott
H—8685	S.F.	2366	Warnstadt of Woodbury
			Bukta of Clinton
			Falck of Fayette
			Kinzer of Scott
			Thomas of Clayton
			Wise of Lee
H—8686	H.F.	2498	Murphy of Dubuque
H—8687	S.F.	2366	Richardson of Warren
H—8688	S.F.	2366	Connors of Polk
H—8691	S.F.	2366	Grundberg of Polk
			Jacobs of Polk
			Metcalf of Polk
H—8692	S.F.	2366	Falck of Fayette
H—8693	S.F.	2366	Richardson of Warren
H—8694	S.F.	2366	Schrader of Marion
H—8695	S.F.	2366	Grundberg of Polk
H—8696	S.F.	2366	Grundberg of Polk
H—8698	H.F.	2533	Grundberg of Polk
H—8699	H.F.	2498	Mundie of Webster
			Richardson of Warren
H—8700	H.F.	2498	Whitead of Woodbury
			Dotzler of Black Hawk
			Cohon of Des Moines
			Thomas of Clayton
			Murphy of Dubuque
			May of Worth
			Kinzer of Scott
			Larkin of Lee

	Moreland of Wapello		Reynolds-Knight of Van Buren
	Bukta of Clinton		Frevert of Palo Alto
H-8701	H.F.	2533	Brunkhorst of Bremer
			Thomson of Linn
H-8702	H.F.	2539	Taylor of Linn
H-8703	H.F.	2539	Taylor of Linn
H-8704	S.F.	2277	Fallon of Polk
			Vande Hoef of Osceola
			Van Maanen of Marion
H-8705	S.F.	2292	Sukup of Franklin
H-8706	S.F.	2400	Vande Hoef of Osceola
H-8707	H.F.	2533	Gipp of Winneshiek
H-8708	S.F.	2366	Weigel of Chickasaw
H-8709	S.F.	2381	Kremer of Buchanan
			Thomas of Clayton
H-8710	S.F.	2366	Grundberg of Polk
H-8711	S.F.	2296	Committee on Appropriations
H-8712	S.F.	2366	Grundberg of Polk
H-8713	H.F.	2539	Huser of Polk
			Lamberti of Polk
H-8715	H.F.	2539	Huser of Polk
			Lamberti of Polk
H-8716	H.F.	2533	Mascher of Johnson
H-8717	S.F.	2052	Warnstadt of Woodbury
			Klemme of Plymouth
			Metcalf of Polk
			Rants of Woodbury
H-8718	S.F.	2397	Warnstadt of Woodbury
H-8719	S.F.	2366	Scherrman of Dubuque
H-8720	H.F.	2533	Rants of Woodbury
H-8721	H.F.	2533	Rants of Woodbury
H-8722	S.F.	2329	Warnstadt of Woodbury
H-8723	S.F.	2406	Houser of Pottawattamie
	Grundberg of Polk		Foege of Linn
	Mascher of Johnson		Heaton of Henry
	Nelson of Marshall		Boddicker of Cedar
	Hansen of Pottawattamie		Ford of Polk
H-8724	S.F.	2406	Ford of Polk
H-8725	H.F.	2539	Moreland of Wapello
H-8726	H.F.	2539	Taylor of Linn
H-8727	H.F.	2533	Shoultz of Black Hawk
H-8728	H.F.	2533	Grundberg of Polk
H-8729	H.F.	2498	Jacobs of Polk



Grundberg of Polk	Churchill of Polk
Connors of Polk	Fallon of Polk
Ford of Polk	Holveck of Polk
Lamberti of Polk	Metcalf of Polk
Huser of Polk	Houser of Pottawattamie
Drake of Pottawattamie	Eddie of Buena Vista
Huseman of Cherokee	Mundie of Webster
Mertz of Kossuth	Dotzler of Black Hawk
Bukta of Clinton	Moreland of Wapello
Taylor of Linn	Reynolds-Knight of Van Buren
Mascher of Johnson	Sukup of Franklin
Teig of Hamilton	Falck of Fayette
Frevert of Palo Alto	Brand of Tama
Wise of Lee	Richardson of Warren
Thomas of Clayton	Shoultz of Black Hawk
Cohoon of Des Moines	Drees of Carroll
Gries of Crawford	Larkin of Lee
May of Worth	Warnstadt of Woodbury
Scherrman of Dubuque	Murphy of Dubuque
Brauns of Muscatine	

On motion by Siegrist of Pottawattamie, the House adjourned at 6:42 p.m., until 8:45 a.m., Thursday, March 26, 1998.

# JOURNAL OF THE HOUSE

Seventy-fourth Calendar Day - Fifty-first Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Thursday, March 26, 1998

The House met pursuant to adjournment at 8:50 a.m., Speaker Corbett in the chair.

Prayer was offered by Reverend John Rosenberger, United Methodist Church, Hartley.

The Journal of Wednesday, March 25, 1998 was approved.

## MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 25, 1998, passed the following bill in which the concurrence of the Senate was asked:

House File 2482, a bill for an act relating to certain criminal acts committed on or against the property of railway corporations and providing and applying penalties.

Also: That the Senate has on March 25, 1998, adopted the following resolution in which the concurrence of the House is asked:

Senate Concurrent Resolution 101, a concurrent resolution recognizing the notable achievements of the Jefferson High School Marching Band from Cedar Rapids, Iowa.

Also: That the Senate has on March 25, 1998, passed the following bill in which the concurrence of the House is asked:

Senate File 2280, 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 effective dates.

MARY PAT GUNDERSON, Secretary

## CONSIDERATION OF BILLS

### Regular Calendar

Senate File 2015, a bill for an act to remove cottonwood trees and cotton-bearing poplar trees in cities from a list of items deemed to be nuisances, 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. 2015)

The ayes were, 95:

Arnold	Barry	Bell	Bernau
Blodgett	Boddicker	Boguess	Bradley
Brand	Brauns	Brunkhorst	Bukta
Burnett	Carroll	Chapman	Churchill
Cohoon	Connors	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	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, 5:

Cataldo	Chiodo	Dinkla	Drees
Ford			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

**Senate File 2321**, a bill for an act relating to the confidentiality of certain records and reports held by the labor commissioner, with report of committee recommending amendment and passage, was taken up for consideration.

Dix of Butler offered the following amendment H-8541 filed by the committee on labor and industrial relations and moved its adoption:

H-8541

- 1 Amend Senate File 2321 as follows:  
 2 1. Page 1, line 28, by inserting after the word  
 3 "determination." the following: "For purposes of this  
 4 subsection, "identifying information" means specific  
 5 personal information including, but not limited to,  
 6 the person's name, home address, telephone number,  
 7 social security number, and handwriting and language  
 8 idiosyncrasies. In circumstances when the release of  
 9 any fact may be used to identify the person, that fact  
 10 shall not be released."

The committee amendment H-8541 was adopted.

Rants of Woodbury in the chair at 9:20 a.m.

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. 2321)

The ayes were, 98:

Arnold	Barry	Bell	Bernau
Blodgett	Boddicker	Boggess	Bradley
Brand	Brauns	Brunkhorst	Bukta
Burnett	Carroll	Chapman	Chiodo
Churchill	Cohoon	Connors	Corbett, Spkr.
Cormack	Dinkla	Dix	Doderer
Dolecheck	Dotzler	Drake	Drees
Eddie	Falck	Fallon	Foege
Frevert	Garman	Gipp	Greig
Greiner	Gries	Grundberg	Hahn
Hansen	Heaton	Holmes	Holveck
Houser	Huseman	Huser	Jacobs
Jenkins	Jochum	Kinzer	Klemme
Koenigs	Kreiman	Kremer	Lamberti
Larkin	Larson	Lord	Martin
Mascher	May	Mertz	Metcalf
Meyer	Millage	Moreland	Mundie
Murphy	Myers	Nelson	O'Brien
Osterhaus	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, 2:

Cataldo

Ford

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 9:28 a.m.

### IMMEDIATE MESSAGES

Siegrist of Pottawattamie asked and received unanimous consent that the following bills be immediately messaged to the Senate: **Senate Files 2015 and 2321.**

### 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 58	Senate File 2186
Senate File 187	Senate File 2198
Senate File 295	Senate File 2200
Senate File 347	Senate File 2201
Senate File 367	Senate File 2224
Senate File 429	Senate File 2225
Senate File 466	Senate File 2254
Senate File 490	Senate File 2257
Senate File 492	Senate File 2259
Senate File 530	Senate File 2261
Senate File 2037	Senate File 2268
Senate File 2038	Senate File 2269
Senate File 2052	Senate File 2274
Senate File 2066	Senate File 2277
Senate File 2068	Senate File 2281
Senate File 2072	Senate File 2286
Senate File 2080	Senate File 2292
Senate File 2085	Senate File 2294
Senate File 2113	Senate File 2308
Senate File 2117	Senate File 2311
Senate File 2160	Senate File 2312
Senate File 2161	Senate File 2313
Senate File 2170	Senate File 2316
Senate File 2185	Senate File 2317

Senate File 2325	Senate File 2374
Senate File 2329	Senate File 2376
Senate File 2330	Senate File 2377
Senate File 2331	Senate File 2380
Senate File 2333	Senate File 2384
Senate File 2337	Senate File 2385
Senate File 2339	Senate File 2387
Senate File 2345	Senate File 2391
Senate File 2348	Senate File 2397
Senate File 2353	Senate File 2398
Senate File 2356	Senate File 2399
Senate File 2363	Senate File 2405
Senate File 2368	Senate Joint Resolution 9
Senate File 2371	

The House stood at ease at 9:30 a.m., until the fall of the gavel.

The House resumed session at 10:30 a.m., Speaker Corbett in the chair.

#### Unfinished Business Calendar

The House resumed consideration of **Senate File 2366**, a bill for an act relating to the licensing and employment of practitioners and the school districts employing them, making appropriations, and including retroactive applicability and effective date provisions, previously deferred with amendment H-8616 (found on pages 924 through 947 of the House Journal) pending.

Warnstadt of Woodbury asked and received unanimous consent to withdraw amendment H-8675, to amendment H-8616, filed by him on March 25, 1998.

Warnstadt of Woodbury offered amendment H-8685, to amendment H-8616, filed by Warnstadt, et al., as follows:

H-8685

- 1 Amend the amendment, H-8616, to Senate File 2366,
- 2 as amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 15, by inserting after line 1 the
- 5 following:
- 6 "Sec. \_\_\_\_ **NEW SECTION. 257.51 SMALLER CLASS**
- 7 **SIZE INFRASTRUCTURE PROGRAM.**
- 8 1. A smaller class size infrastructure program

9 that provides additional funding for school districts  
10 is established. A board of directors that wishes to  
11 consider participating in the smaller class size  
12 infrastructure program shall hold a public hearing on  
13 the question of participation. The board shall set  
14 forth its proposal, including the method that will be  
15 used to fund the program, in a resolution and shall  
16 publish the notice of the time and place of a public  
17 hearing on the resolution. Notice of the time and  
18 place of the public hearing shall be published not  
19 less than ten nor more than twenty days before the  
20 public hearing in a newspaper which is a newspaper of  
21 general circulation in the school district. At the  
22 hearing, or no later than thirty days after the date  
23 of the hearing, the board shall take action to adopt a  
24 resolution to participate in the smaller class size  
25 infrastructure program for a period not exceeding five  
26 years or to direct the county commissioner of  
27 elections to submit the question of participation in  
28 the program for a period not exceeding ten years to  
29 the registered voters of the school district at the  
30 next regular school election or at a special election.  
31 If the board submits the question at an election and a  
32 majority of those voting on the question favors  
33 participation in the program, the board shall adopt a  
34 resolution to participate and certify the results of  
35 the election to the department of management.  
36 2. If the board does not provide for an election  
37 and adopts a resolution to participate in the smaller  
38 class size infrastructure program, the district shall  
39 participate in the smaller class size infrastructure  
40 program unless within twenty-eight days following the  
41 action of the board, the secretary of the board  
42 receives a petition containing the required number of  
43 signatures, asking that an election be called to  
44 approve or disapprove the action of the board in  
45 adopting the smaller class size infrastructure  
46 program. The petition must be signed by eligible  
47 electors equal in number to not less than one hundred  
48 or thirty percent of the number of voters at the last  
49 preceding regular school election, whichever is  
50 greater. The board shall either rescind its action or

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1 direct the county commissioner of elections to submit  
2 the question to the registered voters of the school  
3 district at the next following regular school election  
4 or a special election. If a majority of those voting  
5 on the question at the election favors disapproval of  
6 the action of the board, the district shall not  
7 participate in the smaller class size infrastructure  
8 program. If a majority of those voting on the

9 question favors approval of the action, the board  
10 shall certify the results of the election to the  
11 department of management and the district shall  
12 participate in the program.

13 At the expiration of the twenty-eight day period,  
14 if no petition is filed, the board shall certify its  
15 action to the department of management and the  
16 district shall participate in the program.

17 3. Participation in a smaller class size  
18 infrastructure program is not affected by a change in  
19 the boundaries of the school district, except as  
20 otherwise provided in this section. If each school  
21 district involved in a school reorganization under  
22 chapter 275 has approved a smaller class size  
23 infrastructure program, and if the voters have not  
24 voted upon the question of participation in the  
25 program in the reorganized district, the smaller class  
26 size infrastructure program shall be in effect for the  
27 reorganized district that has been approved for the  
28 least amount and the shortest time in any of the  
29 districts.

30 Sec. \_\_\_\_ **NEW SECTION. 257.52 SMALLER CLASS SIZE**  
31 **INFRASTRUCTURE FUNDING.**

32 1. The additional funding for the smaller class  
33 size infrastructure program for a budget year is  
34 limited to an amount not exceeding ten percent of the  
35 total of regular program district cost for the budget  
36 year and moneys received under section 257.14 as a  
37 budget adjustment for the budget year. Moneys  
38 received by a district for the smaller class size  
39 infrastructure program are miscellaneous income and  
40 may be used for any general fund purpose. However,  
41 moneys received by a district for the smaller class  
42 size infrastructure program shall be expended solely  
43 for smaller class size infrastructure needs.

44 2. Certification of a board's intent to  
45 participate for a budget year, the method of funding,  
46 and the amount to be raised shall be made to the  
47 department of management not later than April 15 of  
48 the base year. Funding for the smaller class size  
49 infrastructure program shall be obtained from smaller  
50 class size infrastructure state aid and from local

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1 funding using either a smaller class size  
2 infrastructure income surtax or a combination of a  
3 smaller class size infrastructure property tax and a  
4 smaller class size infrastructure income surtax as  
5 determined by the board of directors.

6 3. The smaller class size infrastructure income  
7 surtax shall fund at least sixty percent of the local  
8 funding costs of the program. Subject to the



9 limitation specified in section 298.14, for each  
10 budget year the board shall determine the percent of  
11 income surtax that will be imposed, expressed as full  
12 percentage points, not to exceed twenty percent.

13 4. For purposes of sections 257.51 through 257.60,  
14 "smaller class size infrastructure", means those  
15 activities for which a school district is authorized  
16 to contract indebtedness and issue general obligation  
17 bonds under section 296.1, except those activities  
18 related to a teacher's or superintendent's home or  
19 homes. The activities include the construction,  
20 reconstruction, repair, purchasing, or remodeling of  
21 schoolhouses, and the procurement of schoolhouse  
22 construction sites and the making of site  
23 improvements. Additionally, "school infrastructure"  
24 includes the payment or retirement of outstanding  
25 bonds previously issued for school infrastructure  
26 purposes as described in this subsection, and the  
27 maintenance of schoolhouses and school district  
28 property.

29 Sec. \_\_\_\_ NEW SECTION. 257.53 SMALLER CLASS SIZE  
30 INFRASTRUCTURE STATE AID APPROPRIATION.

31 1. In order to determine the amount of smaller  
32 class size infrastructure state aid and the amount of  
33 local funding for the smaller class size  
34 infrastructure program for a district, the department  
35 of management shall divide the total assessed  
36 valuation in the state by the total budget enrollment  
37 for the budget year in the state to determine a state  
38 assessed valuation per pupil and shall divide the  
39 assessed valuation in each district by the district's  
40 budget enrollment for the budget year to determine the  
41 district assessed valuation per pupil. The department  
42 of management shall multiply the ratio of the state's  
43 valuation per pupil to the district's valuation per  
44 pupil by twenty-five hundredths and subtract that  
45 result from one to determine the portion of the  
46 smaller class size infrastructure program budget that  
47 is local funding. The remaining portion of the budget  
48 shall be funded by smaller class size infrastructure  
49 state aid.

50 2. There is appropriated for each fiscal year from

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1 the rebuild Iowa infrastructure fund to the department  
2 of education, the sum of twenty million dollars to pay  
3 smaller class size infrastructure state aid as  
4 determined under subsection 1.

5 3. If the amount appropriated under subsection 2  
6 is insufficient to pay the amount of smaller class  
7 size infrastructure state aid determined under  
8 subsection 1, the department of education shall

9 prorate the amount of the smaller class size  
10 infrastructure state aid provided to each district.  
11 4. Smaller class size infrastructure state aid  
12 shall be paid at the same time and in the same manner  
13 as foundation aid is paid under section 257.16.

14 Sec. \_\_\_\_ NEW SECTION. 257.54 COMPUTATION OF  
15 SMALLER CLASS SIZE INFRASTRUCTURE AMOUNT.

16 1. The department of management shall establish  
17 the amount of smaller class size infrastructure  
18 property tax to be levied and the amount of smaller  
19 class size infrastructure income surtax to be imposed  
20 by a district in accordance with the decision of the  
21 board under section 257.52 for each school year for  
22 which the smaller class size infrastructure program is  
23 authorized. The department of management shall  
24 determine these amounts based upon the most recent  
25 figures available for the district's valuation of  
26 taxable property, individual state income tax paid,  
27 and budget enrollment in the district, and shall  
28 certify to the district's county auditor the amount of  
29 smaller class size infrastructure property tax if a  
30 smaller class size infrastructure property tax is to  
31 be imposed, and to the director of revenue and finance  
32 the amount of smaller class size infrastructure income  
33 surtax to be imposed.

34 2. The smaller class size infrastructure income  
35 surtax shall be imposed on the state individual income  
36 tax for the calendar year during which the school's  
37 budget year begins, or for a taxpayer's fiscal year  
38 ending during the second half of that calendar year  
39 and after the date the board adopts a resolution to  
40 participate in the program or the first half of the  
41 succeeding calendar year, and shall be imposed on all  
42 individuals residing in the school district on the  
43 last day of the applicable tax year. As used in this  
44 section, "state individual income tax" means the taxes  
45 computed under section 422.5, less the credits allowed  
46 in sections 422.11A, 422.11B, 422.12, and 422.12B.

47 Sec. \_\_\_\_ NEW SECTION. 257.55 STATUTES  
48 APPLICABLE.

49 The director of revenue and finance shall  
50 administer the smaller class size infrastructure

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1 income surtax imposed under this chapter, and sections  
2 422.20, 422.22 to 422.31, 422.68, and 422.72 to 422.75  
3 shall apply with respect to administration of the  
4 smaller class size infrastructure income surtax.

5 Sec. \_\_\_\_ NEW SECTION. 257.56 FORM AND TIME OF  
6 RETURN.

7 The smaller class size infrastructure income surtax  
8 shall be made a part of the Iowa individual income tax

9 return subject to the conditions and restrictions set  
10 forth in section 422.21.

11 Sec. \_\_\_\_ NEW SECTION. 257.57 DEPOSIT OF SMALLER  
12 CLASS SIZE INFRASTRUCTURE INCOME SURTAX.

13 1. The director of revenue and finance shall  
14 deposit all moneys received as smaller class size  
15 infrastructure income surtax to the credit of each  
16 district from which the moneys are received, in the  
17 school district income surtax fund which is  
18 established in section 298.14.

19 2. The director of revenue and finance shall  
20 deposit smaller class size infrastructure income  
21 surtax moneys received on or before November 1 of the  
22 year following the close of the school budget year for  
23 which the surtax is imposed to the credit of each  
24 district from which the moneys are received in the  
25 school district income surtax fund.

26 3. Smaller class size infrastructure income surtax  
27 moneys received or refunded after November 1 of the  
28 year following the close of the school budget year for  
29 which the surtax is imposed shall be deposited in or  
30 withdrawn from the general fund of the state and shall  
31 be considered part of the cost of administering the  
32 smaller class size infrastructure income surtax.

33 Sec. \_\_\_\_ NEW SECTION. 257.58 SMALLER CLASS SIZE  
34 INFRASTRUCTURE INCOME SURTAX CERTIFICATION.

35 On or before October 20 each year, the director of  
36 revenue and finance shall make an accounting of the  
37 smaller class size infrastructure income surtax  
38 collected under this chapter applicable to tax returns  
39 for the last preceding calendar year, or for a  
40 taxpayer's fiscal year ending during the second half  
41 of that calendar year and after the date the board  
42 adopts a resolution to participate in the program, or  
43 the first half of the succeeding calendar year, from  
44 taxpayers in each school district in the state which  
45 has approved the smaller class size infrastructure  
46 program, and shall certify to the department of  
47 management and the department of education the amount  
48 of total smaller class size infrastructure income  
49 surtax credited from the taxpayers of each school  
50 district.

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1 Sec. \_\_\_\_ NEW SECTION. 257.59 SMALLER CLASS SIZE  
2 INFRASTRUCTURE INCOME SURTAX DISTRIBUTION.

3 The director of revenue and finance shall draw  
4 warrants in payment of the amount of smaller class  
5 size infrastructure surtax in the manner provided in  
6 section 298.14.

7 Sec. \_\_\_\_ NEW SECTION. 257.60 CONTINUATION OF  
8 SMALLER CLASS SIZE INFRASTRUCTURE PROGRAM.

9 1. At the expiration of the period for which the  
10 smaller class size infrastructure program was adopted,  
11 the program may be extended for a period of not  
12 exceeding five or ten years in the manner provided in  
13 section 257.51.

14 2. If the voters do not approve adoption of the  
15 smaller class size infrastructure program, the board  
16 shall wait at least one hundred twenty days following  
17 the election before taking action to adopt the program  
18 or resubmit the proposition."

19 2. By renumbering as necessary.

Blodgett of Cerro Gordo rose on a point of order that amendment H-8685, to amendment H-8616, was not germane.

The Speaker ruled the point well taken and amendment H-8685 not germane.

Warnstadt of Woodbury asked for unanimous consent to suspend the rules to consider amendment H-8685, to amendment H-8616.

Objection was raised.

Warnstadt of Woodbury moved to suspend the rules to consider amendment H-8685, to amendment H-8616.

Roll call was requested by Warnstadt of Woodbury and Schrader of Marion.

On the question "Shall the rules be suspended to consider amendment H-8685, to amendment H-8616?" (S.F. 2366)

The ayes were, 46:

Bell	Bernau	Brand	Bukta
Burnett	Cataldo	Chapman	Chioldo
Cohoon	Connors	Doderer	Dotzler
Drees	Falck	Fallon	Foege
Ford	Frevert	Holveck	Huser
Jochum	Kinzer	Koenigs	Kreiman
Larkin	Mascher	May	Mertz
Moreland	Mundie	Murphy	Myers
O'Brien	Osterhaus	Reynolds-Knight	Richardson
Scherrman	Schrader	Shoultz	Taylor
Thomas	Warnstadt	Weigel	Whitead
Wise	Witt		

The nays were, 51:

Arnold	Barry	Blodgett	Boddicker
Bogges	Brauns	Brunkhorst	Carroll
Churchill	Cormack	Dinkla	Dix

Dolecheck	Drake	Eddie	Garman
Gipp	Greiner	Gries	Grundberg
Hahn	Hansen	Heaton	Holmes
Huseman	Jacobs	Jenkins	Klemme
Kremer	Lamberti	Larson	Lord
Martin	Metcalf	Meyer	Millage
Nelson	Rants	Rayhons	Siegrist
Sukup	Teig	Thomson	Tyrrell
Van Fossen	Van Maanen	Vande Hoef	Veenstra
Weidman	Welter	Mr. Speaker	
		Corbett	

Absent or not voting, 3:

Bradley                      Greig                      Houser

The motion to suspend the rules lost.

Grundberg of Polk offered amendment H-8691, to amendment H-8616, filed by Grundberg, et al., as follows:

H-8691

- 1 Amend the amendment, H-8616, to Senate File 2366,
- 2 as amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 15, by inserting after line 1 the
- 5 following:
- 6 "Sec. \_\_\_\_ Section 257.20, subsection 2, paragraph
- 7 a, Code 1997, is amended to read as follows:
- 8 a. However, for the fiscal year beginning July 1,
- 9 1998, moneys appropriated under this subsection shall
- 10 not exceed the amount of moneys appropriated as
- 11 instructional support state aid for the budget year
- 12 which commenced on July 1, 1992. For the fiscal year
- 13 beginning July 1, 1999, and for each succeeding fiscal
- 14 year, moneys appropriated under this subsection shall
- 15 not exceed the sum of sixteen million seven hundred
- 16 ninety-eight thousand two hundred twenty-seven
- 17 dollars."
- 18 2. By renumbering as necessary.

Myers of Johnson rose on a point of order that amendment H-8691, to amendment H-8616, was not germane.

The Speaker ruled the point well taken and amendment H-8691 not germane.

Siegrist of Pottawattamie moved to suspend the rules to consider amendment H-8691, to amendment H-8616.

Roll call was requested by Siegrist of Pottawattamie and Rants of Woodbury.

On the question "Shall the rules be suspended to consider amendment H-8691, to amendment H-8616?" (S.F. 2366)

The ayes were, 55:

Arnold	Barry	Blodgett	Boddicker
Bogges	Bradley	Brauns	Brunkhorst
Carroll	Churchill	Cormack	Dinkla
Dix	Dolecheck	Drake	Eddie
Fallon	Garman	Gipp	Greig
Greiner	Gries	Grundberg	Hahn
Hansen	Heaton	Holmes	Holveck
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	

The nays were, 43:

Bell	Bernau	Brand	Bukta
Burnett	Chapman	Chiodo	Cphoon
Connors	Doderer	Dotzler	Drees
Falck	Foege	Ford	Frevet
Huser	Jochum	Kinzer	Koenigs
Kreiman	Larkin	Mascher	May
Mertz	Moreland	Mundie	Murphy
Myers	O'Brien	Osterhaus	Reynolds-Knight
Richardson	Scherrman	Schrader	Shoultz
Taylor	Thomas	Warnstadt	Weigel
Whitead	Wise	Witt	

Absent or not voting, 2:

Cataldo                      Vande Hoef

The motion to suspend the rules prevailed.

Grundberg of Polk moved the adoption of amendment H-8691, to amendment H-8616.

Roll call was requested by O'Brien of Boone and Fallon of Polk.

On the question "Shall amendment H-8691, to amendment H-8616, be adopted?" (S.F. 2366)

The ayes were, 99:

Arnold	Barry	Bell	Bernau
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Blodgett	Boddicker	Bogges	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	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:

Greiner

Amendment H-8691 was adopted.

Richardson of Warren offered the following amendment H-8670, to amendment H-8616, filed by him and moved its adoption:

H-8670

- 1 Amend the amendment, H-8616, to Senate File 2366 as
- 2 amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 15, line 36, by striking the words "A
- 5 public school district," and inserting the following:
- 6 "An".

Amendment H-8670 lost.

Brunkhorst of Bremer offered amendment H-8665, to amendment H-8616, filed by him. Division was requested as follows:

H-8665

- 1 Amend the amendment, H-8616, to Senate File 2366,

2 as amended, passed, and reprinted by the Senate, as  
3 follows:

H-8665A

- 4 1. Page 17, by striking lines 38 and 39 and  
5 inserting the following: "If the total estimated  
6 accumulated".
- 7 2. Page 17, by striking lines 42 through 47 and  
8 inserting the following: "employees who retire under  
9 this section does not exceed the estimated savings in  
10 salaries and benefits for employees who replace the  
11 employees who retire under the program, the board may  
12 include in the district management levy an amount to  
13 pay the costs of the program provided in this  
14 section."

H-8665B

- 15 3. Page 19, by inserting after line 28 the  
16 following:  
17 "7. A teacher receiving a national board  
18 certification registration or annual award under  
19 section 256.44 shall be ineligible for an award under  
20 the instructional leadership pilot program as  
21 established in this section."
- 22 4. By renumbering as necessary.

Brunkhorst of Bremer moved the adoption of amendment H-8665A,  
to amendment H-8616.

Amendment H-8665A lost.

Brunkhorst of Bremer moved the adoption of amendment H-8665B,  
to amendment H-8616.

Amendment H-8665B was adopted.

Grundberg of Polk asked and received unanimous consent to with-  
draw amendment H-8695, to amendment H-8616, and amendment  
H-8710, to amendment H-8616, filed by her on March 25, 1998.

Grundberg of Polk asked and received unanimous consent that  
amendment H-8712, to amendment H-8616, be deferred.

Connors of Polk offered the following amendment H-8688, to amend-  
ment H-8616, filed by him and requested division as follows:

H-8688

- 1 Amend the amendment, H-8616, to Senate File 2366,  
2 as amended, passed, and reprinted by the Senate, as  
3 follows:



H-8688A

4 1. By striking page 21, line 5, through page 22,  
5 line 18 and inserting the following:

6 "Sec. \_\_\_\_ Section 294A.1, unnumbered paragraph 1,  
7 Code 1997, is amended to read as follows:

8 The purpose of this chapter is to promote  
9 excellence in education. In order to maintain and  
10 advance the educational excellence in the state of  
11 Iowa, this chapter establishes the Iowa educational  
12 excellence program. The program shall consist of  
13 ~~three~~ two major phases addressing the following:

14 Sec. \_\_\_\_ Section 294A.10, subsections 1 and 2,  
15 Code 1997, are amended by striking the subsections."

16 2. Page 22, by inserting after line 39 the  
17 following:

18 "Sec. \_\_\_\_ Section 294A.25, Code Supplement 1997,  
19 is amended by adding the following new subsection:

20 NEW SUBSECTION. 2A. For the fiscal year beginning  
21 July 1, 1998, and ending June 30, 1999, a supplemental  
22 allocation amount of fourteen million four hundred  
23 thousand dollars for phase II distribution as provided  
24 in section 294A.9."

H-8688B

25 3. Page 22, by inserting after line 50 the  
26 following:

27 "Sec. 101. Section 422.12, subsection 2, Code  
28 1997, is amended by striking the subsection.

29 Sec. 102. Sections 294A.4 through 294A.6, Code  
30 1997, are repealed.

31 Sec. \_\_\_\_ DIRECTIONS TO CODE EDITOR. With the  
32 enactment of section 102 of this Act, the Iowa Code  
33 editor shall revise references in the Code to phase I,  
34 phase II, and phase III of the educational excellence  
35 program established in chapter 294A to instead refer  
36 to phase I as the retention of quality teachers, and  
37 phase II as the enhancement of the quality and  
38 effectiveness of teachers through the utilization of  
39 performance pay. The references revised by the Code  
40 editor pursuant to this section shall take effect July  
41 1, 1998. The reference changes considered by the Code  
42 editor shall include but are not limited to the  
43 following: sections 256.18, 258.17, 282.18, 294A.1,  
44 294A.3, 294A.10, 294A.12 through 294A.16, 294A.18  
45 through 294A.20, 294A.22, 294A.23, and 294A.25.

46 Sec. \_\_\_\_ RETROACTIVE APPLICABILITY. Section 101  
47 of this Act, relating to section 422.12, subsection 2,  
48 applies retroactively to January 1, 1997, for tax  
49 years beginning on or after January 1, 1997."

50 4. By renumbering as necessary.

Connors of Polk asked and received unanimous consent that amendment H-8688A, to amendment H-8616, be deferred.

Grundberg of Polk asked and received unanimous consent that amendment H-8696, to amendment H-8616, be deferred.

Grundberg of Polk offered the following amendment H-8673, to amendment H-8616, filed by her and moved its adoption:

H-8673

- 1 Amend the amendment, H-8616, to Senate File 2366,
- 2 as amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. By striking page 21, line 5 through page 22,
- 5 line 18.
- 6 2. Page 22, by inserting after line 39 the
- 7 following:
- 8 "Sec. \_\_\_\_ Section 294A.25, Code Supplement 1997,
- 9 is amended by adding the following new subsection:
- 10 NEW SUBSECTION. 2A. For the fiscal year beginning
- 11 July 1, 1998, and ending June 30, 1999, a supplemental
- 12 allocation amount of two million four hundred thousand
- 13 dollars for phase II distribution as provided in
- 14 section 294A.9."
- 15 3. By renumbering as necessary.

Amendment H-8673 lost, placing amendment H-8731 filed by Garman of Story from the floor out of order.

On motion by Siegrist of Pottawattamie, the House was recessed at 12:08 p.m., until 12:35 p.m. (Senate File 2366 and amendment H-8616 pending.)

#### AFTERNOON SESSION

The House reconvened at 12:35 p.m., Rants of Woodbury in the chair.

The House resumed consideration of **Senate File 2366**, a bill for an act relating to the licensing and employment of practitioners and the school districts employing them, making appropriations, and including retroactive applicability and effective date provisions, and amendment H-8616, pending at recess.

#### QUORUM CALL

A non-record roll call was requested to determine that a quorum was present. The vote revealed sixty-seven members present, thirty-three absent.

Speaker Corbett in the chair at 12:45 p.m.

Falck of Fayette offered amendment H-8652, to amendment H-8616, filed by him as follows:

H-8652

- 1 Amend the amendment, H-8616, to Senate File 2366,
- 2 as amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 22, by inserting after line 45 the
- 5 following:
- 6 "Sec. \_\_\_\_ Section 295.2, subsection 1, paragraph
- 7 c, Code Supplement 1997, is amended to read as
- 8 follows:
- 9 c. There is appropriated from the general fund of
- 10 the state to the department of education for ~~each the~~
- 11 ~~fiscal year of the fiscal period~~ beginning July 1,
- 12 1997, and ~~ending June 30, 2001~~ for each succeeding
- 13 fiscal year, the sum of thirty million dollars for the
- 14 school improvement technology program."
- 15 2. Page 23, by inserting before line 1 the
- 16 following:
- 17 "Sec. \_\_\_\_ Section 295.5, Code 1997, is repealed."
- 18 3. By renumbering as necessary.

Rants of Woodbury rose on a point of order that amendment H-8652, to amendment H-8616, was not germane.

The Speaker ruled the point well taken and amendment H-8652 not germane.

Falck of Fayette asked for unanimous consent to suspend the rules to consider amendment H-8652, to amendment H-8616.

Objection was raised.

Falck of Fayette moved to suspend the rules to consider amendment H-8652, to amendment H-8616.

A non-record roll call was requested.

The ayes were 40, nays 46.

The motion to suspend the rules lost.

Falck of Fayette asked and received unanimous consent to withdraw amendment H-8653, to amendment H-8616, filed by him on March 24, 1998.

Connors of Polk asked and received unanimous consent to withdraw amendment H-8688B, to amendment H-8616.

Rants of Woodbury offered the following amendment H-8678, to amendment H-8616, filed by him and moved its adoption:

H-8678

- 1 Amend the amendment, H-8616, to Senate File 2366 as
- 2 amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 23, by inserting after line 25 the
- 5 following:
- 6 "Sec. \_\_\_\_ APPLICABILITY. Section 279.19, as
- 7 amended by this Act, shall not apply to a teacher
- 8 employed by a school district prior to July 1, 1998.
- 9 Section 279.19, Code 1997, shall remain applicable to
- 10 a teacher employed by a school district prior to July
- 11 1, 1998."
- 12 2. By renumbering as necessary.

Amendment H-8678 was adopted.

Scherrman of Dubuque asked and received unanimous consent to withdraw amendment H-8719, to amendment H-8616, filed by him on March 25, 1998.

Richardson of Warren asked and received unanimous consent to withdraw amendment H-8667, to amendment H-8616, filed by him on March 25, 1998.

Richardson of Warren offered amendment H-8693, to amendment H-8616, filed by him and requested division as follows:

H-8693

- 1 Amend the amendment, H-8616, to Senate File 2366 as
- 2 amended, passed, and reprinted by the Senate, as
- 3 follows:

H-8693A

- 4 1. Page 1, by inserting after line 13 the
- 5 following:
- 6 "Of the funds appropriated in this subsection,
- 7 \$300,000 shall be used to provide grants in the amount
- 8 of \$50,000 each to six school districts for extended
- 9 year school pilot projects, and the department of
- 10 education shall expend up to \$60,000 to contract with
- 11 an accredited private postsecondary institution or an
- 12 institution of higher learning under the control of
- 13 the state board of regents to conduct a study of the
- 14 effectiveness of extended school years on student
- 15 achievement."

H-8693B

- 16 2. Page 4, by inserting after line 36 the  
17 following:  
18 "\_\_\_ School districts shall expend funds received  
19 for an extended school year pursuant to this section  
20 to, at a minimum, install air conditioning in  
21 attendance centers or finance other infrastructure  
22 needs of the school district related to an extended  
23 school year calendar, and to implement a calendar that  
24 may include, but is not limited to, modification of  
25 the current one-hundred-eighty-day calendar required  
26 pursuant to section 279.10, subsection 1. The  
27 modified calendar shall include a rotation of nine  
28 weeks of attendance and three weeks of nonattendance  
29 until the one-hundred-eighty-day calendar year  
30 requirement is met."  
31 3. By renumbering as necessary.

Richardson of Warren moved the adoption of amendment H-8693A, to amendment H-8616.

A non-record roll call was requested.

The ayes were 44, nays 47.

Amendment H-8693A lost.

Bukta of Clinton offered the following amendment H-8649, to amendment H-8616, filed by Bukta, et al., and moved its adoption:

H-8649

- 1 Amend the amendment, H-8616, to Senate File 2366,  
2 as amended, passed, and reprinted by the Senate, as  
3 follows:  
4 1. Page 1, by striking lines 24 through 28.  
5 2. By striking page 15, line 2, through page 16,  
6 line 9.  
7 3. By renumbering as necessary.

A non-record roll call was requested.

The ayes were 42, nays 49.

Amendment H-8649 lost.

Schrader of Marion offered amendment H-8694, to amendment H-8616, filed by him and requested division as follows:

H-8694

- 1 Amend the amendment, H-8616, to Senate File 2366 as

2 amended, passed, and reprinted by the Senate, as  
3 follows:

H-8694A

4 1. Page 2, by striking lines 2 through 12.  
5 2. By striking page 17, line 48, through page 20,  
6 line 34.

H-8694B

7 3. Page 23, line 24, by striking the words "and  
8 section 279.60".

H-8694A

9 4. By renumbering as necessary.

Schrader of Marion moved the adoption of amendment H-8694A, to amendment H-8616.

Roll call was requested by Schrader of Marion and Gries of Crawford.

Rule 75 was invoked.

On the question "Shall amendment H-8694A, to amendment H-8616, be adopted?" (S.F. 2366)

The ayes were, 48:

Bell	Bernau	Brand	Bukta
Burnett	Cataldo	Chapman	Chiodo
Cohoon	Connors	Cormack	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	Dinkla	Dix
Dolecheck	Drake	Eddie	Gipp
Greig	Greiner	Gries	Grundberg
Hahn	Hansen	Heaton	Holmes
Houser	Huseman	Jacobs	Jenkins
Klemme	Kremer	Lamberti	Larson

Lord	Martin	Metcalf	Meyer
Millage	Nelson	Rants	Rayhons
Siegrist	Sukup	Teig	Thomson
Tyrrell	Van Fossen	Vande Hoef	Veenstra
Weidman	Welter	Mr. Speaker	
		Corbett	

Absent or not voting, 1:

Van Maanen

Amendment H-8694A lost, placing amendment H-8694B out of order.

Foege of Linn offered amendment H-8648, to amendment H-8616, filed by Foege, et al., as follows:

H-8648

- 1 Amend the amendment, H-8616, to Senate File 2366,
- 2 as amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 2, by inserting after line 12 the
- 5 following:
- 6 "Sec. \_\_\_\_ DEPARTMENT OF HUMAN SERVICES. There is
- 7 appropriated from the general fund of the state to the
- 8 department of human services for the fiscal year
- 9 beginning July 1, 1998, and ending June 30, 1999, the
- 10 following amount, or so much thereof as is necessary,
- 11 to be transferred for child and family services to be
- 12 used to provide school-based supervision of children
- 13 adjudicated under chapter 232:
- 14 ..... \$ 3,000,000"
- 15 2. By renumbering as necessary.

Rants of Woodbury rose on a point of order that amendment H-8648, to amendment H-8616, was not germane.

The Speaker ruled the point well taken and amendment H-8648 not germane.

Schrader of Marion moved to suspend the rules to consider amendment H-8648, to amendment H-8616.

Roll call was requested by Schrader of Marion and Gries of Crawford.

On the question "Shall the rules be suspended to consider amendment H-8648, to amendment H-8616?" (S.F. 2366)

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, 48:

Arnold	Barry	Blodgett	Boddicker
Bogges	Bradley	Brauns	Carroll
Churchill	Cormack	Dix	Dolecheck
Drake	Eddie	Garman	Gipp
Greig	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	Vande Hoef
Veenstra	Weidman	Welter	Mr. Speaker Corbett

Absent or not voting, 6:

Brunkhorst	Dinkla	Greiner	Grundberg
Houser	Van Maanen		

The motion to suspend the rules lost.

Mascher of Johnson offered amendment H-8651, to amendment H-8616, filed by her as follows:

H-8651

- 1 Amend the amendment, H-8616, to Senate File 2366,
- 2 as amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 2, by inserting after line 12 the
- 5 following:
- 6 "Sec. \_\_\_\_ COLLEGE STUDENT AID COMMISSION. There
- 7 is appropriated from the general fund of the state to
- 8 the college student aid commission for the fiscal year
- 9 beginning July 1, 1998, and ending June 30, 1999, the
- 10 following amount, or so much thereof as is necessary,
- 11 to be used for the purpose designated:
- 12 For purposes of providing forgivable loans under
- 13 the practitioner shortage loan payment program



14 established in section 261.111, if enacted:  
 15 ..... \$ 300,000"

16 2. Page 15, by inserting after line 1 the  
 17 following:

18 "Sec. \_\_\_\_ NEW SECTION. 261.111 PRACTITIONER  
 19 SHORTAGE LOAN PAYMENT PROGRAM.

20 1. A practitioner shortage loan payment program is  
 21 established to be administered by the college student  
 22 aid commission as provided in this section. The  
 23 purpose of the loan payment program is to increase the  
 24 number of qualified teachers and administrators in  
 25 areas of the state experiencing a shortage of teachers  
 26 or administrators. An individual is eligible for the  
 27 program if the individual meets all of the following  
 28 conditions:

29 a. Is a resident of this state who is enrolled at  
 30 an institution of higher learning under the control of  
 31 the state board of regents or an accredited private  
 32 institution as defined in section 261.9.

33 b. Is enrolled in one or more of the subject areas  
 34 determined by the department of education as  
 35 experiencing a shortage of practitioners.

36 c. Has filed a loan application with the  
 37 commission.

38 d. Meets the requirements for a practitioner  
 39 shortage loan established in this chapter and by  
 40 administrative rule.

41 2. A practitioner shortage loan shall be awarded  
 42 for not more than the equivalent of two years and may  
 43 be awarded to an eligible individual under this  
 44 section if the individual agrees to serve as an  
 45 administrator for two years, or agrees to teach for  
 46 two years, in an area in this state that the  
 47 department of education has determined is experiencing  
 48 a shortage of practitioners. A loan awarded in  
 49 accordance with this section, and the interest that  
 50 accrues on the loan, shall not become due and payable

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1 until one year after the individual graduates. If a  
 2 loan recipient submits evidence to the commission that  
 3 the recipient was employed as a practitioner in a  
 4 practitioner shortage area for a school year in  
 5 accordance with this section, fifty percent of the  
 6 principal amount of the loan and any interest accruing  
 7 on fifty percent of the principal amount of the loan  
 8 shall be canceled. If the recipient continues  
 9 employment as a practitioner in a practitioner  
 10 shortage area as provided in this section during the  
 11 next succeeding school year and submits evidence to  
 12 the commission of the continuation of employment as a  
 13 practitioner as agreed to in accordance with this

14 subsection, the recipient is not required to commence  
15 repayment during that school year and at the end of  
16 that school year the remaining principal amount of the  
17 loan, and any interest accruing on the principal  
18 amount of the loan, are canceled.

19 3. The interest rate on the loan shall be equal to  
20 the interest rate collected by an eligible lender  
21 under the Iowa guaranteed student loan program for the  
22 year in which the loan is made.

23 4. The commission shall prescribe by rule the  
24 terms of repayment. The commission shall set a final  
25 date for submission of applications each year and  
26 shall review the applications and inform the  
27 recipients within a reasonable time after the  
28 deadline.

29 5. The maximum loan a student is eligible to  
30 receive annually is an amount equal to the tuition  
31 rate established by institutions of higher learning  
32 under the control of the state board of regents as  
33 follows:

34 a. The annual resident undergraduate tuition rate  
35 if the individual is enrolled in an approved  
36 undergraduate practitioner preparation program.

37 b. The annual resident graduate tuition rate if  
38 the individual is enrolled in an approved graduate  
39 practitioner preparation program.

40 6. Eligible students may receive both a tuition  
41 grant under this chapter and a practitioner shortage  
42 loan.

43 7. A practitioner shortage loan payment fund is  
44 established in the office of the treasurer of state  
45 for deposit of payments made by loan recipients who do  
46 not fulfill the cancellation conditions of the loan  
47 program. Payments made by recipients on the loans  
48 shall be used to supplement moneys appropriated to the  
49 practitioner shortage loan payment program.

50 Notwithstanding section 8.33, moneys deposited in the

### Page 3

1 practitioner shortage loan payment fund shall not  
2 revert to the general fund of the state at the end of  
3 a fiscal year, but shall remain in the practitioner  
4 shortage loan payment fund and be continuously  
5 available to make additional loans under the program."

6 3. By renumbering as necessary.

Rants of Woodbury rose on a point of order that amendment  
H-8651, to amendment H-8616, was not germane.

The Speaker ruled the point well taken and amendment H-8651  
not germane.

Mascher of Johnson asked and received unanimous consent to withdraw amendment H-8681, to amendment H-8616, filed by her on March 25, 1998.

Richardson of Warren offered the following amendment H-8687, to amendment H-8616, filed by him and moved its adoption:

H-8687

1 Amend the amendment, H-8616, to Senate File 2366,  
2 as amended, passed, and reprinted by the Senate, as  
3 follows:  
4 1. Page 2, line 28, by inserting after the word  
5 "district." the following: "A student intern shall  
6 have graduated from an approved practitioner  
7 preparation program offered by an institution of  
8 higher education under the state board of regents or  
9 an accredited private institution as defined in  
10 section 261.9."

Amendment H-8687 was adopted.

Richardson of Warren asked and received unanimous consent to withdraw amendment H-8693B, to amendment H-8616.

Falck of Fayette offered amendment H-8674, to amendment H-8616, filed by Falck, et al., as follows:

H-8674

1 Amend the amendment, H-8616, to Senate File 2366,  
2 as amended, passed, and reprinted by the Senate, as  
3 follows:  
4 1. Page 5, by inserting after line 46 the  
5 following:  
6 "Sec. \_\_\_\_ NEW SECTION. 256.39A SCHOOL-TO-WORK  
7 AND CAREER PATHWAYS - ASSESSMENT AND APPROPRIATION.  
8 1. A school district that assigns a weighting  
9 under section 257.11, subsection 8, shall establish  
10 clearly defined, measurable standards and shall  
11 annually use measurement instruments to assess the  
12 development of student employability skills. The  
13 school district shall provide the results of this  
14 assessment to the department of education upon  
15 request.  
16 2. There is appropriated for the fiscal year  
17 beginning July 1, 1998, and each subsequent fiscal  
18 year from the general fund of the state ten million  
19 dollars, or so much thereof as is necessary, to the  
20 department of management to pay the supplementary aid  
21 pursuant to section 257.11, subsection 8. State aid  
22 paid under this section shall be paid in monthly

23 installments beginning on September 15 of a budget  
24 year and ending on or about June 15 of the budget year  
25 as determined by the department of management, taking  
26 into consideration the relative budget and cash  
27 position of the state resources. All moneys received  
28 by a school district from the state under this chapter  
29 shall be deposited in the general fund of the school  
30 district and may be used for any school general fund  
31 purpose.

32 3. If the amount appropriated under subsection 2  
33 is insufficient to make the aid payments under  
34 subsection 2 and section 257.11, subsection 8, the  
35 director of the department of management shall prorate  
36 the payments on the basis of the amount appropriated."

37 2. Page 13, by inserting after line 18 the  
38 following:

39 "Sec. \_\_\_\_ Section 257.11, unnumbered paragraph 1,  
40 Code 1997, is amended to read as follows:

41 In order to provide additional funds for school  
42 districts that offer school-to-work or career pathways  
43 programs as provided in section 256.38 or 256.39, or  
44 which send their resident pupils to another school  
45 district or to a community college for classes, which  
46 jointly employ and share the services of teachers  
47 under section 280.15, which use the services of a  
48 teacher employed by another school district, or which  
49 jointly employ and share the services of a school  
50 superintendent under section 280.15 or 273.7A, a

## Page 2

1 supplementary weighting plan for determining  
2 enrollment is adopted as follows:

3 Sec. \_\_\_\_ Section 257.11, Code 1997, is amended by  
4 adding the following new subsection:

5 **NEW SUBSECTION. 8. SCHOOL-TO-WORK OR CAREER**  
6 **PATHWAYS PROGRAMS.** For the budget year commencing  
7 July 1, 1998, and for each succeeding budget year,  
8 resident pupils enrolled in grades nine through twelve  
9 within the district who are participating in a school-  
10 to-work program which meets the objectives identified  
11 in section 256.38, subsection 2, or which meets  
12 requirements identified in section 256.39, subsection  
13 2, shall be assigned an additional weighting of two-  
14 tenths of one pupil, subject to the provisions of  
15 section 256.39A, subsection 3."

16 3. Page 15, by inserting after line 1 the  
17 following:

18 "Sec. \_\_\_\_ Section 257.16, unnumbered paragraph 1,  
19 Code 1997, is amended to read as follows:

20 There is appropriated each year from the general  
21 fund of the state an amount necessary to pay the  
22 foundation aid and supplementary aid under section

23 257.4, subsection 2, except as limited in section  
 24 256.39A."

25 4. Page 23, by inserting after line 21 the  
 26 following:

27 "Sec. 101. INITIAL YEAR ENROLLMENT CERTIFICATION  
 28 - INITIAL YEAR EXEMPTION. For the fiscal year  
 29 beginning July 1, 1998, and ending June 30, 1999, to  
 30 qualify for funding under section 257.11, subsection  
 31 8, a school district shall certify to the department  
 32 of education, by June 30, 1998, the number of pupils  
 33 who were counted in the basic enrollment of the school  
 34 district on the third Friday of September of the 1997-  
 35 1998 school year who were participating in a school-  
 36 to-work program as identified in section 256.38, or a  
 37 career pathways program as identified in section  
 38 256.39. The department of education shall promptly  
 39 forward the information on additional enrollment  
 40 because of school-to-work or career pathways program  
 41 participation to the department of management. For  
 42 the fiscal year beginning July 1, 1998, and ending  
 43 June 30, 1999, the department of management shall pay  
 44 supplementary aid as provided in section 256.39A and  
 45 section 257.11, subsection 8, on the basis of this  
 46 additional enrollment. Notwithstanding section  
 47 256.39A, subsection 1, a school district is exempt  
 48 from the requirements of section 256.39A relating to  
 49 measurement instruments and assessment results for the  
 50 fiscal year beginning July 1, 1998, and ending June

Page 3

1 30, 1999."

2 5. Page 23, by inserting after line 39 the  
 3 following:

4 "Sec. \_\_\_\_ EFFECTIVE DATE. Section 101 of this  
 5 Act, relating to initial year enrollment  
 6 certification, being deemed of immediate importance,  
 7 takes effect upon enactment."

8 6. By renumbering as necessary.

Brunkhorst of Bremer rose on a point of order that amendment H-8674, to amendment H-8616, was not germane.

The Speaker ruled the point well taken and amendment H-8674 not germane.

Falck of Fayette asked for unanimous consent to suspend the rules to consider amendment H-8674, to amendment H-8616.

Objection was raised.

Falck of Fayette moved to suspend the rules to consider amendment H-8674, to amendment H-8616.

Roll call was requested by Wise of Lee and Brunkhorst of Bremer.

On the question "Shall the rules be suspended to consider amendment H-8674, to amendment H-8616?" (S.F. 2366)

The ayes were, 45:

Bell	Bernau	Brand	Bukta
Burnett	Cataldo	Chapman	Chiodo
Cohoon	Connors	Doderer	Dotzler
Drees	Falck	Foege	Ford
Frevert	Holveck	Huser	Jochum
Kinzer	Koenigs	Kreiman	Larkin
Mascher	May	Mertz	Moreland
Mundie	Murphy	Myers	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	Carroll
Churchill	Cormack	Dinkla	Dix
Dolecheck	Drake	Eddie	Fallon
Garman	Gipp	Greig	Greiner
Gries	Grundberg	Hahn	Hansen
Heaton	Holmes	Houser	Huseman
Jacobs	Jenkins	Klemme	Kremer
Lamberti	Larson	Lord	Martin
Metcalf	Meyer	Millage	Nelson
Rants	Rayhons	Siegrist	Sukup
Teig	Thomson	Tyrrell	Van Fossen
Vande Hoef	Veenstra	Weidman	Welter
Mr. Speaker			
Corbett			

Absent or not voting, 2:

Brunkhorst                      Van Maanen

The motion to suspend the rules lost.

Mascher of Johnson offered the following amendment H-8682, to amendment H-8616, filed by her and moved its adoption:

H-8682

- 1 Amend the amendment, H-8616, to Senate File 2366,
- 2 as amended, passed, and reprinted by the Senate, as
- 3 follows:

- 4 1. Page 7, by inserting after line 3 the  
5 following:  
6 "\_\_\_\_. For purposes of this section, and in  
7 addition to the definition provided in subsection 1,  
8 "teacher" also means a counselor who is a practitioner  
9 as defined in section 272.1. For purposes of this  
10 section, "national board for professional teaching  
11 standards" means the national board for professional  
12 teaching standards or the national board for certified  
13 counselors, inc."  
14 2. By renumbering as necessary.

Amendment H-8682 lost.

Richardson of Warren offered the following amendment H-8668, to amendment H-8616, filed by him and moved its adoption:

H-8668

- 1 Amend the amendment, H-8616, to Senate File 2366,  
2 as amended, passed, and reprinted by the Senate, as  
3 follows:  
4 1. Page 9, line 3, by inserting after the figure  
5 "2." the following: "The board of directors may  
6 contract with a public or private postsecondary  
7 institution with an approved practitioner preparation  
8 program, or with a member of the instructional staff  
9 of an approved practitioner preparation program, to  
10 perform the duties of the district facilitator in  
11 accordance with this chapter."

Amendment H-8668 was adopted.

Richardson of Warren offered the following amendment H-8669, to amendment H-8616, filed by him and moved its adoption:

H-8669

- 1 Amend the amendment, H-8616, to Senate File 2366,  
2 as amended, passed, and reprinted by the Senate, as  
3 follows:  
4 1. Page 10, line 15, by inserting after the word  
5 "plan," the following: "to provide for a stipend for  
6 the district facilitator, and".

Amendment H-8669 was adopted.

Grundberg of Polk asked and received unanimous consent that amendments H-8696 and H-8712, to amendment H-8616, be deferred.

Connors of Polk asked and received unanimous consent to withdraw amendment H-8688A, to amendment H-8616.

Connors of Polk offered the following amendment H-8740, to amendment H-8616, filed by him from the floor and moved its adoption:

H-8740

1 Amend the amendment, H-8616, to Senate File 2366,  
2 as amended, passed, and reprinted by the Senate, as  
3 follows:

4 1. By striking page 21, line 5, through page 22,  
5 line 18 and inserting the following:

6 "Sec. \_\_\_\_ Section 294A.1, unnumbered paragraph 1,  
7 Code 1997, is amended to read as follows:

8 The purpose of this chapter is to promote  
9 excellence in education. In order to maintain and  
10 advance the educational excellence in the state of  
11 Iowa, this chapter establishes the Iowa educational  
12 excellence program. The program shall consist of  
13 ~~three~~ two major phases addressing the following:

14 Sec. \_\_\_\_ Section 294A.10, subsections 1 and 2,  
15 Code 1997, are amended by striking the subsections."

16 2. Page 22, by inserting after line 39 the  
17 following:

18 "Sec. \_\_\_\_ Section 294A.25, Code Supplement 1997,  
19 is amended by adding the following new subsection:

20 NEW SUBSECTION. 2A. For the fiscal year beginning  
21 July 1, 1998, and ending June 30, 1999, a supplemental  
22 allocation amount of thirteen million three hundred  
23 three thousand five hundred thirteen dollars for phase  
24 II distribution as provided in section 294A.9."

25 3. Page 22, by inserting after line 50 the  
26 following:

27 "Sec. \_\_\_\_ Sections 294A.4 through 294A.6, Code  
28 1997, are repealed.

29 Sec. \_\_\_\_ DIRECTIONS TO CODE EDITOR. With the  
30 enactment of section 102 of this Act, the Iowa Code  
31 editor shall revise references in the Code to phase I,  
32 phase II, and phase III of the educational excellence  
33 program established in chapter 294A to instead refer  
34 to phase I as the retention of quality teachers, and  
35 phase II as the enhancement of the quality and  
36 effectiveness of teachers through the utilization of  
37 performance pay. The references revised by the Code  
38 editor pursuant to this section shall take effect July  
39 1, 1998. The reference changes considered by the Code  
40 editor shall include but are not limited to the  
41 following: sections 256.18, 258.17, 282.18, 294A.1,  
42 294A.3, 294A.10, 294A.12 through 294A.16, 294A.18  
43 through 294A.20, 294A.22, 294A.23, and 294A.25."

44 4. By renumbering as necessary.

Amendment H-8740 lost.



Richardson of Warren offered the following amendment H-8743, to amendment H-8616, filed by him from the floor and moved its adoption:

H-8743

- 1 Amend the amendment, H-8616, to Senate File 2366 as
- 2 amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 1, by inserting after line 13 the
- 5 following:
- 6 "Of the funds appropriated in this subsection,
- 7 \$300,000 shall be used to provide grants in the amount
- 8 of \$50,000 each to six school districts for extended
- 9 year school pilot projects, and the department of
- 10 education shall expend up to \$75,000 to contract with
- 11 an accredited private postsecondary institution or an
- 12 institution of higher learning under the control of
- 13 the state board of regents to conduct a study of the
- 14 effectiveness of extended school years on student
- 15 achievement."
- 16 2. By renumbering as necessary.

Amendment H-8743 was adopted.

Grundberg of Polk offered the following amendment H-8712, to amendment H-8616, filed by her and moved its adoption:

H-8712

- 1 Amend the amendment, H-8616, to Senate File 2366,
- 2 as amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 21, by inserting after line 41 the
- 5 following:
- 6 "4. Notwithstanding subsections 2 and 3, for the
- 7 fiscal year beginning July 1, 1999, and each
- 8 succeeding year, the total minimum salary supplement
- 9 paid to a school district under phase I for the school
- 10 year shall be reduced by the amount of five hundred
- 11 dollars per teacher per year until the total minimum
- 12 salary supplement amount equals the amount paid to the
- 13 school district for the school year beginning July 1,
- 14 1997, and ending June 30, 1998. This subsection shall
- 15 not be construed to permit a negative impact on a
- 16 teacher's annual salary as specified in a teacher's
- 17 contract pursuant to the salary schedule adopted by
- 18 the board of directors or negotiated under chapter 20,
- 19 or to otherwise control a teacher's placement on a
- 20 salary schedule adopted by the board of directors or
- 21 negotiated under chapter 20. The total amount of the
- 22 annual reduction required under this section for the
- 23 fiscal year shall be considered a supplemental
- 24 allocation amount for purposes of sections 294A.9 and

25 294A.25."

- 26 2. Page 21, by striking lines 47 and 48 and  
27 inserting the following: "salary supplement, in  
28 accordance with section 294A.5, to be paid to".  
29 3. By renumbering as necessary.

Amendment H-8712 lost.

Grundberg of Polk offered the following amendment H-8696 filed by her and moved its adoption:

H-8696

- 1 Amend the amendment, H-8616, to Senate File 2366,  
2 as amended, passed, and reprinted by the Senate, as  
3 follows:  
4 1. By striking page 21, line 5, through page 22,  
5 line 18, and inserting the following:  
6 "Sec. \_\_\_\_ **NEW SECTION. 294A.5A MINIMUM SALARY**  
7 **SUPPLEMENT - TEMPORARY.**  
8 1. Notwithstanding section 294A.5, for each year  
9 of the fiscal period beginning July 1, 1998, and  
10 ending June 30, 2001, the minimum annual salary paid  
11 to a full-time teacher as regular compensation shall  
12 be twenty-three thousand dollars.  
13 2. The minimum salary supplement shall be the sum  
14 of the following, as applicable:  
15 a. For the school year beginning July 1, 1998, for  
16 phase I, each school district and area education  
17 agency shall certify to the department of education by  
18 the third Friday in September the names of all  
19 teachers employed by the district or area education  
20 agency whose regular compensation is less than twenty-  
21 three thousand dollars per year for that year and the  
22 amounts needed as minimum salary supplements. The  
23 minimum salary supplement for each eligible teacher is  
24 the total of the difference between twenty-three  
25 thousand dollars and the teacher's regular  
26 compensation plus the amount required to pay the  
27 employer's share of the federal social security and  
28 Iowa public employees' retirement system, or a pension  
29 and annuity retirement system established under  
30 chapter 294, payments on the additional salary moneys.  
31 However, for purposes of this paragraph, a teacher's  
32 regular compensation for the school year beginning  
33 July 1, 1998, shall not be lower than eighteen  
34 thousand dollars.  
35 b. The total minimum salary supplement paid to a  
36 school district under phase I for the school year  
37 beginning July 1, 1997.  
38 3. The board of directors shall report the  
39 salaries of teachers employed on less than a full-time  
40 equivalent basis, and the amount of minimum salary  
41 supplement shall be prorated."

42 2. By renumbering as necessary.

Amendment H-8696 lost.

Falck of Fayette asked and received unanimous consent to withdraw amendment H-8744, to amendment H-8616, filed by him from the floor.

Rants of Woodbury rose on a point of order that amendment H-8616, as amended, was not germane.

The Speaker ruled the point well taken and amendment H-8616 not germane.

Siegrist of Pottawattamie moved to suspend the rules to consider amendment H-8616, as amended.

Roll call was requested by Schrader of Marion and Siegrist of Pottawattamie.

On the question "Shall the rules be suspended to consider amendment H-8616, as amended?" (S.F. 2366)

The ayes were, 52:

Arnold	Barry	Blodgett	Boddicker
Bogges	Bradley	Brauns	Brunkhorst
Carroll	Churchill	Cormack	Dinkla
Dix	Dolecheck	Drake	Eddie
Gipp	Greig	Greiner	Gries
Grundberg	Hahn	Hansen	Heaton
Holmes	Houser	Huseman	Jacobs
Jenkins	Klemme	Kremer	Lamberti
Larson	Lord	Martin	Metcalf
Meyer	Millage	Nelson	Rants
Rayhons	Siegrist	Sukup	Teig
Thomson	Tyrrell	Van Fossen	Vande Hoef
Veenstra	Weidman	Welter	Mr. Speaker Corbett

The nays were, 47:

Bell	Bernau	Brand	Bukta
Burnett	Cataldo	Chapman	Chiodo
Cohoon	Connors	Doderer	Dotzler
Drees	Falck	Fallon	Foegel
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	Shultz
Taylor	Thomas	Warnstadt	Weigel
Whitead	Wise	Witt	

Absent or not voting, 1:

Van Maanen

The motion to suspend the rules prevailed.

Gries of Crawford moved the adoption of amendment H-8616, as amended.

Gipp of Winneshiek in the chair at 4:58 p.m.

Speaker Corbett in the chair at 5:28 p.m.

Roll call was requested by Millage of Scott and Wise of Lee.

Rule 75 was invoked.

On the question "Shall amendment H-8616, as amended, be adopted?" (H.F. 2366)

The ayes were, 51:

Arnold	Barry	Blodgett	Boddicker
Boggess	Bradley	Brauns	Brunkhorst
Carroll	Churchill	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	Millage
Nelson	Rants	Rayhons	Siegrist
Sukup	Teig	Thomson	Tyrrell
Van Fossen	Van Maanen	Vande Hoef	Veenstra
Weidman	Welter	Mr. Speaker Corbett	

The nays were, 49:

Bell	Bernau	Brand	Bukta
Burnett	Cataldo	Chapman	Chiodo
Cohoon	Connors	Cormack	Doderer
Dotzler	Drees	Falck	Fallon
Foege	Ford	Frevert	Garman
Holveck	Huser	Jochum	Kinzer
Koenigs	Kreiman	Larkin	Mascher
May	Mertz	Meyer	Moreland
Mundie	Murphy	Myers	O'Brien
Osterhaus	Reynolds-Knight	Richardson	Scherrman
Schrader	Shoultz	Taylor	Thomas
Warnstadt	Weigel	Whitead	Wise
Witt			

Absent or not voting, none.

Amendment H-8616, as amended, was adopted placing out of order amendments H-8284, H-8274, and H-8285, all to amendment H-8616, and filed by Richardson of Warren on March 10, 1998.

Gries of Crawford moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2366)

The ayes were, 52:

Arnold	Barry	Blodgett	Boddicker
Bogges	Bradley	Brauns	Brunkhorst
Carroll	Churchill	Cormack	Dinkla
Dix	Dolecheck	Drake	Eddie
Gipp	Greig	Greiner	Gries
Grundberg	Hahn	Hansen	Heaton
Holmes	Houser	Huseman	Jacobs
Jenkins	Klemme	Kremer	Lamberti
Larson	Lord	Martin	Metcalf
Millage	Nelson	Rants	Rayhons
Siegrist	Sukup	Teig	Thomson
Tyrrell	Van Fossen	Van Maanen	Vande Hoef
Veenstra	Weidman	Welter	Mr. Speaker Corbett

The nays were, 47:

Bell	Bernau	Brand	Bukta
Burnett	Cataldo	Chapman	Chioldo
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	

Absent or not voting, 1:

Meyer

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 2366** be immediately messaged to the Senate.

## MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 26, 1998, amended and passed the following bill in which the concurrence of the House is asked:

House File 382, a bill for an act relating to the validity of certain marriages.

Also: That the Senate has on March 26, 1998, amended and passed the following bill in which the concurrence of the House is asked:

House File 2290, a bill for an act relating to the civil damages and penalties for the illegal taking of antlered deer.

Also: That the Senate has on March 26, 1998, passed the following bill in which the concurrence of the Senate was asked:

House File 2392, a bill for an act relating to permitting the display of new motor trucks by nonresident motor vehicle dealers at qualified events in this state, establishing a fee, and providing an effective date.

Also: That the Senate has on March 26, 1998, amended and passed the following bill in which the concurrence of the House is asked:

House File 2394, a bill for an act providing for service of one hundred percent of the maximum sentence by and the suspension of a driver's license of a person charged with homicide by vehicle.

Also: That the Senate has on March 26, 1998, passed the following bill in which the concurrence of the Senate was asked:

House File 2402, a bill for an act to amend the crime of burglary in the first degree to include commission of sexual abuse as a possible element of the offense.

Also: That the Senate has on March 26, 1998, passed the following bill in which the concurrence of the Senate was asked:

House File 2468, a bill for an act establishing an electronic benefits transfer program in the department of human services.

Also: That the Senate has on March 26, 1998, amended and passed the following bill in which the concurrence of the House is asked:

House File 2472, a bill for an act relating to fines imposed for violations of city or county ordinances or city or county infractions and providing an effective date.

Also: That the Senate has on March 26, 1998, amended and passed the following bill in which the concurrence of the House is asked:

House File 2473, a bill for an act providing for mediation in disputes involving agricultural producers.

Also: That the Senate has on March 26, 1998, amended and passed the following bill in which the concurrence of the House is asked:

House File 2514, a bill for an act relating to motor vehicle operation and motor vehicles, carriers and motor trucks, and penalties and hazardous materials, including weight requirements and transportation of hazardous materials, and providing an effective date.

MARY PAT GUNDERSON, Secretary

## SENATE MESSAGE CONSIDERED

**Senate File 2280**, by committee on appropriations, a bill for an act relating to and making appropriations to the department for the blind, the Iowa state civil rights commission, the department of elder affairs, the Iowa department of public health, the department of human rights, the governor's alliance on substance abuse, and the commission of veterans affairs, and providing effective dates.

Read first time and referred to committee on **appropriations**.

## PRESENTATION OF VISITORS

The Speaker announced that the following visitors were present in the House chamber:

Thirty-five 4-H members from Jones county. By Boddicker of Cedar and Welter of Jones.

Nine Girl and Boy Scouts from Southeast Polk, Altoona, accompanied by Jan Hendrickson and Mary Large. By Metcalf of Polk.

Fifty-four 6th grade students from Nashua Elementary, Nashua, accompanied by Ed Andersen, Paul Szalkowski and Brian Ortman. By Weigel of Chickasaw.

## 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

1998\345 Albert and Maxiene Kann, Fairfield – For celebrating their 60th wedding anniversary.

## SUBCOMMITTEE ASSIGNMENTS

### House File 2383

Ways and Means: Hansen, Chair; Osterhaus and Van Fossen.

### House File 2431

Ways and Means: Hansen, Chair; Osterhaus and Van Fossen.

## RESOLUTION FILED

**SCR 101**, by Horn, a concurrent resolution recognizing the notable achievements of the Jefferson High School Marching Band from Cedar Rapids, Iowa.

Laid over under **Rule 25**.

## AMENDMENTS FILED

H-8730	H.F.	2539	Myers of Johnson
H-8732	H.F.	2533	Shoultz of Black Hawk
H-8733	S.F.	2109	Richardson of Warren
H-8734	H.F.	2473	Senate Amendment
H-8735	H.F.	2394	Senate Amendment
H-8736	H.F.	2498	Murphy of Dubuque
H-8737	H.F.	2498	Murphy of Dubuque Cataldo of Polk
H-8738	S.F.	2329	Veenstra of Sioux Holveck of Polk
H-8739	S.F.	58	Doderer of Johnson Witt of Black Hawk Wise of Lee Cohon of Des Moines Whitead of Woodbury Dotzler of Black Hawk Bernau of Story Mascher of Johnson Richardson of Warren Myers of Johnson Kreiman of Davis Scherrman of Dubuque
			Connors of Polk
			Jochum of Dubuque
			Ford of Polk
			Larkin of Lee
			Foege of Linn
			Taylor of Linn
			Chiodo of Polk
			Fallon of Polk
			Koenigs of Mitchell
			Osterhaus of Jackson
			Kinzer of Scott
H-8741	H.F.	382	Senate Amendment
H-8742	H.F.	2539	Whitead of Woodbury
H-8745	H.F.	2498	Chiodo of Polk
H-8746	H.F.	2538	Weigel of Chickasaw
H-8747	S.F.	187	Barry of Harrison
H-8748	S.F.	2280	Thomson of Linn
H-8749	S.F.	2380	Weigel of Chickasaw
H-8750	S.F.	2380	Weigel of Chickasaw
H-8751	S.F.	2380	Weigel of Chickasaw
H-8752	S.F.	2391	Heaton of Henry
H-8753	S.F.	58	Bernau of Story
H-8754	S.F.	2380	Brand of Tama
H-8755	S.F.	2406	Ford of Polk Foege of Linn
H-8756	S.F.	2312	Murphy of Dubuque
H-8757	S.F.	2380	Holveck of Polk
H-8758	H.F.	2290	Senate Amendment
H-8759	H.F.	2472	Senate Amendment
H-8760	H.F.	2514	Senate Amendment

On motion by Siegrist of Pottawattamie, the House adjourned at 6:10 p.m., until 10:00 a.m., Monday, March 30, 1998.



# JOURNAL OF THE HOUSE

Seventy-eighth Calendar Day - Fifty-second Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Monday, March 30, 1998

The House met pursuant to adjournment at 10:05 a.m., Speaker pro tempore Van Maanen of Marion in the chair.

Prayer was sung by a Quartet from Pella Christian High School, Pella.

The Journal of Thursday, March 26, 1998 was approved.

## THE PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by the Quartet from Pella Christian High School, Pella.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Larson of Linn, until his arrival, on request of Siegrist of Pottawattamie.

## CONSIDERATION OF BILLS

### Unfinished Business Calendar

**Senate File 2113**, a bill for an act relating to driver and motor vehicle licensing, reporting, and registration, with report of committee recommending passage, was taken up for consideration.

Carroll of Poweshiek moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2113)

The ayes were, 91:

Arnold	Barry	Bell	Bernau
Blodgett	Boddicker	Boggess	Bradley
Brand	Brauns	Brunkhorst	Bukta
Burnett	Carroll	Cataldo	Chapman
Cohoon	Connors	Corbett, Spkr.	Cormack
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	Jochum	Kinzer
Klemme	Koenigs	Kreiman	Kremer
Lamberti	Larkin	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	Teig	Thomas	Thomson
Tyrrell	Vande Hoef	Veenstra	Warnstadt
Weidman	Weigel	Welter	Whitead
Wise	Witt	Van Maanen, Presiding	

The nays were, none.

Absent or not voting, 9:

Chiodo	Churchill	Dinkla	Ford
Jenkins	Larson	Moreland	Taylor
Van Fossen			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

**Senate File 2348**, a bill for an act relating to the locations at which shared public school services may be made available to nonpublic school students, with report of committee recommending passage, was taken up for consideration.

Garman of Story moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2348)

The ayes were, 91:

Arnold	Barry	Bell	Bernau
Blodgett	Boddicker	Bogges	Bradley
Brand	Brauns	Brunkhorst	Bukta
Burnett	Carroll	Cataldo	Chapman
Cphoon	Connors	Corbett, Spkr.	Cormack
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	Jochum	Kinzer
Klemme	Koenigs	Kreiman	Kremer

Lamberti	Larkin	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	Teig	Thomas	Thomson
Tyrrell	Vande Hoef	Veenstra	Warnstadt
Weidman	Weigel	Welter	Whitead
Wise	Witt	Van Maanen, Presiding	

The nays were, none.

Absent or not voting, 9:

Chiodo	Churchill	Dinkla	Ford
Jenkins	Larson	Moreland	Taylor
Van Fossen			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

### SENATE AMENDMENT CONSIDERED

Rants of Woodbury called up for consideration **House File 2272**, a bill for an act requiring the state board of education to adopt rules relating to the incorporation of accountability for student achievement into the education standards and accreditation process, amended by the Senate amendment H-8625 as follows:

H-8625

- 1 Amend House File 2272 as follows:
- 2 1. By striking everything after the enacting
- 3 clause and inserting the following:
- 4 "Section 1. Section 256.7, Code 1997, is amended
- 5 by adding the following new subsection:
- 6 NEW SUBSECTION. 21. Develop and adopt rules by
- 7 July 1, 1999, incorporating accountability for student
- 8 achievement into the standards and accreditation
- 9 process described in section 256.11. The rules shall
- 10 provide for all of the following:
- 11 a. Requirements that all school districts and
- 12 accredited nonpublic schools develop, implement, and
- 13 file with the department a comprehensive school
- 14 improvement plan that includes, but is not limited to,
- 15 demonstrated school, parental, and community
- 16 involvement in assessing educational needs,
- 17 establishing local education standards and student
- 18 achievement levels, and, as applicable, the
- 19 consolidation of federal and state planning, goal-

- 20 setting, and reporting requirements.
- 21 b. A set of core academic indicators in
- 22 mathematics and reading in grades four, eight, and
- 23 eleven, a set of core academic indicators in science
- 24 in grades eight and eleven, and another set of core
- 25 indicators that includes, but is not limited to,
- 26 graduation rate, postsecondary education, and
- 27 successful employment in Iowa. Annually, the
- 28 department shall report state data for each indicator
- 29 in the condition of education report.
- 30 c. A requirement that all school districts and
- 31 accredited nonpublic schools annually report to the
- 32 department and the local community the district-wide
- 33 progress made in attaining student achievement goals
- 34 on the academic and other core indicators and the
- 35 district-wide progress made in attaining locally
- 36 established student learning goals. The school
- 37 districts and accredited nonpublic schools shall
- 38 demonstrate the use of multiple assessment measures in
- 39 determining student achievement levels. The school
- 40 districts and accredited nonpublic schools may report
- 41 on other locally determined factors influencing
- 42 student achievement. The school districts and
- 43 accredited nonpublic schools shall also report to the
- 44 local community their results by individual attendance
- 45 center."

Rants of Woodbury asked and received unanimous consent to withdraw amendment H-8645, to the Senate amendment H-8625, filed by him on March 24, 1998.

On motion by Rants of Woodbury, the House concurred in the Senate amendment H-8625.

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. 2272)

The ayes were, 92:

Arnold	Barry	Bell	Bernau
Blodgett	Boddicker	Bogges	Bradley
Brand	Brauns	Brunkhorst	Bukta
Burnett	Carroll	Cataldo	Chapman
Chiodo	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
Jochum	Kinzer	Klemme	Koenigs
Kreiman	Kremer	Lamberti	Larkin
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	Teig
Thomas	Thomson	Tyrrell	Veenstra
Warnstadt	Weidman	Weigel	Welter
Whitead	Wise	Witt	Van Maanen, Presiding

The nays were, none.

Absent or not voting, 8:

Churchill	Dinkla	Jenkins	Larson
Moreland	Taylor	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 2113, 2348 and House File 2272.**

### Unfinished Business Calendar

**Senate File 2269**, a bill for an act providing for the conversion of the existing advisory boards for athletic training and massage therapy into full regulatory examining boards, 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. 2269)

The ayes were, 92:

Arnold	Barry	Bell	Bernau
Blodgett	Boddicker	Bogges	Bradley
Brand	Brauns	Brunkhorst	Bukta
Burnett	Carroll	Cataldo	Chapman
Chiodo	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
Jochum	Kinzer	Klemme	Koenigs
Kreiman	Kremer	Lamberti	Larkin
Lord	Martin	Mascher	May
Mertz	Metcalf	Meyer	Millage
Mundie	Murphy	Myers	Nelson
O'Brien	Osterhaus	Rants	Rayhons
Reynolds-Knight	Richardson	Scherrman	Shoultz
Siegrist	Sukup	Teig	Thomas
Thomson	Tyrrell	Vande Hoef	Veenstra
Warnstadt	Weidman	Weigel	Welter
Whitead	Wise	Witt	Van Maanen, Presiding

The nays were, none.

Absent or not voting, 8:

Churchill	Dinkla	Jenkins	Larson
Moreland	Schrader	Taylor	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 2269** be immediately messaged to the Senate.

### Unfinished Business Calendar

**House File 2533**, 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, and the state board of regents, providing related statutory changes, and providing effective dates, was taken up for consideration.

The House stood at ease at 10:38 a.m., until the fall of the gavel.

The House resumed session at 12:00 p.m., Speaker pro tempore Van Maanen of Marion in the chair.

On motion by Gipp of Winneshiek, the House was recessed at 12:00 p.m., until 1:00 p.m. (House File 2533 pending.)

### AFTERNOON SESSION

The House reconvened at 1:05 p.m., Rants of Woodbury in the chair.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

O'Brien of Boone on request of Schrader of Marion; Holveck of Polk, until his return, on request of Taylor of Linn.

## QUORUM CALL

A non-record roll call was requested to determine that a quorum was present. The vote revealed seventy-eight members present, twenty-two absent.

The House resumed consideration of House File 2533, pending at recess.

Frevert of Palo Alto offered the following amendment H-8630 filed by her and moved its adoption:

H-8630

- 1 Amend House File 2533 as follows:
- 2 1. Page 1, line 24, by striking the figure
- 3 "1,161,850" and inserting the following: "1,328,640".

Amendment H-8630 lost.

Warnstadt of Woodbury asked and received unanimous consent that amendment H-8610 be deferred.

Mascher of Johnson offered the following amendment H-8572 filed by her and moved its adoption:

H-8572

- 1 Amend House File 2533 as follows:
- 2 1. Page 1, by inserting after line 32 the
- 3 following:
- 4 "\_\_\_ PRACTITIONER SHORTAGE LOAN PAYMENT PROGRAM
- 5 For purposes of providing forgivable loans under
- 6 the program established in section 261.111, if
- 7 enacted:
- 8 ..... \$ 300,000"
- 9 2. Page 28, by inserting after line 22 the
- 10 following:
- 11 "Sec. \_\_\_ NEW SECTION. 261.111 PRACTITIONER
- 12 SHORTAGE LOAN PAYMENT PROGRAM.
- 13 1. A practitioner shortage loan payment program is
- 14 established to be administered by the college student
- 15 aid commission as provided in this section. The
- 16 purpose of the loan payment program is to increase the
- 17 number of qualified teachers and administrators in

18 areas of the state experiencing a shortage of teachers  
19 or administrators. An individual is eligible for the  
20 program if the individual meets all of the following  
21 conditions:

22 a. Is a resident of this state who is enrolled at  
23 an institution of higher learning under the control of  
24 the state board of regents or an accredited private  
25 institution as defined in section 261.9.

26 b. Is enrolled in one or more of the subject areas  
27 determined by the department of education as  
28 experiencing a shortage of practitioners.

29 c. Has filed a loan application with the  
30 commission.

31 d. Meets the requirements for a practitioner  
32 shortage loan established in this chapter and by  
33 administrative rule.

34 2. A practitioner shortage loan shall be awarded  
35 for not more than the equivalent of two years and may  
36 be awarded to an eligible individual under this  
37 section if the individual agrees to serve as an  
38 administrator for two years, or agrees to teach for  
39 two years, in an area in this state that the  
40 department of education has determined is experiencing  
41 a shortage of practitioners. A loan awarded in  
42 accordance with this section, and the interest that  
43 accrues on the loan, shall not become due and payable  
44 until one year after the individual graduates. If a  
45 loan recipient submits evidence to the commission that  
46 the recipient was employed as a practitioner in a  
47 practitioner shortage area for a school year in  
48 accordance with this section, fifty percent of the  
49 principal amount of the loan and any interest accruing  
50 on fifty percent of the principal amount of the loan

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1 shall be canceled. If the recipient continues  
2 employment as a practitioner in a practitioner  
3 shortage area as provided in this section during the  
4 next succeeding school year and submits evidence to  
5 the commission of the continuation of employment as a  
6 practitioner as agreed to in accordance with this  
7 subsection, the recipient is not required to commence  
8 repayment during that school year and at the end of  
9 that school year the remaining principal amount of the  
10 loan, and any interest accruing on the principal  
11 amount of the loan, are canceled.

12 3. The interest rate on the loan shall be equal to  
13 the interest rate collected by an eligible lender  
14 under the Iowa guaranteed student loan program for the  
15 year in which the loan is made.

16 4. The commission shall prescribe by rule the  
17 terms of repayment. The commission shall set a final



18 date for submission of applications each year and  
 19 shall review the applications and inform the  
 20 recipients within a reasonable time after the  
 21 deadline.

22 5. The maximum loan a student is eligible to  
 23 receive annually is an amount equal to the tuition  
 24 rate established by institutions of higher learning  
 25 under the control of the state board of regents as  
 26 follows:

27 a. The annual resident undergraduate tuition rate  
 28 if the individual is enrolled in an approved  
 29 undergraduate practitioner preparation program.

30 b. The annual resident graduate tuition rate if  
 31 the individual is enrolled in an approved graduate  
 32 practitioner preparation program.

33 6. Eligible students may receive both a tuition  
 34 grant under this chapter and a practitioner shortage  
 35 loan.

36 7. A practitioner shortage loan payment fund is  
 37 established in the office of the treasurer of state  
 38 for deposit of payments made by loan recipients who do  
 39 not fulfill the cancellation conditions of the loan  
 40 program. Payments made by recipients on the loans  
 41 shall be used to supplement moneys appropriated to the  
 42 practitioner shortage loan payment program.

43 Notwithstanding section 8.33, moneys deposited in the  
 44 practitioner shortage loan payment fund shall not  
 45 revert to the general fund of the state at the end of  
 46 a fiscal year, but shall remain in the practitioner  
 47 shortage loan payment fund and be continuously  
 48 available to make additional loans under the program."

49 3. By renumbering, relettering, and redesignating  
 50 as necessary.

Roll call was requested by Mascher of Johnson and Murphy of  
 Dubuque.

On the question "Shall amendment H-8572 be adopted?" (H.F. 2533)

The ayes were, 46:

Arnold	Bell	Bernau	Brand
Bukta	Burnett	Cataldo	Chapman
Chiodo	Cohon	Connors	Doderer
Dotzler	Drees	Falck	Fallon
Foege	Ford	Frevort	Gries
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, 48:

Barry	Blodgett	Boddicker	Bogges
Bradley	Brauns	Brunkhorst	Carroll
Corbett, Spkr.	Cormack	Dix	Dolecheck
Drake	Eddie	Garman	Gipp
Greig	Greiner	Grundberg	Hahn
Hansen	Heaton	Holmes	Houser
Huseman	Jacobs	Klemme	Kremer
Lamberti	Larson	Lord	Martin
Metcalf	Meyer	Millage	Rayhons
Siegrist	Sukup	Teig	Thomson
Tyrrell	Van Fossen	Van Maanen	Vande Hoef
Veenstra	Weidman	Welter	Rants, Presiding

Absent or not voting, 6:

Churchill	Dinkla	Holveck	Jenkins
Nelson	O'Brien		

Amendment H-8572 lost.

Warnstadt of Woodbury offered the following amendment H-8578 filed by him and moved its adoption:

H-8578

- 1 Amend House File 2533 as follows:
- 2 1. Page 3, line 12, by striking the figure
- 3 "3,103,788" and inserting the following: "3,128,788".
- 4 2. Page 3, by inserting after line 13 the
- 5 following:
- 6 "From the funds appropriated in this subsection,
- 7 \$25,000 shall be used to plan and coordinate with
- 8 local and state agencies, other states, and the
- 9 federal national parks service, to administer
- 10 activities and programs leading up to and through, the
- 11 celebration of the Lewis and Clark bicentennial of
- 12 2003 through 2006."
- 13 3. Page 8, line 23, by striking the figure
- 14 "50,000" and inserting the following: "25,000".
- 15 4. Page 30, by striking lines 14 and 15 and
- 16 inserting the following:
- 17 "Sec. \_\_\_\_ Section 294A.25, subsection 9, Code
- 18 Supplement 1997, is amended by striking the subsection
- 19 and inserting in lieu thereof the following:
- 20 9. For the fiscal year beginning July 1, 1998, and
- 21 ending June 30, 1999, the amount of twenty-five
- 22 thousand dollars for support of the Iowa mathematics
- 23 and science coalition from additional funds
- 24 transferred from phase I to phase III."
- 25 5. By renumbering, relettering, and redesignating
- 26 as necessary.

Amendment H-8578 lost.

Chiodo of Polk asked and received unanimous consent to withdraw amendment H-8627 filed by him on March 24, 1998.

Witt of Black Hawk offered the following amendment H-8575 filed by him and moved its adoption:

H-8575

- 1 Amend House File 2533 as follows:
- 2 1. Page 4, line 12, by striking the figure
- 3 "711,757" and inserting the following: "1,000,000".

Amendment H-8575 lost.

Mascher of Johnson offered the following amendment H-8716 filed by her and moved its adoption:

H-8716

- 1 Amend House File 2533 as follows:
- 2 1. Page 5, line 30, by striking the figure
- 3 "4,458,972" and inserting the following: "6,458,972".

Amendment H-8716 lost.

Grundberg of Polk asked and received unanimous consent to withdraw amendment H-8658 filed by her on March 24, 1998, placing amendment H-8698 filed by Grundberg of Polk on March 25, 1998, out of order.

Mascher of Johnson offered the following amendment H-8661 filed by her and moved its adoption:

H-8661

- 1 Amend House File 2533 as follows:
- 2 1. Page 7, line 26, by striking the figure
- 3 "2,937,098" and inserting the following: "3,254,098".
- 4 2. Page 7, by inserting after line 27 the
- 5 following:
- 6 "From the funds appropriated in this subsection,
- 7 \$437,000 shall be used in addition to the amounts
- 8 budgeted by the division of libraries and information
- 9 services for the fiscal year beginning July 1, 1998,
- 10 and ending June 30, 1999, to fully fund the open
- 11 access program, access plus program, and the state of
- 12 Iowa libraries online (SILO) program."

Roll call was requested by Mascher of Johnson and Wise of Lee.

Rule 75 was invoked.

On the question "Shall amendment H-8661 be adopted?" (H.F. 2533)

The ayes were, 46:

Arnold	Bell	Bernau	Brand
Bukta	Burnett	Cataldo	Chapman
Chiodo	Cohon	Connors	Doderer
Dotzler	Drees	Falck	Fallon
Foege	Ford	Frevert	Holveck
Huser	Jochum	Kinzer	Koenigs
Kreiman	Larkin	Mascher	May
Mertz	Moreland	Mundie	Murphy
Myers	Osterhaus	Reynolds-Knight	Richardson
Scherrman	Schrader	Shoultz	Taylor
Thomas	Warnstadt	Weigel	Whitead
Wise	Witt		

The nays were, 50:

Barry	Blodgett	Boddicker	Bogges
Bradley	Brauns	Brunkhorst	Carroll
Churchill	Corbett, Spkr.	Cormack	Dix
Dolecheck	Drake	Eddie	Garman
Gipp	Greig	Greiner	Gries
Grundberg	Hahn	Hansen	Heaton
Holmes	Houser	Huseman	Jacobs
Jenkins	Klemme	Kremer	Larson
Lord	Martin	Metcalf	Meyer
Millage	Rayhons	Siegrist	Sukup
Teig	Thomson	Tyrrell	Van Fossen
Van Maanen	Vande Hoef	Veenstra	Weidman
Welter	Rants, Presiding		

Absent or not voting, 4:

Dinkla	Lamberti	Nelson	O'Brien
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Amendment H-8661 lost.

Grundberg of Polk asked and received unanimous consent to withdraw amendment H-8676 filed by her on March 25, 1998.

Grundberg of Polk offered amendment H-8728 filed by her. Division was requested as follows:

H-8728

1 Amend House File 2533 as follows:

H-8728A

- 2 1. Page 7, line 26, by striking the figure
- 3 "2,937,098" and inserting the following: "3,172,098".
- 4 2. Page 7, line 30, by striking the figure
- 5 "50,000" and inserting the following: "285,000".
- 6 3. Page 9, by striking line 26, and inserting the
- 7 following:
- 8 "If legislation providing for the creation of an
- 9 Iowa empowerment board, an Iowa empowerment fund, and
- 10 for the appropriation of moneys to be administered by
- 11 a community empowerment area, is enacted by the
- 12 Seventy-seventh General Assembly, 1998 Session, funds
- 13 shall not be".

H-8728B

- 14 4. By striking page 9, line 29 through page 10,
- 15 line 1.

H-8728A

- 16 5. Page 10, by striking lines 17 through 23.
- 17 6. Page 12, line 5, by striking the words
- 18 "conduct an audit" and inserting the following:
- 19 "require that audits of public school districts,
- 20 conducted in accordance with section 11.6, include an
- 21 examination and reporting".
- 22 7. Page 12, line 9, by inserting after the word
- 23 "districts." the following: "The auditor of state
- 24 shall compile information included in the individual
- 25 audit reports for submission by January 15, 2000, to
- 26 the general assembly."
- 27 8. Page 26, by striking lines 29 through 34 and
- 28 inserting the following: "to the department of
- 29 education for allocation to assist school districts in
- 30 developing reading recovery programs. From the moneys
- 31 allocated in this subsection, \$100,000 shall be
- 32 distributed to the reading recovery center, and the
- 33 remaining balance shall be distributed to the area
- 34 education agencies in the proportion that the number
- 35 of children who are eligible for free or reduced price
- 36 meals under the federal National School Lunch Act and
- 37 the federal Child Nutrition Act of 1966, 42 U.S.C. §
- 38 1751-1785, in the basic enrollment of grades one
- 39 through six in the area served by an agency, bears to
- 40 the sum of the number of children who are eligible for
- 41 free or reduced price meals under the federal National
- 42 School Lunch Act and the federal Child Nutrition Act
- 43 of 1966, 42 U.S.C. § 1751-1785, in the basic
- 44 enrollments of grades one through six in all of the
- 45 areas served by area education agencies in the state
- 46 for the budget year."

- 47 9. Page 30, line 25, by striking the word  
48 "subsection" and inserting the following:  
49 "subsections".  
50 10. Page 30, by inserting after line 25 the

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- 1 following:  
2 "NEW SUBSECTION. 10A. For the fiscal year  
3 beginning July 1, 1998, and ending June 30, 1999, the  
4 amount of thirty-five thousand dollars from phase III  
5 moneys to the department of education for allocation  
6 to the Sioux City community school district for  
7 purposes of developing and implementing a listening  
8 curriculum."  
9 11. Page 34, by inserting after line 10 the  
10 following:  
11 "Sec. \_\_\_\_ CONTINGENT APPROPRIATION. In the event  
12 the funds transferred in accordance with section  
13 257B.1A are not received by the department of  
14 education in the fiscal year beginning July 1, 1998,  
15 and ending June 30, 1999, for allocation to assist  
16 school districts in developing reading recovery  
17 programs, in addition to the allocations provided for  
18 in section 294A.25, there is allocated to the  
19 department of education for the fiscal year beginning  
20 July 1, 1998, and ending June 30, 1999, from phase III  
21 moneys, \$200,000, or so much thereof as is necessary,  
22 for allocation to assist school districts in  
23 developing reading recovery programs. From the moneys  
24 allocated in this section, \$100,000 shall be  
25 distributed to the reading recovery center, and the  
26 remaining balance shall be distributed to the area  
27 education agencies in the proportion that the number  
28 of children who are eligible for free or reduced price  
29 meals under the federal National School Lunch Act and  
30 the federal Child Nutrition Act of 1966, 42 U.S.C. §  
31 1751-1785, in the basic enrollment of grades one  
32 through six in the area served by an agency, bears to  
33 the sum of the number of children who are eligible for  
34 free or reduced price meals under the federal National  
35 School Lunch Act and the federal Child Nutrition Act  
36 of 1966, 42 U.S.C. § 1751-1785, in the basic  
37 enrollments of grades one through six in all of the  
38 areas served by area education agencies in the state  
39 for the budget year."  
40 12. By renumbering as necessary.

Grundberg of Polk moved the adoption of amendment H-8728A.

Amendment H-8728A was adopted, placing amendment H-8643  
filed by Scherrman, et al., on March 24, 1998, out of order.

Grundberg of Polk moved the adoption of amendment H-8728B.

Roll call was requested by Mascher of Johnson and Wise of Lee.

On the question "Shall amendment H-8728B be adopted?" (H.F. 2533)

The ayes were, 51:

Barry	Blodgett	Boddicker	Bogges
Bradley	Brauns	Brunkhorst	Carroll
Churchill	Corbett, Spkr.	Cormack	Dix
Dolecheck	Drake	Eddie	Garman
Gipp	Greig	Greiner	Gries
Grundberg	Hahn	Hansen	Heaton
Holmes	Houser	Huseman	Jacobs
Jenkins	Klemme	Kremer	Lamberti
Larson	Lord	Martin	Metcalf
Meyer	Millage	Rayhons	Siegrist
Sukup	Teig	Thomson	Tyrrell
Van Fossen	Van Maanen	Vande Hoef	Veenstra
Weidman	Welter	Rants, Presiding	

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	Osterhaus	Reynolds-Knight	Richardson
Scherrman	Schrader	Shultz	Taylor
Thomas	Warnstadt	Weigel	Whitead
Wise	Witt		

Absent or not voting, 3:

Dinkla	Nelson	O'Brien
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Amendment H-8728B was adopted, placing amendment H-8664 filed by Mascher of Johnson on March 24, 1998, out of order.

Witt of Black Hawk asked and received unanimous consent to withdraw amendment H-8571 filed by him on March 23, 1998.

Mascher of Johnson offered amendment H-8577 filed by her. Division was requested as follows:

H-8577

1 Amend House File 2533 as follows:

H-8577A

2 1. Page 10, by striking lines 17 through 23.

H-8577B

3 2. Page 12, by striking lines 17 through 19 and  
4 inserting the following: "fiscal year 1998-1999.  
5 Priority for training shall be given to teachers  
6 employed by school districts and accredited nonpublic  
7 schools in Iowa. The department shall make every  
8 reasonable effort to".

H-8577A

9 3. Page 30, line 25, by striking the word  
10 "subsection" and inserting the following:  
11 "subsections".  
12 4. Page 30, by inserting after line 25 the  
13 following:  
14 "NEW SUBSECTION. 10A. For the fiscal year  
15 beginning July 1, 1998, and ending June 30, 1999, the  
16 amount of thirty-five thousand dollars from phase III  
17 moneys to the department of education for allocation  
18 to the Sioux City community school district for  
19 purposes of developing and implementing a listening  
20 curriculum."  
21 5. By renumbering, relettering, and redesignating  
22 as necessary.

Mascher of Johnson asked and received unanimous consent to with-  
draw amendment H-8577A.

Shoultz of Black Hawk offered amendment H-8727 filed by him as  
follows:

H-8727

1 Amend House File 2533 as follows:  
2 1. Page 10, line 25, by inserting before the word  
3 "For" the following: "a."  
4 2. Page 11, by inserting after line 12 the  
5 following:  
6 "b. For community colleges with limited English  
7 proficient student instruction program costs that the  
8 department of education determines are high relative  
9 to instruction program costs for other limited English  
10 proficient student instruction programs in the state:  
11 ..... \$ 1,000,000



12 A community college with a limited English  
13 proficient student instruction program may submit an  
14 application to the department of education, on a form  
15 developed by the department, for assistance pursuant  
16 to this paragraph by November 1 of the school year in  
17 which the community college seeks assistance. In  
18 distributing funds, the department shall consider the  
19 size, diversity, and enrollment trends of the school  
20 district, the relative economic wealth and property  
21 tax base of the community college district in  
22 comparison to other applying community college  
23 districts, and the efforts the community college has  
24 undertaken to develop and monitor limited English  
25 proficient student assimilation into the community  
26 college population. Preference shall be given to  
27 community colleges that have a limited English  
28 proficient student enrollment within the upper twenty-  
29 five percent of all limited English proficient student  
30 instruction program enrollments in the state's  
31 community colleges, as determined by the department of  
32 education.

33 Assistance payments shall be made to community  
34 colleges in accordance with this paragraph beginning  
35 with a December 15 payment. Funds shall be expended  
36 solely for purposes related to limited English  
37 proficient student program instruction.  
38 Notwithstanding section 8.33, the moneys appropriated  
39 in this paragraph that remain unencumbered and  
40 unobligated at the close of the fiscal year shall not  
41 revert to the general fund but shall remain available  
42 for expenditure for the purposes designated during the  
43 succeeding fiscal year."

44 3. Page 29, by inserting after line 12 the  
45 following:

46 "Sec. \_\_\_\_ Section 280.4, Code 1997, is amended by  
47 adding the following new subsection:

48 NEW SUBSECTION. 4. a. There is appropriated  
49 annually from the general fund of the state to the  
50 school budget review committee the sum of one million

Page 2

1 dollars, or so much thereof as is necessary, to be  
2 awarded by the committee to school districts with  
3 limited English proficient student instruction program  
4 costs which, in the judgment of the committee, are  
5 high relative to instruction program costs for other  
6 limited English proficient student instruction  
7 programs in the state. Amounts awarded shall be in  
8 addition to any supplemental aid or modified allowable  
9 growth provided to a school district pursuant to  
10 subsection 3.

11 b. A school district with a limited English

12 proficient student instruction program may submit an  
13 application, on a form developed by the department of  
14 education, for assistance pursuant to this subsection  
15 to the school budget review committee by November 1 of  
16 the school year in which the school district seeks  
17 assistance. In making awards, the committee shall  
18 consider the size, diversity, and enrollment trends of  
19 the school district, the relative economic wealth and  
20 property tax base of the school district in comparison  
21 to other applying school districts, and the efforts  
22 the school district has undertaken to develop and  
23 monitor limited English proficient student  
24 assimilation into the school district population.  
25 Preference shall be given to school districts which  
26 have previously received or are currently receiving  
27 supplemental aid or modified allowable growth from the  
28 committee for a limited English proficient student  
29 instruction program pursuant to subsection 3 and which  
30 have a limited English proficient student enrollment  
31 within the upper twenty-five percent of all limited  
32 English proficient student instruction program  
33 enrollments in the state, as determined by the  
34 department of management.

35 c. Assistance payments shall be made to school  
36 districts receiving an award in the manner provided in  
37 section 257.16, beginning with a December 15 payment,  
38 with the exception that funds shall be expended solely  
39 for purposes related to limited English proficient  
40 student program instruction. Notwithstanding section  
41 8.33, the moneys appropriated in subsection 1 that  
42 remain unencumbered and unobligated at the close of  
43 the fiscal year shall not revert to the general fund  
44 but shall remain available for expenditure for the  
45 purposes designated during the succeeding fiscal  
46 year."

47 4. By renumbering as necessary.

Shultz of Black Hawk offered the following amendment H-8732,  
to amendment H-8727, filed by him and moved its adoption:

H-8732

1 Amend the amendment, H-8727, to House File 2533 as  
2 follows:

3 1. Page 1, line 20, by inserting after the word  
4 "district," the following: "the number of students  
5 served in the limited English proficient student  
6 instruction program at the community college,".

7 2. Page 1, by striking lines 26 through 32 and  
8 inserting the following: "college population."

9 3. Page 2, line 19, by inserting after the word  
10 "district," the following: "the number of students  
11 served in the limited English proficient student

- 12 instruction program by the school district.”  
 13 4. Page 2, by striking lines 25 through 34.

Amendment H-8732 was adopted.

Division of amendment H-8727 was requested as follows:

Division A – Page 1, lines 2 through 43.

Division B – Page 1, lines 44 through 50; all of page 2.

Shoultz of Black Hawk moved the adoption of amendment H-8727A, as amended.

Roll call was requested by Shoultz of Black Hawk and Myers of Johnson.

On the question “Shall amendment H-8727A, as amended, be adopted?” (H.F. 2533)

The ayes were, 43:

Bell	Bernau	Brand	Bukta
Burnett	Cataldo	Chiodo	Cohoon
Connors	Dotzler	Drees	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, 51:

Arnold	Barry	Blodgett	Boddicker
Boguess	Bradley	Brauns	Brunkhorst
Carroll	Churchill	Corbett, Spkr.	Cormack
Dix	Dolecheck	Drake	Eddie
Garman	Gipp	Greig	Greiner
Gries	Grundberg	Hahn	Hansen
Heaton	Holmes	Houser	Huseman
Jacobs	Klemme	Kremer	Lamberti
Larson	Lord	Martin	Metcalf
Meyer	Millage	Rayhons	Siegrist
Sukup	Teig	Thomson	Tyrrell
Van Fossen	Van Maanen	Vande Hoef	Veenstra
Weidman	Welter	Rants, Presiding	

Absent or not voting, 6:

Chapman  
Nelson

Dinkla  
O'Brien

Doderer

Jenkins

Amendment H-8727A lost.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Dinkla of Guthrie, until his arrival, on request of Speaker Corbett.

Frevert of Palo Alto offered the following amendment H-8629 filed by Frevert, et al., and moved its adoption:

H-8629

- 1 Amend House File 2533 as follows:
- 2 1. By striking page 10, line 30, through page 11,
- 3 line 12, and inserting the following:
- 4 " ..... \$ 137,566,337
- 5 The funds appropriated in this subsection shall be
- 6 allocated as follows:
- 7 a. Merged Area I ..... \$ 6,601,368
- 8 b. Merged Area II ..... \$ 7,746,097
- 9 c. Merged Area III ..... \$ 7,256,677
- 10 d. Merged Area IV ..... \$ 3,539,471
- 11 e. Merged Area V ..... \$ 7,390,746
- 12 f. Merged Area VI ..... \$ 6,881,443
- 13 g. Merged Area VII ..... \$ 9,854,527
- 14 h. Merged Area IX ..... \$ 12,086,845
- 15 i. Merged Area X ..... \$ 18,884,153
- 16 j. Merged Area XI ..... \$ 20,124,470
- 17 k. Merged Area XII ..... \$ 7,938,929
- 18 l. Merged Area XIII ..... \$ 8,144,630
- 19 m. Merged Area XIV ..... \$ 3,590,602
- 20 n. Merged Area XV ..... \$ 11,240,113
- 21 o. Merged Area XVI ..... \$ 6,286,266"

Speaker Corbett in the chair at 2:55 p.m.

Roll call was requested by Mascher of Johnson and Grundberg of Polk.

Rule 75 was invoked.

On the question "Shall amendment H-8629 be adopted?" (H.F. 2533)

The ayes were, 45:

Bell  
Burnett

Bernau  
Cataldo

Brand  
Chapman

Bukta  
Chiodo

Cohoon	Connors	Doderer	Dotzler
Drees	Falck	Fallon	Foege
Ford	Frevort	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, 52:

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	Metcalf
Meyer	Millage	Rants	Rayhons
Siegrist	Sukup	Teig	Thomson
Tyrrell	Van Fossen	Van Maanen	Vande Hoef
Veenstra	Weidman	Welter	Mr. Speaker Corbett

Absent or not voting, 3:

Dinkla                      Nelson                      O'Brien

Amendment H-8629 lost.

Mascher of Johnson moved the adoption of amendment H-8577B.

Amendment H-8577B was adopted.

Witt of Black Hawk offered the following amendment H-8576 filed by him and moved its adoption:

H-8576

- 1 Amend House File 2533 as follows:
- 2 1. Page 14, line 15, by inserting after the word
- 3 "enacted," the following: "and upon the request of a
- 4 public radio broadcaster".
- 5 2. Page 14, by striking lines 17 and 18 and
- 6 inserting the following: "tower space availability
- 7 and related cost efficiencies for broadcast antennas
- 8 and associated equipment for the transmission of
- 9 public radio station broadcasts."

Amendment H-8576 was adopted.

Frevert of Palo Alto asked and received unanimous consent that amendment H-8631 be deferred.

Millage of Scott offered the following amendment H-8363 filed by him and moved its adoption:

H-8363

- 1 Amend House File 2533 as follows:
- 2 1. Page 14, line 29, by striking the figure
- 3 "1,177,174" and inserting the following: "1,188,254".
- 4 2. Page 20, by striking lines 28 through 30.

Amendment H-8363 was adopted.

Mascher of Johnson offered the following amendment H-8420 filed by her and moved its adoption:

H-8420

- 1 Amend House File 2533 as follows:
- 2 1. Page 19, by inserting after line 25 the
- 3 following:
- 4 "\_\_\_ HEALTH AND INDEPENDENCE OF ELDERLY IOWANS
- 5 INITIATIVE
- 6 For an initiative for the health and independence
- 7 of elderly Iowans in the Iowa center on aging:
- 8 ..... \$ 336,000"
- 9 2. By renumbering as necessary.

Amendment H-8420 lost.

Brunkhorst of Bremer offered the following amendment H-8358 filed by him and moved its adoption:

H-8358

- 1 Amend House File 2533 as follows:
- 2 1. Page 24, by striking line 35 and inserting the
- 3 following: "regents institutions, including but not
- 4 limited to the southwest Iowa graduate studies center,
- 5 the tristate graduate center, and the quad cities
- 6 graduate studies center; the tuition revenues from
- 7 each program;"
- 8 2. By renumbering, relettering, and redesignating
- 9 as necessary.

Amendment H-8358 was adopted.

Frevert of Palo Alto offered the following amendment H-8628 filed by her and moved its adoption:

H-8628

- 1 Amend House File 2533 as follows:
- 2 1. Page 26, by striking lines 4 and 5.
- 3 2. By striking page 26, line 17, through page 27,
- 4 line 3.
- 5 3. By striking page 27, line 32, through page 28,
- 6 line 11.
- 7 4. Page 29, by striking lines 5 through 12.
- 8 5. Page 33, by striking lines 18 through 26 and
- 9 inserting the following:
- 10 "Sec. \_\_\_\_ Chapter 303C, Code 1997, is repealed."
- 11 6. By renumbering, relettering, and redesignating
- 12 as necessary.

Roll call was requested by Wise of Lee and Grundberg of Polk.

On the question "Shall amendment H-8628 be adopted?" (H.F. 2533)

The ayes were, 45:

Bell	Bernau	Brand	Bukta
Burnett	Cataldo	Chapman	Cohoon
Connors	Doderer	Dotzler	Drees
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	Welter	Whitead	Wise
Witt			

The nays were, 51:

Arnold	Barry	Blodgett	Boddicker
Boggess	Bradley	Brauns	Brunkhorst
Carroll	Churchill	Cormack	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 Fossen	Van Maanen	Vande Hoef
Veenstra	Weidman	Mr. Speaker	
		Corbett	

Absent or not voting, 4:

Chiodo	Dinkla	Greiner	O'Brien
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Amendment H-8628 lost.

Mascher of Johnson offered amendment H-8569 filed by her as follows:

H-8569

1 Amend House File 2533 as follows:

2 1. Page 26, by inserting after line 5 the  
3 following:

4 "Sec. \_\_\_\_ Section 256.11, Code 1997, is amended  
5 by adding the following new subsection:

6 NEW SUBSECTION. 9. Unless a waiver has been  
7 obtained under section 256.11A, each school or school  
8 district shall have the following:

9 a. A media center in each attendance center which  
10 shall be accessible to students throughout the school  
11 day.

12 b. A qualified school media specialist who shall  
13 meet the licensing standards prescribed by the board  
14 of educational examiners and shall be responsible for  
15 supervision of the media centers.

16 c. An articulated sequential elementary-secondary  
17 guidance program for grades kindergarten through  
18 twelve. The guidance counselor shall meet the  
19 licensing standards prescribed by the board of  
20 educational examiners.

21 In determining the requirements of this subsection  
22 for nonpublic schools, the department shall evaluate  
23 the schools on a school system basis rather than on an  
24 individual school basis.

25 Sec. \_\_\_\_ Section 256.11A, subsections 1 and 2,  
26 Code 1997, are amended to read as follows:

27 1. Schools and school districts ~~unable to meet the~~  
28 ~~standard adopted by the state board requiring each~~  
29 ~~school or school district operating a kindergarten~~  
30 ~~through grade twelve program to provide an articulated~~  
31 ~~sequential elementary-secondary guidance program~~ may,  
32 not later than August 1, ~~1995~~ 1998, for the school  
33 year beginning July 1, ~~1995~~ 1998, file a written  
34 request to the department of education that the  
35 department waive the requirement, ~~for established in~~  
36 section 256.11, subsection 9, that a school or school  
37 district operating a kindergarten through grade twelve  
38 program, provide an articulated sequential elementary-  
39 secondary guidance program. The procedures specified  
40 in subsection 3 apply to the request. Not later than  
41 August 1, ~~1996~~ 1999, for the school year beginning  
42 July 1, ~~1996~~ 1999, the board of directors of a school  
43 district or the authorities in charge of a nonpublic  
44 school may request a one-year extension of the waiver.  
45 2. Not later than August 1, ~~1995~~ 1998, for the



46 school year beginning July 1, ~~1995~~ 1998, the board of  
 47 directors of a school district, or authorities in  
 48 charge of a nonpublic school, may file a written  
 49 request with the department of education that the  
 50 department waive the ~~rule adopted by the state board~~

Page 2

1 ~~to establish and operate~~ requirement for a media  
 2 services specialist and a media services program to  
 3 ~~support the total curriculum for that district or~~  
 4 ~~school center, established under section 256.11,~~  
 5 subsection 9, paragraphs "a" and "b". The procedures  
 6 specified in subsection 3 apply to the request. Not  
 7 later than August 1, ~~1996~~ 1999, for the school year  
 8 beginning July 1, ~~1996~~ 1999, the board of directors of  
 9 a school district or the authorities in charge of a  
 10 nonpublic school may request an additional one-year  
 11 extension of the waiver."  
 12 2. By renumbering, relettering, and redesignating  
 13 as necessary.

Grundberg of Polk rose on a point of order that amendment H-8569 was not germane.

The Speaker ruled the point well taken and amendment H-8569 not germane.

Scherrman of Dubuque offered the following amendment H-8611 filed by him and Holveck of Polk and moved its adoption:

H-8611

1 Amend House File 2533 as follows:  
 2 1. Page 26, by inserting after line 16 the  
 3 following:  
 4 "Sec. NEW SECTION. 256.57 ENRICH IOWA  
 5 PROGRAM - INTENT - FUNDING.  
 6 1. The general assembly finds and declares that  
 7 the public library is at the heart of each community,  
 8 an integral component in this state's education  
 9 system, and an invaluable source of wisdom and  
 10 knowledge for this state's lifelong learners. It is  
 11 therefore in the interest of the citizens of Iowa that  
 12 a comprehensive initiative be undertaken to reduce  
 13 inequities in library services throughout the state  
 14 and provide public libraries with the funds necessary  
 15 to meet the present and future needs of this state's  
 16 citizens.  
 17 2. There is appropriated from the general fund of  
 18 the state to the department of education for each  
 19 fiscal year the sum of three million dollars, which

20 shall be allocated to the division of libraries and  
21 information services for the following purposes and in  
22 the following amounts:

23 a. Of the funds allocated each year, the division  
24 shall distribute one million eight hundred thousand  
25 dollars to eligible public libraries that comply with  
26 the standards set forth in the in service to Iowa:  
27 public library measures of quality publication adopted  
28 by the commission of libraries. The amount  
29 distributed to each eligible public library shall be  
30 based upon the following:

31 (1) The level at which the eligible public library  
32 complies with the in service to Iowa publication  
33 adopted by the commission of libraries.

34 (2) The number of people residing within an  
35 eligible library's geographic area and for whom the  
36 library was established.

37 (3) The amount of funding the eligible public  
38 library received in the previous fiscal year for  
39 service to rural residents and to contracting  
40 communities.

41 Moneys received by a public library under this  
42 paragraph shall supplement, not supplant, local  
43 funding.

44 b. For purposes of technology development,  
45 coordination of technology, and resource sharing by  
46 the state and regional libraries, resulting in  
47 equitable access to library resources, the sum of six  
48 hundred fifty thousand dollars to be used by the  
49 division of libraries and information services.

50 Moneys allocated under this subsection shall also be

Page 2

1 used to extend the availability of statewide on-line  
2 databases using the Internet and information  
3 resources. Moneys allocated to the division in this  
4 paragraph may be distributed to regional libraries.

5 c. For purposes of establishing a grant program  
6 administered by the division, the sum of four hundred  
7 fifty thousand dollars. The division shall award  
8 grants on a competitive basis to eligible public  
9 libraries that submit to the division plans for  
10 innovative technologies and services, cooperative  
11 alliances between libraries, or for physical library  
12 facilities enhancement. An application submitted  
13 shall also contain a commitment of at least a dollar-  
14 for-dollar match of the grant assistance. The  
15 division shall appoint an advisory committee for  
16 purposes of recommending priorities and criteria for  
17 the awarding of grants under this paragraph. The  
18 advisory committee shall submit its report and  
19 recommendations annually to the state librarian and

20 the commission of libraries by August 15.

21 d. For purposes of administering the enrich Iowa  
22 program, and assisting eligible public libraries to  
23 obtain funding under the program, the sum of one  
24 hundred thousand dollars.

25 3. For purposes of this section, "eligible public  
26 library" means a public library that meets at least  
27 all of the following requirements:

28 a. Submits to the division of libraries and  
29 information services all of the following:

30 (1) The report provided for under section 256.51,  
31 subsection 1, paragraph "h".

32 (2) An application and report form for  
33 accreditation that provides evidence of the library's  
34 compliance with at least one level of the standards  
35 established in accordance with section 256.51,  
36 subsection 1, paragraph "k".

37 (3) Any other application or report the division  
38 deems necessary for the implementation of this  
39 program.

40 b. Participates in the library resource and  
41 information sharing programs established by the state  
42 library.

43 4. By January 15 of each year, the division shall  
44 submit a program evaluation report to the general  
45 assembly and the governor detailing the uses and the  
46 impacts of funds appropriated under this section.

47 5. Notwithstanding section 8.33, unencumbered or  
48 unobligated funds remaining on June 30 of the fiscal  
49 year for which the funds were appropriated shall not  
50 revert but shall be available for expenditure for the

### Page 3

1 following fiscal year for purposes of this section."

Roll call was requested by Scherrman of Dubuque and Brunkhorst  
of Bremer.

Rule 75 was invoked.

On the question "Shall amendment H-8611 be adopted?" (H.F. 2533)

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

Osterhaus	Reynolds-Knight	Richardson	Scherrman
Schrader	Shoultz	Taylor	Thomas
Warnstadt	Weigel	Whitead	Wise
Witt			

The nays were, 53:

Arnold	Barry	Blodgett	Boddicker
Bogges	Bradley	Brauns	Brunkhorst
Carroll	Churchill	Cormack	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, 2:

Dinkla                      O'Brien

Amendment H-8611 lost.

Frevert of Palo Alto offered the following amendment H-8626 filed by her and moved its adoption:

H-8626

- 1 Amend House File 2533 as follows:
- 2 1. Page 26, by inserting after line 16 the
- 3 following:
- 4 "Sec. \_\_\_\_ NEW SECTION. 256.57 STATE EMPLOYEES.
- 5 Personnel employed by a regional library shall be
- 6 considered state employees."

Amendment H-8626 lost.

Heaton of Henry asked and received unanimous consent that amendment H-8776 be deferred.

Brunkhorst of Bremer asked and received unanimous consent to withdraw amendment H-8701 filed by him and Thomson of Linn on March 25, 1998, placing amendment H-8784 filed by Wise of Lee and Moreland of Wapello from the floor out of order.

Gipp of Winneshiek offered the following amendment H-8707 filed by him and moved its adoption:

H-8707

1 Amend House File 2533 as follows:

2 1. Page 27, by inserting after line 3 the  
3 following:

4 "Sec. \_\_\_\_ Section 260C.28, subsection 3, Code  
5 1997, is amended to read as follows:

6 3. If the board of directors wishes to certify for  
7 a levy under subsection 2, the board shall direct the  
8 county commissioner of elections to call an election  
9 to submit the question of such authorization for the  
10 board at a regular or special election. If a majority  
11 of those voting on the question at the election favors  
12 authorization of the board to make such a levy, the  
13 board may certify for a levy as provided under  
14 subsection 2 during each of the ten years following  
15 the election. If a majority of those voting on the  
16 question at the election does not favor authorization  
17 of the board to make a levy under subsection 2, the  
18 board shall not submit the question to the voters  
19 again until ~~twelve months~~ three hundred fifty-five  
20 days have ~~lapsed~~ elapsed from the election."

21 2. By renumbering as necessary.

Amendment H-8707 was adopted.

Grundberg of Polk offered the following amendment H-8546 filed  
by her and Frevert of Palo Alto and moved its adoption:

H-8546

1 Amend House File 2533 as follows:

2 1. Page 27, by inserting after line 22 the  
3 following:

4 "Sec. \_\_\_\_ Section 261.17, Code Supplement 1997,  
5 is amended by adding the following new subsection:

6 NEW SUBSECTION. 1A. All classes, including  
7 liberal arts classes, identified by the community  
8 college as required for completion of the student's  
9 vocational-technical or career option program shall be  
10 considered a part of the student's vocational-  
11 technical or career option program for the purpose of  
12 determining the student's eligibility for a grant.  
13 Notwithstanding subsection 2, if a student is making  
14 satisfactory academic progress but the student cannot  
15 complete a vocational-technical or career option  
16 program in the time frame allowed for a student to  
17 receive a vocational-technical tuition grant as  
18 provided in subsection 2 because additional classes  
19 are required to complete the program, the student may  
20 continue to receive a vocational-technical tuition  
21 grant for not more than one additional enrollment  
22 period."

- 23 2. By renumbering, relettering, and redesignating  
24 as necessary.

Amendment H-8546 was adopted.

Warnstadt of Woodbury asked and received unanimous consent to withdraw amendment H-8644 filed by him on March 24, 1998.

The House resumed consideration of amendment H-8727B.

Grundberg of Polk rose on a point of order that amendment H-8727B was not germane.

The Speaker ruled the point well taken and amendment H-8727B not germane.

Shoultz of Black Hawk asked for unanimous consent to suspend the rules to consider amendment H-8727B.

Objection was raised.

Shoultz of Black Hawk moved to suspend the rules to consider amendment H-8727B.

A non-record roll call was requested.

The ayes were 40, nays 51.

The motion to suspend the rules lost.

Heaton of Henry offered the following amendment H-8364 filed by him and Wise of Lee and moved its adoption:

H-8364

- 1 Amend House File 2533 as follows:  
2 1. Page 30, by inserting after line 23 the  
3 following:  
4 "Sec. \_\_\_\_ Section 294A.25, subsection 11, Code  
5 Supplement 1997, is amended to read as follows:  
6 11. For the fiscal year beginning July 1, ~~1997~~  
7 1998, and ending June 30, ~~1998~~ 1999, to the department  
8 of education from phase III moneys the amount of one  
9 million two hundred fifty thousand dollars for support  
10 for the operations of the new Iowa schools development  
11 corporation and for school transformation design and  
12 implementation projects administered by the  
13 corporation. Of the amount provided in this  
14 subsection, one hundred fifty thousand dollars shall  
15 be used for the school and community planning  
16 initiative."  
17 2. By renumbering, relettering, and redesignating  
18 as necessary.

Roll call was requested by Wise of Lee and Mascher of Johnson.

On the question "Shall amendment H-8364 be adopted?" (H.F. 2533)

The ayes were, 55:

Bell	Bernau	Boggess	Bradley
Brand	Bukta	Burnett	Carroll
Cataldo	Chapman	Chiodo	Cohoon
Connors	Cormack	Doderer	Dolecheck
Dotzler	Drees	Eddie	Falck
Fallon	Foege	Ford	Frevert
Gries	Hahn	Heaton	Holveck
Huser	Jochum	Kinzer	Koenigs
Kreiman	Kremer	Larkin	Martin
Mascher	May	Mertz	Mundie
Murphy	Myers	Nelson	Osterhaus
Rants	Reynolds-Knight	Richardson	Scherrman
Schrader	Shoultz	Taylor	Warnstadt
Whitead	Wise	Witt	

The nays were, 39:

Arnold	Barry	Boddicker	Brunkhorst
Churchill	Dinkla	Dix	Drake
Garman	Gipp	Greig	Grundberg
Hansen	Holmes	Houser	Huseman
Jacobs	Jenkins	Klemme	Lamberti
Larson	Lord	Metcalf	Meyer
Millage	Moreland	Rayhons	Siegrist
Sukup	Thomas	Thomson	Tyrrell
Van Fossen	Van Maanen	Vande Hoef	Veenstra
Weidman	Welter	Mr. Speaker	
		Corbett	

Absent or not voting, 6:

Blodgett	Brauns	Greiner	O'Brien
Teig	Weigel		

Amendment H-8364 was adopted.

Falck of Fayette offered amendment H-8573 filed by him as follows:

H-8573

1 Amend House File 2533 as follows:

2 1. Page 30, by inserting after line 30 the  
3 following:

4 "Sec. \_\_\_\_ Section 295.2, subsection 1, paragraph  
5 c, Code Supplement 1997, is amended to read as  
6 follows:

7 c. There is appropriated from the general fund of  
8 the state to the department of education for each the  
9 ~~fiscal year of the fiscal period~~ beginning July 1,  
10 1997, and ~~ending June 30, 2001~~ for each succeeding  
11 fiscal year, the sum of thirty million dollars for the  
12 school improvement technology program."

13 2. Page 33, by inserting before line 18 the  
14 following:

15 "Sec. \_\_\_\_ Section 295.5, Code 1997, is repealed."

16 3. By renumbering as necessary.

Grundberg of Polk rose on a point of order that amendment H-8573 was not germane.

The Speaker ruled the point well taken and amendment H-8573 not germane.

Falck of Fayette asked and received unanimous consent to withdraw amendment H-8574 filed by him on March 23, 1998.

Meyer of Sac offered amendment H-8494 filed by him as follows:

H-8494

1 Amend House File 2533 as follows:

2 1. Page 33, by striking lines 28 through 31 and  
3 inserting the following: "state shall analyze area  
4 education agency finances and operations for the 1996-  
5 1997 fiscal year. In conducting the analysis, the  
6 auditor of state shall utilize reports on audits of  
7 area education agencies conducted in accordance with  
8 section 11.6, information available from the  
9 department of education, the department of management,  
10 the area education agencies, and from any other source  
11 necessary. The auditor of state shall have access to  
12 all records of the area education agencies.

13 The analysis shall include, but shall not be  
14 limited to, major areas of".

15 2. Page 34, by striking lines 3 through 8 and  
16 inserting the following: "staffing levels, number of  
17 students served, purchase or lease of equipment and  
18 facilities, and funding from local school districts.  
19 The auditor of state shall bill the area education  
20 agencies for the costs of the analysis, determined  
21 according to the proportional enrollment served by  
22 each area education agency for the 1996-1997 fiscal  
23 year, and the area education agencies shall pay the  
24 amount billed from state assistance provided to the  
25 area education agencies for the fiscal year beginning  
26 July 1, 1998. The results of the analysis,".

27 3. Page 34, line 10, by inserting after the  
28 figure "1999" the following: ", and shall be utilized



29 in the comprehensive study of school finance requested  
30 in accordance with House Concurrent Resolution 15, if  
31 resolved by the Seventy-seventh General Assembly”.

Rants of Woodbury offered the following amendment H-8720, to amendment H-8494, filed by him and moved its adoption:

H-8720

- 1 Amend the amendment, H-8494, to House File 2533, as
- 2 follows:
- 3 1. Page 1, by inserting after line 1 the
- 4 following:
- 5 “\_. Page 33, line 27, by striking the word
- 6 “The” and inserting the following: “Subject to an
- 7 appropriation of sufficient funds by the general
- 8 assembly, the”.”
- 9 2. Page 1, by striking lines 19 through 26 and
- 10 inserting the following: “The results of the
- 11 analysis.””
- 12 3. By renumbering as necessary.

Amendment H-8720 lost.

Rants of Woodbury asked and received unanimous consent to withdraw amendment H-8634, to amendment H-8494, filed by Rants, et al., on March 24, 1998.

Meyer of Sac moved the adoption of amendment H-8494.

A non-record roll call was requested.

The ayes were 32, nays 47.

Amendment H-8494 lost.

Rants of Woodbury offered the following amendment H-8721 filed by him and moved its adoption:

H-8721

- 1 Amend House File 2533 as follows:
- 2 1. Page 33, by striking lines 27 through 31 and
- 3 inserting the following:
- 4 “Sec. \_\_\_\_ AUDIT OF AREA EDUCATION AGENCIES.
- 5 Subject to an appropriation of sufficient funds by the
- 6 general assembly, the auditor of state shall analyze
- 7 area education agency finances and operations for the
- 8 1996-1997 fiscal year. In conducting the analysis,
- 9 the auditor of state shall utilize reports on audits
- 10 of area education agencies conducted in accordance
- 11 with section 11.6, information available from the
- 12 department of education, the department of management,

13 the area education agencies, and from any other source  
14 necessary. The auditor of state shall have access to  
15 all records of the area education agencies.

16 The analysis shall include, but shall not be  
17 limited to, major areas of".

18 2. Page 34, by striking lines 3 through 8 and  
19 inserting the following: "staffing levels, number of  
20 students served, purchase or lease of equipment and  
21 facilities, and funding from local school districts.  
22 The results of the analysis,".

23 3. Page 34, line 10, by inserting after the  
24 figure "1999" the following: ", and shall be utilized  
25 in the comprehensive study of school finance requested  
26 in accordance with House Concurrent Resolution 15, if  
27 resolved by the Seventy-seventh General Assembly".

28 4. By renumbering as necessary.

A non-record roll call was requested.

The ayes were 44, nays 25.

Amendment H-8721 was adopted.

Weigel of Chickasaw offered amendment H-8777 filed by him and Mertz of Kossuth, Koenigs of Mitchell, Scherrman of Dubuque, Osterhaus of Jackson and Thomas of Clayton, from the floor as follows:

H-8777

1 Amend House File 2533 as follows:

2 1. Page 34, by inserting after line 10 the  
3 following:

4 "Sec. \_\_\_\_ CONTINGENT APPROPRIATION - TAXABLE  
5 VALUATION INCREASE - TRANSPORTATION ASSISTANCE AID.

6 1. For the fiscal year beginning July 1, 1998, and  
7 ending June 30, 1999, if the actual taxable valuation  
8 of real property located in this state, based upon  
9 January 1, 1997, assessments, which is used in the  
10 computation of property taxes payable in the fiscal  
11 year beginning July 1, 1998, increases from the  
12 estimate of such taxable valuation, there is  
13 appropriated from the general fund of the state to the  
14 department of education the lesser of \$4,000,000 or  
15 the amount of the reduction in state foundation aid  
16 under section 257.1 as a result of such increase in  
17 taxable valuation to be used to fund transportation  
18 assistance to school districts as provided in  
19 subsection 2.

20 2. a. Subject to an appropriation of sufficient  
21 funds by the general assembly pursuant to subsection  
22 1, the department shall pay transportation assistance  
23 aid to school districts whose average transportation  
24 costs per pupil exceed one hundred twenty-five percent

25 of the state average transportation costs per pupil  
26 determined under paragraph "b".

27 b. A district's average transportation costs per  
28 pupil shall be determined by dividing the district's  
29 actual cost for all children transported in all school  
30 buses for a school year pursuant to section 285.8, by  
31 the district's actual enrollment for the school year,  
32 as defined in section 257.6. The state average  
33 transportation costs per pupil shall be determined by  
34 dividing the total actual costs for all children  
35 transported in all districts for a school year, by the  
36 total of all districts' actual enrollments for the  
37 school year.

38 c. A school district shall annually certify its  
39 actual cost for all children transported in all school  
40 buses by July 15 after each school year on forms  
41 prescribed by the department of education.

42 d. If a school district's average transportation  
43 costs per pupil are greater than one hundred twenty-  
44 five percent of the state average transportation costs  
45 per pupil, the department of education shall pay  
46 transportation assistance aid equal to the amount of  
47 the difference multiplied by the district's actual  
48 enrollment for the school year. However, if the funds  
49 appropriated for purposes of this section are  
50 insufficient to pay transportation assistance aid as

## Page 2

1 provided in this section, the payments to school  
2 districts determined by the department of education to  
3 be eligible for transportation assistance as provided  
4 in this section shall be prorated such that each  
5 school district eligible for assistance aid under this  
6 section shall receive an amount of transportation  
7 assistance aid equal to the percentage that the  
8 transportation assistance aid to be provided to the  
9 district bears to the total amount of transportation  
10 assistance aid to be provided to all school districts  
11 determined by the department of education to be  
12 eligible for transportation assistance aid in  
13 accordance with this subsection.

14 e. Transportation assistance aid received by a  
15 school district pursuant to this section is  
16 miscellaneous income for purposes of chapter 257."

17 2. By renumbering as necessary.

Grundberg of Polk rose on a point of order that amendment H-8777 was not germane.

The Speaker ruled the point well taken and amendment H-8777 not germane.

Weigel of Chickasaw asked for unanimous consent to suspend the rules to consider amendment H-8777.

Objection was raised.

Weigel of Chickasaw moved to suspend the rules to consider amendment H-8777.

Roll call was requested by Weigel of Chickasaw and Murphy of Dubuque.

On the question "Shall the rules be suspended to consider amendment H-8777?" (H.F. 2533)

The ayes were, 46:

Bell	Bernau	Brand	Bukta
Burnett	Cataldo	Chapman	Chiodo
Cohoon	Connors	Dolecheck	Dotzler
Drees	Falck	Fallon	Foege
Ford	Frevert	Holveck	Huser
Jochum	Kinzer	Koenigs	Kreiman
Larkin	Mascher	May	Mertz
Moreland	Mundie	Murphy	Myers
Osterhaus	Rayhons	Reynolds-Knight	Richardson
Scherrman	Schrader	Shoultz	Taylor
Thomas	Warnstadt	Weigel	Whitead
Wise	Witt		

The nays were, 50:

Arnold	Barry	Blodgett	Boddicker
Bradley	Brauns	Brunkhorst	Carroll
Churchill	Cormack	Dinkla	Dix
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	Siegrist	Sukup
Teig	Thomson	Tyrrell	Van Fossen
Van Maanen	Vande Hoef	Veenstra	Weidman
Welter	Mr. Speaker		
	Corbett		

Absent or not voting, 4:

Boggess	Doderer	Greiner	O'Brien
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The motion to suspend the rules lost.

Dinkla of Guthrie offered the following amendment H-8610, filed by him and Warnstadt of Woodbury, previously deferred, and moved its adoption:

H-8610

- 1 Amend House File 2533 as follows:
- 2 1. Page 1, line 28, by striking the figure
- 3 "833,900" and inserting the following: "1,033,900".
- 4 2. Page 15, line 17, by striking the figure
- 5 "27,868,702" and inserting the following:
- 6 "27,668,702".
- 7 3. Page 25, line 33, by striking the words
- 8 "~~Notwithstanding section 8.33, funds Funds~~" and
- 9 inserting the following: "Notwithstanding section
- 10 8.33, of the funds".
- 11 4. Page 25, line 35, by striking the figure and
- 12 words "1998, shall ~~not~~" and inserting the following:
- 13 "1998, \$200,000 shall not".
- 14 5. Page 26, by striking lines 1 through 3 and
- 15 inserting the following: "fund of the state but shall
- 16 be available for expenditure for the purposes listed
- 17 in this lettered paragraph during the subsequent
- 18 fiscal year. Funds remaining unencumbered or
- 19 unobligated beyond this amount on June 30, 1998, shall
- 20 revert to the general fund of the state."

A non-record roll call was requested.

The ayes were 45, nays 38.

Amendment H-8610 was adopted.

Frevert of Palo Alto offered the following amendment H-8631 filed by her, previously deferred, and moved its adoption:

H-8631

- 1 Amend House File 2533 as follows:
- 2 1. Page 14, by inserting after line 18 the
- 3 following:
- 4 "Sec. \_\_\_\_ INTERIM STUDY. The legislative council
- 5 is requested to establish an interim study committee
- 6 to study the resulting implications and effects if the
- 7 personnel currently employed by a regional library
- 8 become state employees. The committee shall report
- 9 its findings and recommendations to the general
- 10 assembly prior to the beginning of the 1999
- 11 legislative session."
- 12 2. By renumbering as necessary.

Amendment H-8631 lost.

Weigel of Chickasaw offered amendment H-8776 filed by him from the floor as follows:

H-8776

1 Amend House File 2533 as follows:

2 1. Page 26, by inserting after line 16 the  
3 following:

4 "Sec. \_\_\_\_ Section 257.1, subsection 2, Code 1997,  
5 is amended by adding the following new unnumbered  
6 paragraph:

7 NEW UNNUMBERED PARAGRAPH. For the budget year  
8 commencing July 1, 1998, the department of management  
9 shall add the amount of the additional budget  
10 adjustment computed in section 257.14, subsection 3,  
11 to the combined foundation base.

12 Sec. \_\_\_\_ Section 257.14, Code Supplement 1997, is  
13 amended by adding the following new subsection:

14 NEW SUBSECTION. 3. For the budget year beginning  
15 July 1, 1998, if the department of management  
16 determines that the regular program district cost plus  
17 the budget adjustment computed under subsection 1 of a  
18 school district is less than one hundred one percent  
19 of the total of the regular program district cost plus  
20 any adjustment added under this section for the base  
21 year for that school district, the department of  
22 management shall provide an additional budget  
23 adjustment for that budget year that is equal to the  
24 difference."

25 2. By renumbering as necessary.

Weigel of Chickasaw rose on a point of order that amendment H-8776 was not germane.

The Speaker ruled the point well taken and amendment H-8776 not germane.

Weigel of Chickasaw asked for unanimous consent to suspend the rules to consider amendment H-8776.

Objection was raised.

Weigel of Chickasaw moved to suspend the rules to consider amendment H-8776.

Roll call was requested by Weigel of Chickasaw and Brunkhorst of Bremer.

On the question "Shall the rules be suspended to consider amendment H-8776?" (H.F. 2533)

The ayes were, 44:

Bell	Bernau	Brand	Bukta
Burnett	Cataldo	Chapman	Chiodo
Cohoon	Connors	Doderer	Dotzler
Drees	Falck	Fallon	Foegel
Ford	Frevert	Holveck	Huser
Jochum	Kinzer	Koenigs	Kreiman
Larkin	Mascher	May	Merz
Moreland	Mundie	Murphy	Myers
Osterhaus	Reynolds-Knight	Scherrman	Schrader
Shoultz	Taylor	Thomas	Warnstadt
Weigel	Whitead	Wise	Witt

The nays were, 53:

Barry	Blodgett	Boddicker	Bogges
Bradley	Brauns	Brunkhorst	Carroll
Churchill	Cormack	Dinkla	Dix
Dolecheck	Drake	Eddie	Garman
Gipp	Greig	Greiner	Gries
Grundberg	Hahn	Hansen	Heaton
Holmes	Houser	Huseman	Jacobs
Jenkins	Klemme	Kremer	Lamberti
Larson	Lord	Martin	Metcalf
Meyer	Millage	Nelson	Rants
Rayhons	Siegrist	Sukup	Teig
Thomson	Tyrrell	Van Fossen	Van Maanen
Vande Hoef	Veenstra	Weidman	Welter
Mr. Speaker Corbett			

Absent or not voting, 3:

Arnold	O'Brien	Richardson
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The motion to suspend the rules lost.

Grundberg of Polk moved to reconsider the vote by which amendment H-8610 (found on page 1042 of the House Journal) was adopted.

Roll call was requested by Schrader of Marion and Rants of Woodbury.

On the question "Shall the vote by which amendment H-8610 was adopted be reconsidered?" (H.F. 2533)

The ayes were, 49:

Arnold	Barry	Blodgett	Boddicker
Bradley	Brauns	Brunkhorst	Carroll
Churchill	Dix	Dolecheck	Drake
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	Veenstra	Weidman	Welter
Mr. Speaker			
Corbett			

The nays were, 45:

Bell	Bernau	Brand	Bukta
Burnett	Cataldo	Chapman	Chiodo
Cohoon	Connors	Cormack	Dinkla
Dotzler	Drees	Falck	Fallon
Foege	Ford	Frevert	Holveck
Huser	Jochum	Kinzer	Koenigs
Kreiman	Larkin	Mascher	May
Mertz	Moreland	Mundie	Murphy
Myers	Osterhaus	Reynolds-Knight	Scherrman
Schrader	Shoultz	Taylor	Thomas
Warnstadt	Weigel	Whitead	Wise
Witt			

Absent or not voting, 6:

Bogges	Doderer	Eddie	O'Brien
Richardson	Vande Hoef		

The motion prevailed and amendment H-8610 was reconsidered.

Dinkla of Guthrie moved the adoption of amendment H-8610.

Roll call was requested by Schrader of Marion and Rants of Woodbury.

Rule 75 was invoked.

On the question "Shall amendment H-8610 be adopted?" (H.F. 2533)

The ayes were, 48:

Arnold	Bell	Bernau	Brand
Bukta	Burnett	Cataldo	Chapman
Chiodo	Cohoon	Connors	Cormack
Dinkla	Doderer	Dotzler	Drees
Falck	Fallon	Foege	Ford
Frevert	Holveck	Huser	Jochum
Kinzer	Koenigs	Kreiman	Larkin
Mascher	May	Mertz	Moreland
Mundie	Murphy	Myers	Osterhaus
Rayhons	Reynolds-Knight	Scherrman	Schrader
Shoultz	Taylor	Thomas	Warnstadt
Weigel	Whitead	Wise	Witt



The nays were, 50:

Barry	Blodgett	Boddicker	Boggess
Bradley	Brauns	Brunkhorst	Carroll
Churchill	Dix	Dolecheck	Drake
Eddie	Garman	Gipp	Greig
Greiner	Gries	Grundberg	Hahn
Hansen	Heaton	Holmes	Houser
Huseman	Jacobs	Jenkins	Klemme
Kremer	Lamberti	Larson	Lord
Martin	Metcalf	Meyer	Millage
Nelson	Rants	Siegrist	Sukup
Teig	Thomson	Tyrrell	Van Fossen
Van Maanen	Vande Hoef	Veenstra	Weidman
Welter	Mr. Speaker		
	Corbett		

Absent or not voting, 2:

O'Brien                      Richardson

Amendment H-8610 lost.

Grundberg of Polk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2533)

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	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	Millage
Mundie	Murphy	Myers	Nelson
Osterhaus	Rants	Rayhons	Reynolds-Knight
Scherrman	Schrader	Shoultz	Siegrist
Sukup	Taylor	Teig	Thomas
Thomson	Tyrrell	Van Fossen	Van Maanen
Vande Hoef	Veenstra	Warnstadt	Weidman

Weigel  
Mr. Speaker  
Corbett

Welter

Whitead

Witt

The nays were, 4:

Fallon

Kreiman

Moreland

Wise

Absent or not voting, 3:

Meyer

O'Brien

Richardson

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 2533** be immediately messaged to the Senate.

### MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 30, 1998, passed the following bill in which the concurrence of the Senate was asked:

House File 677, a bill for an act relating to child custody and visitation including the consideration of parent's criminal history in the awarding of visitation rights and including an exception from mandatory participation in a course by parties to an action involving child custody or visitation.

Also: That the Senate has on March 30, 1998, passed the following bill in which the concurrence of the Senate was asked:

House File 2337, a bill for an act concerning the method for imposition of the drug abuse resistance education surcharge.

Also: That the Senate has on March 30, 1998, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 2136, a bill for an act relating to statutory corrections which may adjust language to reflect current practices, insert earlier omissions, delete redundancies and inaccuracies, delete temporary language, resolve inconsistencies and conflicts, update ongoing provisions, or remove ambiguities, and providing effective and retroactive applicability dates.

MARY PAT GUNDERSON, Secretary

### Appropriations Calendar

**Senate File 2406**, a bill for an act establishing a school ready children grant program to be administered by community empowerment area boards and the Iowa empowerment board, making an

appropriation, and providing an effective date, with report of committee recommending amendment and passage, was taken up for consideration.

Houser of Pottawattamie offered amendment H-8455 filed by the committee on education as follows:

H-8455

1 Amend Senate File 2406, 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. 71.1 DEFINITIONS.

6 For the purposes of this chapter, unless the  
7 context otherwise requires:

8 1. "Community empowerment area" means a geographic  
9 area designated in accordance with this chapter.

10 2. "Community empowerment area board" or  
11 "community board" means the board for a community  
12 empowerment area created in accordance with this  
13 chapter.

14 3. "Decategorization project" means a  
15 decategorization of child welfare and juvenile justice  
16 funding project operated under section 232.188.

17 4. "Innovation zone" means a local jurisdiction  
18 implementing an innovation zone plan in accordance  
19 with section 8A.2, Code 1997.

20 5. "Iowa empowerment board" or "Iowa board" means  
21 the Iowa empowerment board created in this chapter.

22 Sec. \_\_\_\_ NEW SECTION. 71.2 IOWA EMPOWERMENT  
23 BOARD CREATED.

24 1. An Iowa empowerment board is created to oversee  
25 state and community efforts involving community  
26 empowerment areas, including strategic planning,  
27 funding identification, and guidance, and to promote  
28 collaboration among state and local education, health,  
29 and human services programs.

30 2. The Iowa board shall consist of eleven voting  
31 members with eight citizen members and three state  
32 agency members. The three state agency members shall  
33 be the directors of the following departments:

34 education, human services, and public health. The  
35 citizen members shall be appointed by the governor,  
36 subject to confirmation by the senate. The  
37 appointments of citizen members shall be made in a  
38 manner so that all of the state's congressional  
39 districts are represented along with the ethnic,  
40 cultural, social, and economic diversity of the state.

41 In making appointments, preference shall be given to  
42 citizens participating on a community empowerment area  
43 board. Terms of office of citizen members are three

44 years.

45 3. Citizen members shall be reimbursed for actual  
46 and necessary expenses incurred in performance of  
47 their duties. Members shall be paid a per diem as  
48 specified in section 7E.6.

49 4. In addition to the eleven voting members, the  
50 Iowa board shall include six members of the general

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1 assembly with not more than two members from each  
2 chamber being from the same political party. The  
3 three senators shall be appointed by the majority  
4 leader of the senate after consultation with the  
5 president of the senate and the minority leader of the  
6 senate. The three representatives shall be appointed  
7 by the speaker of the house of representatives after  
8 consultation with the majority and minority leaders of  
9 the house of representatives. Legislative members  
10 shall serve in an ex officio, nonvoting capacity. A  
11 legislative member is eligible for per diem and  
12 expenses as provided in section 2.10.

13 5. The Iowa board shall designate a community  
14 empowerment assistance team or teams of state agency  
15 staff to provide technical assistance and other  
16 support to community empowerment areas. The technical  
17 assistance shall be available in at least three levels  
18 of support as follows:

19 a. Support to areas experienced in operating an  
20 innovation zone or decategorization project with an  
21 extensive record of success in collaboration between  
22 education, health, or human services interests.

23 b. Support to areas experienced in operating an  
24 innovation zone or decategorization project.

25 c. Support to areas forming an initial community  
26 empowerment area with no previous experience operating  
27 an innovation zone or decategorization project.

28 6. Staffing services to the Iowa board shall be  
29 provided by the state agencies which are represented  
30 on the Iowa board and by other state agencies making  
31 staffing available to the board.

32 7. The Iowa board may designate an advisory  
33 council consisting of representatives from community  
34 empowerment area boards.

35 8. The Iowa board shall elect a chairperson from  
36 among the citizen board members and may select other  
37 officers from among the citizen board members as  
38 determined to be necessary by the board. The board  
39 shall meet regularly as determined by the board, upon  
40 the call of the board's chairperson, or upon the call  
41 of a majority of voting members.

42 Sec. \_\_\_\_ NEW SECTION. 7I.3 IOWA EMPOWERMENT  
43 BOARD DUTIES.

- 44 The Iowa board shall perform the following duties:  
45 1. Perform duties relating to community  
46 empowerment areas.  
47 2. Oversee the provision of grant funding and  
48 other moneys made available to community empowerment  
49 areas by combining all or portions of appropriations  
50 or other revenues as authorized by law.

Page 3

- 1 3. Develop advanced community empowerment area  
2 arrangements for those community empowerment areas  
3 which were formed in transition from an innovation  
4 zone or from a decategorization governance board or  
5 which otherwise provide evidence of extensive  
6 successful experience in managing services and funding  
7 with high levels of community support and input.  
8 4. Identify boards, commissions, committees, and  
9 other bodies in state government with overlapping and  
10 similar purposes which contribute to redundancy and  
11 fragmentation in education, health, and human services  
12 programs provided to the public. The board shall also  
13 make recommendations to the governor and general  
14 assembly as appropriate for increasing coordination  
15 between these bodies, for consolidation where  
16 appropriate, and for integration of functions to  
17 achieve improved results.  
18 5. Assist with the linkage of child welfare and  
19 juvenile justice decategorization projects with  
20 community empowerment areas.  
21 6. Integrate the duties relating to innovation  
22 zones in the place of the innovation zone board  
23 created in section 8A.2, Code 1997, until the Iowa  
24 board determines the innovation zones have been  
25 replaced with community empowerment areas.  
26 7. Coordinate and respond to any requests from a  
27 community board relating to any of the following:  
28 a. Waiver of existing rules, federal regulation,  
29 or amendment of state law, or removal of other  
30 barriers.  
31 b. Pooling and redirecting of existing federal,  
32 state, or other public or private funds.  
33 c. Seeking of federal waivers.  
34 In coordinating and responding to the requests, the  
35 Iowa board shall work with state agencies and submit  
36 proposals to the governor and general assembly as  
37 necessary to fulfill requests deemed appropriate by  
38 the Iowa board.  
39 8. Provide for maximum flexibility and creativity  
40 in the designation and administration of the  
41 responsibilities and authority of community  
42 empowerment areas.  
43 9. Adopt rules pursuant to chapter 17A as

44 necessary for the designation, governance, and  
45 oversight of community empowerment areas and the  
46 administration of this chapter. The Iowa board shall  
47 provide for community board input in the rules  
48 adoption process.  
49 Sec. \_\_\_\_ NEW SECTION. 7I.4 COMMUNITY  
50 EMPOWERMENT AREAS.

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1 1. The purpose of a community empowerment area is  
2 to enable local citizens to lead collaborative efforts  
3 involving education, health, and human services  
4 programs on behalf of the children, families, and  
5 other citizens residing in the area. Leadership  
6 functions may include but are not limited to strategic  
7 planning for and oversight and managing of such  
8 programs and the funding made available to the  
9 community empowerment area for such programs from  
10 federal, state, local, and private sources.

11 2. Each county and school district in the state  
12 shall have the option of participating in a community  
13 empowerment area. A community empowerment area shall  
14 be designated by using existing school district and  
15 county boundaries to the extent possible. For  
16 geographic areas that are part of an innovation zone  
17 or included in a decategorization project in effect as  
18 of July 1, 1998, the initial community empowerment  
19 area shall be the larger of the two.

20 3. The designation of a community empowerment area  
21 and the creation of a community empowerment area board  
22 are subject to the approval of the Iowa empowerment  
23 board. Criteria used by the Iowa empowerment board in  
24 approving the designation of a community empowerment  
25 area shall include but are not limited to the  
26 existence of a large enough geographic area and  
27 population to efficiently and effectively administer  
28 the responsibilities and authority of the community  
29 empowerment area. The Iowa empowerment board shall  
30 adopt rules pursuant to chapter 17A providing  
31 procedures for the initial designation of community  
32 empowerment areas and for later changing the initially  
33 designated areas.

34 Sec. \_\_\_\_ NEW SECTION. 7I.5 COMMUNITY  
35 EMPOWERMENT AREA BOARDS CREATED.

36 1. A community empowerment area shall be governed  
37 by a community empowerment area board. A majority of  
38 the members of a community board shall be citizens and  
39 elected officials and the remaining members may be  
40 employees of or paid for representing any of the  
41 entities listed in this subsection. The members of a  
42 community empowerment area board may include one or  
43 more representatives of any of the following entities:

- 44 a. A school district.
- 45 b. A county.
- 46 c. A local board of health.
- 47 d. A hospital.
- 48 e. A charitable funding group.
- 49 f. The department of human services.
- 50 g. A religious institution.

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- 1 h. An area education agency.
- 2 i. Juvenile court services.
- 3 j. An area substance abuse agency.
- 4 k. A community action program.
- 5 l. A city.
- 6 m. A business organization.
- 7 n. A labor organization.
- 8 o. A service club.
- 9 p. A business.
- 10 q. Consumers.
- 11 r. Others as determined by the community board.

12 2. A community board may designate representatives  
13 of service providers or public agency staff to provide  
14 technical assistance to the community board.

15 3. A community board may designate a professional  
16 advisory council consisting of persons employed by or  
17 otherwise paid to represent an entity listed in  
18 subsection 1 or other provider of service.

19 4. The community board shall elect a chairperson  
20 from among the members who are citizens, elected  
21 officials, or volunteers.

22 Sec. \_\_\_\_ **NEW SECTION. 7I.6 COMMUNITY**  
23 **EMPOWERMENT AREA BOARD RESPONSIBILITIES AND AUTHORITY.**

24 1. A community empowerment area board shall do the  
25 following:

26 a. Designate a public agency of this state, as  
27 defined in section 28E.2, to be the fiscal agent for  
28 grant moneys and for other moneys administered by the  
29 community board.

30 b. Administer community empowerment grant moneys  
31 available from the state to the community board as  
32 provided by law and other federal, state, local, and  
33 private moneys made available to the community board.  
34 Eligibility for receipt of community empowerment grant  
35 moneys shall be limited to those community boards that  
36 have developed an approved school ready children grant  
37 plan in accordance with this chapter. A community  
38 board may apply to the Iowa empowerment board to  
39 receive as a community empowerment grant those moneys  
40 which would otherwise only be available within the  
41 geographic area through categorical funding sources or  
42 programs.

43 c. If a community empowerment area includes a

44 decategorization project, coordinate planning and  
45 budgeting with the decategorization governing board.  
46 By mutual agreement between the community board and  
47 the decategorization governance board, the community  
48 board may assume the duties of the decategorization  
49 governance board or the decategorization governance  
50 board may continue as a committee of the community

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1 board.

2 d. Assume other responsibilities established by  
3 law or administrative rule.

4 2. A community board may do any of the following:

5 a. Designate one or more committees for oversight  
6 of grant moneys awarded to the community empowerment  
7 area.

8 b. Function as a coordinating body for services  
9 offered by different entities directed to similar  
10 purposes within the community empowerment area.

11 c. Develop neighborhood bodies for community-level  
12 input to the community board and implementation of  
13 services.

14 Sec. \_\_\_\_ NEW SECTION. 71.7 SCHOOL READY  
15 CHILDREN GRANT PROGRAM - ESTABLISHMENT AND  
16 ADMINISTRATION.

17 1. The departments of education, human services,  
18 and public health shall jointly develop and promote a  
19 school ready children grant program which shall  
20 provide for all of the following components:

21 a. Identify the core indicators of performance  
22 that will be used to assess the effectiveness of the  
23 school ready children grants, including increasing the  
24 basic skill levels of students entering school,  
25 increasing the health status of children, reducing the  
26 incidence of child abuse and neglect, increasing the  
27 access of children to an adult mentor, increasing  
28 parental involvement with their children, and  
29 increasing the quality and accessibility of child day  
30 care.

31 b. Identify guidelines and a process to be used  
32 for determining the readiness of a community  
33 empowerment area for administering school ready  
34 children grants.

35 c. Provide for technical assistance concerning  
36 funding sources, program design, and other pertinent  
37 areas.

38 2. The program developed and components identified  
39 under subsection 1 are subject to approval by the Iowa  
40 empowerment board. The Iowa empowerment board shall  
41 provide maximum flexibility to grantees for the use of  
42 the grant moneys included in a school ready children  
43 grant.



44 3. A school ready children grant shall, at a  
45 minimum, be used to provide the following:  
46 a. Preschool services provided on a voluntary  
47 basis to four-year-old children deemed at risk of not  
48 succeeding in elementary school as determined by the  
49 community board and specified in the grant plan  
50 developed in accordance with this section.

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1 b. Parent education programs promoted to parents  
2 of children from birth through five years of age.  
3 Parent education programs shall be offered in a  
4 flexible manner to accommodate the varying schedules,  
5 meeting place requirements, and other needs of working  
6 parents.  
7 c. A comprehensive school ready children grant  
8 plan developed by a community board for providing  
9 services for children from birth through five years of  
10 age including but not limited to child development  
11 services, child care services, children's health and  
12 safety services, assessment services to identify  
13 chemically exposed infants and children, and parent  
14 education services. At a minimum, the plan shall do  
15 all of the following:  
16 (1) Describe community needs for children from  
17 birth through five years of age as identified through  
18 ongoing assessments.  
19 (2) Describe the current and desired levels of  
20 community coordination of services for children from  
21 birth through five years of age.  
22 (3) Identify all federal, state, local, and  
23 private funding sources available in the community  
24 empowerment area that will be used to provide services  
25 to children from birth through five years of age.  
26 (4) Describe how funding sources will be used  
27 collaboratively and the degree to which the moneys can  
28 be combined to provide necessary services to children.  
29 (5) Identify the results the community board  
30 expects to achieve through implementation of the  
31 school ready children grant program, and identify  
32 community-specific quantifiable performance indicators  
33 to be reported in the annual report.  
34 4. The community board shall submit an annual  
35 report on the effectiveness of the grant program in  
36 addressing school readiness and children's health and  
37 safety needs to the Iowa empowerment board and to the  
38 local governing bodies. The annual report shall  
39 indicate the effectiveness of the community board in  
40 achieving state and locally determined goals.  
41 5. a. A school ready children grant shall be  
42 awarded to a community board for a three-year period,  
43 with annual payments made to the community board on or

44 before October 1 of each fiscal year. The Iowa  
45 empowerment board may grant an extension from the  
46 award date and any application deadlines based upon  
47 the award date, to allow for a later implementation  
48 date in the initial year in which a community board  
49 submits a comprehensive school ready grant plan to the  
50 Iowa empowerment board. However, receipt of continued

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1 funding is subject to submission of the required  
2 annual report.

3 b. The Iowa empowerment board shall distribute  
4 school ready children grant moneys to community boards  
5 with approved comprehensive school ready children  
6 grant plans based upon the degree of readiness of the  
7 community empowerment area to effectively utilize the  
8 moneys, with the grant moneys being adjusted for other  
9 federal and state grant moneys to be received by the  
10 area for services to children from birth through five  
11 years of age.

12 c. A community board's degree of readiness shall  
13 be ascertained by evidence of successful collaboration  
14 between education, human services, or public health  
15 interests or a documented program design evincing a  
16 strong likelihood of leading to a successful  
17 collaboration between these interests. Other criteria  
18 which may be used by the Iowa board to ascertain  
19 degree of readiness and to determine funding amounts  
20 include one or more of the following:

21 (1) Experience or other evidence of capacity to  
22 successfully implement the services in the plan.

23 (2) Local funding and other resources committed to  
24 implementation of the plan.

25 6. The highest priority for school ready children  
26 grant funds shall be to provide preschool services on  
27 a voluntary basis to four-year-old children deemed at  
28 risk of not succeeding in elementary school and parent  
29 education programs on a voluntary basis to parents of  
30 children from birth through five years of age.

31 Remaining funds may be used to provide other services  
32 to children from birth through five years of age as  
33 specified in the comprehensive school ready children  
34 grant plan.

35 Sec. \_\_\_\_ **NEW SECTION. 71.8 IOWA EMPOWERMENT**  
36 **FUND.**

37 1. An Iowa empowerment fund is created in the  
38 state treasury under the authority of the Iowa  
39 empowerment board. The moneys in the Iowa empowerment  
40 fund are not subject to section 8.33 and shall not be  
41 transferred, used, obligated, appropriated, or  
42 otherwise encumbered except as provided by law.  
43 Notwithstanding section 12C.7, subsection 2, interest

44 or earnings on moneys deposited in the Iowa  
45 empowerment fund shall be credited to the fund.  
46 2. A school ready children grants account is  
47 created in the Iowa empowerment fund and moneys  
48 credited to the account shall be distributed in the  
49 form of grants to community empowerment areas as  
50 provided by law.

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1 Sec. \_\_\_\_ Section 135.106, subsection 3, Code  
2 Supplement 1997, is amended to read as follows:  
3 3. It is the intent of the general assembly to  
4 provide communities with the discretion and authority  
5 to redesign existing local programs and services  
6 targeted at and assisting families expecting babies  
7 and families with children who are newborn through  
8 five years of age. The Iowa department of public  
9 health, department of human services, department of  
10 education, and other state agencies and programs, as  
11 appropriate, shall provide technical assistance and  
12 support to communities desiring to redesign their  
13 local programs and shall facilitate the consolidation  
14 of existing state funding appropriated and made  
15 available to the community for family support  
16 services. Funds which are consolidated in accordance  
17 with this subsection shall be used to support the  
18 redesigned service delivery system. In redesigning  
19 services, communities are encouraged to implement a  
20 single uniform family risk assessment mechanism and  
21 shall demonstrate the potential for improved outcomes  
22 for children and families. Requests by local  
23 communities for the redesigning of services shall be  
24 submitted to ~~and subject to joint approval of the Iowa~~  
25 ~~department of public health, department of human~~  
26 ~~services, and department of education, and are subject~~  
27 to the approval of the Iowa empowerment board in  
28 consultation with the departments, based on the  
29 innovation ~~zones~~ zone principles established in  
30 section 8A.2, Code 1997.

31 Sec. \_\_\_\_ Section 232.188, subsection 7, Code  
32 1997, is amended to read as follows:  
33 7. The annual child welfare services plan  
34 developed by a decategorization governance board  
35 pursuant to subsection 2 shall be submitted to the  
36 department and the ~~statewide decategorization and~~  
37 ~~family preservation committee~~ Iowa empowerment board.  
38 In addition, the ~~decategorization governance~~ board  
39 shall submit an annual progress report to the  
40 department and the ~~committee~~ Iowa empowerment board  
41 which summarizes the progress made toward attaining  
42 the objectives contained in the plan. The progress  
43 report shall serve as an opportunity for information

44 sharing and feedback.

45 Sec. \_\_\_\_ LEGISLATIVE FINDINGS AND INTENT.

46 1. The general assembly recognizes the significant  
47 findings of brain research indicating that early  
48 stimulation of the brain increases the learning  
49 ability of a child. In order for children to be ready  
50 for school by age five, it is the intent of the

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1 general assembly that implementation of the provisions  
2 of this Act will accomplish the following:

3 a. Foster collaboration among state agencies which  
4 shall initially include the departments of human  
5 services, education, and public health, and allow the  
6 blending of these agencies' funding and other  
7 resources.

8 b. Establish community empowerment areas with  
9 broad community representation with the goal of  
10 providing services collaboratively to children from  
11 birth through five years of age for the purpose of  
12 improving the quality of these children's lives.  
13 2. It is the intent of the general assembly that  
14 over time community empowerment areas will be  
15 developed in every part of the state. It is  
16 anticipated that as local empowerment areas evolve and  
17 most effectively implement the provisions of this Act  
18 in their areas, the initial structure for community  
19 empowerment areas provided in this Act will be revised  
20 by the Iowa empowerment board and by the general  
21 assembly in order to best promote collaboration among  
22 state and local education, health, and human services  
23 programs.

24 3. It is the intent of the general assembly that  
25 the duties of child welfare and juvenile justice  
26 decategorization projects and innovation zones will  
27 eventually be assumed by community empowerment areas.

28 Sec. \_\_\_\_ IOWA EMPOWERMENT BOARD. The Iowa  
29 empowerment board shall adopt rules, arrange for  
30 technical assistance, provide guidance, and take other  
31 actions needed to assist the designation of community  
32 empowerment areas and creation of community  
33 empowerment boards and to enable the community  
34 empowerment area boards to submit school ready  
35 children grant plans in a timely manner for the  
36 initial grants to be awarded and grant moneys to be  
37 paid by October 1, 1998, in accordance with this Act.

38 Sec. \_\_\_\_ INITIAL COMMUNITY EMPOWERMENT AREAS AND  
39 BOARDS.

40 1. Notwithstanding section 7I.5, as enacted by  
41 this Act, providing for the creation of community  
42 empowerment area boards, for an area in which the  
43 initial community empowerment area is an innovation

44 zone or a decategorization project, the initial  
45 community empowerment area board shall be the  
46 innovation zone board or the decategorization  
47 governance board, as appropriate. In addition to any  
48 members of the innovation zone board or  
49 decategorization governance board, the initial  
50 community empowerment board shall include at a

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1 minimum, representatives of school districts, county  
2 boards of supervisors, cities, juvenile court  
3 services, public health and human services  
4 administrators in the community empowerment area, and  
5 parents of children living in the area. If the  
6 composition of the initial board does not comply with  
7 the composition requirements of section 7I.5, the  
8 board shall comply with the composition requirements  
9 on or before June 30, 2000.

10 2. For an area which is not included in an  
11 innovation zone or a decategorization project or for  
12 an area desiring to be included in a different zone or  
13 project, the area may by mutual agreement be included  
14 in a community empowerment area created from an  
15 innovation zone or a decategorization project.  
16 Otherwise, the area shall comply with requirements for  
17 designation of a community empowerment area adopted  
18 for this purpose by the Iowa empowerment board.

19 Sec. \_\_. TRANSITION BOARD. For the period  
20 beginning on the effective date of this Act and ending  
21 December 1, 1998, when the governor shall have  
22 completed the appointments to the Iowa empowerment  
23 board, the duties of the Iowa empowerment board under  
24 section 7I.3, as enacted by this Act, shall be  
25 performed by a transition board consisting of the  
26 directors of the departments of human services,  
27 education, and public health, citizen members of the  
28 innovation zone board created in section 8A.2, Code  
29 1997, and the six ex officio, nonvoting legislative  
30 members of the board.

31 Sec. \_\_. EMERGENCY RULES. The transition Iowa  
32 empowerment board, as established by this Act, may  
33 adopt emergency rules under section 17A.4, subsection  
34 2, and section 17A.5, subsection 2, paragraph "b", to  
35 implement the provisions of this Act and the rules  
36 shall be effective immediately upon filing unless a  
37 later date is specified in the rules. Any rules  
38 adopted in accordance with this section shall also be  
39 published as a notice of intended action as provided  
40 in section 17A.4.

41 Sec. \_\_. FUNDING AUTHORIZATION. For the fiscal  
42 year beginning July 1, 1998, and ending June 30, 1999,  
43 the Iowa empowerment board may determine amounts of

44 appropriations and categorical program funding for the  
 45 programs listed in this section which can be  
 46 attributed to *community empowerment areas* and may  
 47 reallocate the attributable portions to the community  
 48 empowerment areas which have applied for and are  
 49 determined to be eligible to receive the funding in  
 50 the form of a community empowerment grant.

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1 Eligibility shall be limited to those community  
 2 empowerment areas determined by the Iowa empowerment  
 3 board under section 7I.3, as enacted by this Act, to  
 4 be eligible for an advanced community empowerment area  
 5 arrangement. Subject to any federal limitations, the  
 6 programs for which funding may be reallocated under  
 7 this section are as follows:

- 8 1. Child day care.
- 9 2. At-risk programs for preschool children.
- 10 3. Head start programs.
- 11 4. Parent education programs.
- 12 5. Children's health programs.
- 13 6. Substance abuse assessment and referral.

14 Sec. \_\_\_\_ INITIAL APPOINTMENTS. The governor  
 15 shall make the initial citizen appointments to the  
 16 Iowa empowerment board created in section 7I.2, as  
 17 enacted in this Act, as follows:

- 18 1. Two members to a one-year term.
- 19 2. Three members to a two-year term.
- 20 3. Three members to a three-year term.

21 Sec. \_\_\_\_ Sections 8A.2 and 217.9A, Code 1997, are  
 22 repealed effective June 30, 1998.

23 Sec. \_\_\_\_ EFFECTIVE DATE. This Act, being deemed  
 24 of immediate importance, takes effect upon enactment."

25 2. Title page, by striking lines 1 through 4 and  
 26 inserting the following: "An Act creating and  
 27 relating to an Iowa empowerment board, community  
 28 empowerment areas, and community empowerment area  
 29 boards, and providing an effective date."

Veenstra of Sioux in the chair at 8:10 p.m.

Houser of Pottawattamie offered amendment H-8723, to the committee amendment H-8455, filed by Houser, et al. Division was requested as follows:

H-8723

1 Amend the amendment, H-8455, to Senate File 2406,  
 2 as amended, passed, and reprinted by the Senate, as  
 3 follows:

## H-8723A

- 4 1. Page 1, by inserting after line 4 the  
5 following:  
6 "Sec. \_\_\_\_ PURPOSE. The purpose of this Act is to  
7 create a partnership between communities and state  
8 government to improve the well-being of families with  
9 young children. In addition, the purpose of this Act  
10 is to reduce duplicative bureaucratic requirements  
11 that are barriers to community efforts to improve the  
12 efficiency and effectiveness of local education,  
13 health, and human services programs."  
14 2. Page 3, line 15, by inserting after the word  
15 "bodies," the following: "for eliminating  
16 bureaucratic duplication."  
17 3. Page 3, by inserting after line 33 the  
18 following:  
19 "d. Consolidating community-level committees,  
20 planning groups, and other bodies with common  
21 memberships formed in response to state requirements."

## H-8723B

- 22 4. Page 3, line 48, by inserting after the word  
23 "process." the following: "The rules shall include  
24 but are not limited to the following:  
25 a. The core indicators of performance for the  
26 school ready grant program, as described in section  
27 7I.7.  
28 b. Minimum standards to further the provision of  
29 equal access to services subject to the authority of  
30 community boards."

## H-8723A

- 31 5. Page 4, line 10, by inserting after the word  
32 "sources." the following: "The initial focus of the  
33 purpose is to improve results for families with young  
34 children."  
35 6. Page 4, line 41, by inserting after the word  
36 "subsection." the following: "Terms of office of  
37 community board members shall be three years."  
38 7. Page 5, by inserting after line 10 the  
39 following:  
40 "\_\_\_\_. A private community-based organization."

## H-8723B

- 41 8. Page 8, line 2, by inserting after the word  
42 "report" the following: "and the Iowa board's  
43 determination that the community board is measuring  
44 through the use of performance indicators progress  
45 toward and is achieving the desired results identified

46 in the grant plan. If progress is not measured  
47 through the use of performance indicators toward  
48 achieving the identified results, the Iowa board may  
49 request a plan of corrective action or may withdraw  
50 grant funding".

Page 2

H-8723A

- 1 9. Page 8, by striking line 14, and inserting the  
2 following: "among public or private education, human  
3 services, or health".
- 4 10. Page 10, by striking lines 44 through 50 and  
5 inserting the following: "zone, one or more school  
6 districts, or a decategorization project, the initial  
7 community empowerment board shall be the innovation  
8 zone board, representatives of the school board or  
9 boards, or the decategorization governing board, as  
10 determined to be appropriate by the Iowa empowerment  
11 board. In addition to any members of the innovation  
12 zone board, representatives of the school board or  
13 boards, or decategorization governance board, the  
14 initial community empowerment board shall include at  
15 a".
- 16 11. By renumbering as necessary.

Foege of Linn moved the adoption of amendment 8723A, to the committee amendment H-8455.

Amendment H-8723A was adopted placing amendment H-8656, to the committee amendment H-8455, filed by Ford of Polk on March 24, 1998, out of order.

Brand of Tama offered the following amendment H-8642, to the committee amendment H-8455, filed by him and moved its adoption:

H-8642

- 1 Amend the amendment, H-8455, to Senate File 2406,  
2 as amended, passed, and reprinted by the Senate, as  
3 follows:
  - 4 1. Page 1, line 43, by inserting after the word  
5 "board." the following: "At least one of the citizen  
6 members shall be a service consumer or the parent of a  
7 service consumer."
  - 8 2. Page 4, line 41, by inserting after the word  
9 "subsection." the following: "At least one member  
10 shall be a service consumer or the parent of a service  
11 consumer."

Amendment H-8642 was adopted.



Ford of Polk asked and received unanimous consent to withdraw amendment H-8657, to the committee amendment H-8455, filed by him on March 24, 1998.

Houser of Pottawattamie asked and received unanimous consent that amendment H-8723B, to the committee amendment H-8455, be deferred.

Ford of Polk offered the following amendment H-8755, to the committee amendment H-8455, filed by him and Foege of Linn and moved its adoption:

H-8755

- 1 Amend the amendment, H-8455, to Senate File 2406,
- 2 as amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 3, line 48, by inserting after the word
- 5 "process." the following: "The rules shall include
- 6 but are not limited to the following:
- 7 a. Performance indicators for community
- 8 empowerment areas, community boards, and the services
- 9 provided under the auspices of the community boards.
- 10 The performance indicators shall be developed with
- 11 input from community boards and shall build upon the
- 12 core indicators of performance for the school ready
- 13 grant program, as described in section 71.7.
- 14 b. Minimum standards to further the provision of
- 15 equal access to services subject to the authority of
- 16 community boards."
- 17 2. Page 8, line 2, by inserting after the word
- 18 "report" the following: "and the Iowa board's
- 19 determination that the community board is measuring,
- 20 through the use of performance indicators developed by
- 21 the Iowa board with input from community boards,
- 22 progress toward and is achieving the desired results
- 23 identified in the grant plan. If progress is not
- 24 measured through the use of performance indicators
- 25 toward achieving the identified results, the Iowa
- 26 board may request a plan of corrective action or may
- 27 withdraw grant funding".
- 28 3. By renumbering as necessary.

Amendment H-8755, to the committee amendment H-8455, was adopted, placing amendment H-8723B, to the committee amendment H-8455, out of order.

Ford of Polk offered the following amendment H-8724, to the committee amendment H-8455, filed by him and moved its adoption:

H-8724

- 1 Amend the amendment, H-8455, to Senate File 2406,
- 2 as amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 5, by inserting after line 10 the
- 5 following:
- 6 "\_\_\_ A neighborhood association."
- 7 2. By renumbering as necessary.

Amendment H-8724 was adopted.

Houser of Pottawattamie asked and received unanimous consent to withdraw amendment H-8775, to the committee amendment H-8455, filed by him from the floor.

Houser of Pottawattamie offered the following amendment H-8789, to the committee amendment H-8455, filed by him from the floor and moved its adoption:

H-8789

- 1 Amend the amendment, H-8455, to Senate File 2406,
- 2 as amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 8, lines 38 and 39, by striking the words
- 5 "under the authority of the Iowa empowerment board".
- 6 2. Page 8, by striking lines 46 through 50 and
- 7 inserting the following:
- 8 "2. A school ready children grants account is
- 9 created in the Iowa empowerment fund under the
- 10 authority of the director of the department of
- 11 education. Moneys credited to the account shall be
- 12 distributed by the department of education in the form
- 13 of grants to community empowerment areas pursuant to
- 14 criteria established by the Iowa board in accordance
- 15 with law.
- 16 3. An early childhood programs grant account is
- 17 created in the Iowa empowerment fund under the
- 18 authority of the director of human services. Moneys
- 19 credited to the account shall be distributed by the
- 20 department of human services in the form of grants to
- 21 community empowerment areas pursuant to criteria
- 22 established by the Iowa board in accordance with law."
- 23 3. Page 10, line 37 by inserting after the word
- 24 "Act." the following: "The Iowa board shall submit to
- 25 the governor and the general assembly a proposed
- 26 funding formula for distribution of school ready
- 27 children grant moneys as necessary for statewide
- 28 implementation of the grant program for the fiscal
- 29 year beginning July 1, 1999, and subsequent fiscal
- 30 years."

- 31 4. Page 11, line 46 by inserting after the word  
 32 "may" the following: "recommend that the appropriate  
 33 department".  
 34 5. By renumbering as necessary.

Amendment H-8789 was adopted.

Houser of Pottawattamie moved the adoption of the committee amendment H-8455, as amended.

Speaker Corbett in the chair at 8:52 p.m.

The committee amendment H-8455, as amended, was adopted.

Houser of Pottawattamie moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2406)

The ayes were, 97:

Arnold	Barry	Bell	Bernau
Blodgett	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	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	Wise	Witt
Mr. Speaker Corbett			

The nays were, 1:

Kreiman

Absent or not voting, 2:

Boddicker

O'Brien

The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Kremer of Buchanan on request of Heaton of Henry; Boddicker of Cedar on request of Speaker Corbett.

### Regular Calender

**Senate File 2257**, a bill for an act relating to the regulation of and motor vehicle operation on the roads and streets of this state by providing for the classification of the system of roads and streets, authorizing easements on state-controlled lands, providing for the admissibility of official records of the state department of transportation, regulating motor vehicles and motor vehicle dealers, authorizing maintenance vehicles to stop or park on the traveled way of the roadway, allowing single trucks a variance on their maximum length, administering of motor vehicle laws by the state department of transportation concerning motor vehicle dealer sales, multiyear vehicle and vehicle dealer licensing, requiring the payment of certain civil penalties before issuance of temporary restricted licenses, and modifying the compilation requirements for airport sufficiency ratings, with report of committee recommending passage, was taken up for consideration.

Carroll of Poweshiek asked and received unanimous consent to withdraw amendment H-8551 filed by Carroll, et al., on March 23, 1998.

Drake of Pottawattamie offered the following amendment H-8683 filed by Drake, et al., and moved its adoption:

H-8683

- 1 Amend Senate File 2257, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 9, by inserting after line 17 the
- 4 following:
- 5 "Sec. \_\_\_\_ Section 321.1, subsection 32, paragraph
- 6 b, Code Supplement 1997, is amended to read as
- 7 follows:
- 8 b. Any vehicle which is principally designed for
- 9 agricultural purposes and which is moved during
- 10 daylight hours for a distance not to exceed one
- 11 hundred miles by a person either in any of the

12 following ways:

13 (1) From a place at which the vehicles are  
14 manufactured, fabricated, repaired, or sold to a farm  
15 site or a retail seller or from a retail seller to a  
16 farm site;

17 (2) To a place at which the vehicles are  
18 manufactured, fabricated, repaired, or sold from a  
19 farm site or a retail seller or to a retail seller  
20 from a farm site;

21 (3) From a place where the vehicles are housed,  
22 maintained, or stored to a farm site, retail seller,  
23 place of repair, or marketplace.

24 (4) From a farm site, retail seller, place of  
25 repair, or marketplace to a place where the vehicles  
26 are housed, maintained, or stored.

27 (3) (5) From one farm site to another farm site.

28 (6) From a farm site to market or from a market to  
29 a farm site.

30 For the purpose of this subsection and sections  
31 321.383 and 321.453, "farm site" means a place or  
32 location at which vehicles principally designed for  
33 agricultural purposes are used or intended to be used  
34 in agricultural operations or for the purpose of  
35 exhibiting, demonstrating, testing, or experimenting  
36 with the vehicles."

Amendment H-8683 was adopted.

Huser 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. 2257)

The ayes were, 96:

Arnold	Barry	Bell	Bernau
Blodgett	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	Lamberti	Larkin
Larson	Lord	Martin	Mascher
May	Mertz	Metcalf	Meyer
Millage	Moreland	Mundie	Murphy

Myers	Nelson	Osterhaus	Rants
Rayhons	Reynolds-Knight	Richardson	Scherrman
Schrader	Shoultz	Siegrist	Sukup
Taylor	Teig	Thomas	Thomson
Tyrrell	Van Fossen	Vande Hoef	Veenstra
Warnstadt	Weidman	Weigel	Welter
Whitead	Wise	Witt	Mr. Speaker Corbett

The nays were, none.

Absent or not voting, 4:

Boddicker	Kremer	O'Brien	Van Maanen
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

#### Ways and Means Calendar

**House File 2529**, a bill for an act updating the Iowa Code references to the Internal Revenue Code, exempting certain preneed funeral trust income from taxation, revising the carryback and carryover periods for certain net operating losses, providing refunds, and providing an effective date and retroactive applicability dates, was taken up for consideration.

#### SENATE FILE 2357 SUBSTITUTED FOR HOUSE FILE 2529

Holmes of Scott asked and received unanimous consent to substitute Senate File 2357 for House File 2529.

**Senate File 2357**, a bill for an act updating the Iowa Code references to the Internal Revenue Code, exempting certain preneed funeral trust income from taxation, revising the carryback and carryover periods for certain net operating losses, providing refunds, and providing an effective date and retroactive applicability dates, 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. 2357)

The ayes were, 96:

Arnold	Barry	Bell	Bernau
Blodgett	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	Lamberti	Larkin
Larson	Lord	Martin	Mascher
May	Mertz	Metcalf	Meyer
Millage	Moreland	Mundie	Murphy
Myers	Nelson	Osterhaus	Rants
Rayhons	Reynolds-Knight	Richardson	Scherrman
Schrader	Shoultz	Siegrist	Sukup
Taylor	Teig	Thomas	Thomson
Tyrrell	Van Fossen	Vande Hoef	Veenstra
Warnstadt	Weidman	Weigel	Welter
Whitead	Wise	Witt	Mr. Speaker Corbett

The nays were, none.

Absent or not voting, 4:

Boddicker	Kremer	O'Brien	Van Maanen
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

### HOUSE FILE 2529 WITHDRAWN

Holmes of Scott asked and received unanimous consent to withdraw House File 2529 from further consideration by the House.

### IMMEDIATE MESSAGES

Siegrist of Pottawattamie asked and received unanimous consent that the following bills be immediately messaged to the Senate: **Senate Files 2406, 2257 and 2357.**

**House File 2530**, a bill for an act relating to the administration of the tax and related laws by the department of revenue and finance, including administration of state individual income, corporate income, franchise, sales, services, and use, motor fuel, cigarette and tobacco, local option, inheritance and estate, and property taxes and the live-stock production credit; providing penalties; and including effective and retroactive applicability date provisions, was taken up for consideration.

Holmes of Scott moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2530)

The ayes were, 93:

Arnold	Barry	Bell	Bernau
Blodgett	Boggess	Bradley	Brand
Brauns	Brunkhorst	Bukta	Burnett
Carroll	Cataldo	Chapman	Chiodo
Churchill	Cohoon	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
Lamberti	Larkin	Lord	Martin
Mascher	May	Mertz	Metcalf
Meyer	Millage	Moreland	Mundie
Murphy	Myers	Nelson	Osterhaus
Rants	Rayhons	Reynolds-Knight	Richardson
Scherrman	Schrader	Shoultz	Siegrist
Sukup	Taylor	Teig	Thomas
Thomson	Tyrrell	Van Fossen	Vande Hoef
Veenstra	Warnstadt	Weidman	Weigel
Welter	Whitead	Wise	Witt
Mr. Speaker Corbett			

The nays were, 2:

Fallon	Larson
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Absent or not voting, 5:

Boddicker	Connors	Kremer	O'Brien
Van Maanen			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

### Unfinished Business Calendar

**Senate File 2397**, a bill for an act relating to the operation and regulation of certain insurance companies, miscellaneous provisions relating to small group health care coverage, the ability of certain insurers to bring an action in certain instances, and the elimination of



countersigning resident agent provisions, with report of committee recommending passage, was taken up for consideration.

Warnstadt of Woodbury asked and received unanimous consent to withdraw amendment H-8718 filed by him on March 25, 1998.

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. 2397)

The ayes were, 93:

Arnold	Barry	Bell	Bernau
Blodgett	Boggett	Bradley	Brand
Brauns	Brunkhorst	Bukta	Burnett
Carroll	Cataldo	Chapman	Chiodo
Churchill	Cohon	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
Lamberti	Larkin	Larson	Lord
Martin	Mascher	May	Mertz
Metcalf	Meyer	Millage	Moreland
Mundie	Murphy	Myers	Nelson
Osterhaus	Rants	Rayhous	Reynolds-Knight
Richardson	Scherrman	Schrader	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:

Fallon

Absent or not voting, 6:

Boddicker	Connors	Kremer	O'Brien
Shultz	Van Maanen		

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

**Senate File 2325**, a bill for an act amending the Uniform Securities Act, by regulating persons involved in managing investments, providing for the administration of the securities bureau, providing fees, and providing for penalties, with report of committee recommending passage, was taken up for consideration.

Chapman of Linn offered the following amendment H-8761 filed by her from the floor and moved its adoption:

H-8761

- 1 Amend Senate File 2325, as passed by the Senate, as
- 2 follows:
- 3 1. By striking page 17, line 28, through page 18,
- 4 line 8.
- 5 2. Title page, line 4, by inserting after the
- 6 word "penalties" the following: "and effective
- 7 dates".
- 8 3. By renumbering as necessary.

Amendment H-8761 was adopted.

Chapman of Linn moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2325)

The ayes were, 93:

Arnold	Barry	Bell	Bernau
Blodgett	Bogges	Bradley	Brand
Brauns	Brunkhorst	Bukta	Burnett
Carroll	Cataldo	Chapman	Chiodo
Churchill	Cohoon	Cormack	Dinkla
Dix	Doderer	Dolecheck	Dotzler
Drake	Drees	Eddie	Falck
Fallon	Foeg	Ford	Frevert
Garman	Gipp	Greig	Greiner
Gries	Grundberg	Hahn	Hansen
Heaton	Holmes	Holveck	Houser
Huseman	Huser	Jacobs	Jenkins
Jochum	Kinzer	Klemme	Koenigs
Kreiman	Lamberti	Larkin	Larson
Lord	Martin	Mascher	May
Mertz	Metcalf	Meyer	Millage
Moreland	Mundie	Murphy	Myers
Osterhaus	Rants	Rayhons	Reynolds-Knight
Richardson	Scherrman	Schrader	Siegrist
Sukup	Taylor	Teig	Thomas
Thomson	Tyrrell	Van Fossen	Vande Hoef

Veenstra	Warnstadt	Weidman	Weigel
Welter	Whitead	Wise	Witt
Mr. Speaker			
Corbett			

The nays were, none.

Absent or not voting, 7:

Boddicker	Connors	Kremer	Nelson
O'Brien	Shoultz	Van Maanen	

The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

### IMMEDIATE MESSAGES

Siegrist of Pottawattamie asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House File 2530, Senate Files 2397 and 2325.**

### EXPLANATION OF VOTE

I was necessarily absent from the House chamber on March 30, 1998. Had I been present, I would have voted "aye" on House File 2272 and Senate Files 2113, 2269 and 2348.

VAN FOSSEN 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 27th day of March, 1998: House Files 2146, 2210, 2246, 2317, 2324 and 2353.

Also presented to the Governor for his approval on this 30th day of March, 1998: House Files 58, 530, 2292, 2340, 2412, 2429, 2435, 2438, 2456, 2492, 2502 and 2516.

ELIZABETH A. ISAACSON  
Chief Clerk of the House

Report adopted.

### SPECIAL PRESENTATION

Frevert of Palo Alto presented to the House the Honorable Janet Adams, former State Representative from Webster County.

Koenigs of Mitchell presented to the House the Honorable Representative Con Bunde of Anchorage, Alaska.

Speaker pro tempore Van Maanen of Marion presented to the House the Honorable Jim Geringer, Governor of Wyoming.

### PRESENTATION OF VISITORS

The Speaker announced that the following visitors were present in the House chamber:

Nine German exchange students from Hildesheim Lower Saxony, accompanied by Superintendent Ed Hawks of Underwood School and Jürgen Einhoff. By Barry of Harrison and Drake of Pottawattamie.

Twenty-eight 8th grade students from Camanche Middle School, Camanche, accompanied by Willard Larsen. By Bradley of Clinton.

Twelve students from Camanche Middle School, Camanche, accompanied by Willard Larsen. By Bradley of Clinton.

Sixteen Peer Helpers from Davis County Middle School, Bloomfield, accompanied by Constance Miller and Joe Plowman. By Kreiman of Davis.

Fifty-five 6th grade students from Indianola Middle School, Indianola, accompanied by Dave Brighton. By Richardson of Warren.

### COMMUNICATION RECEIVED

The following communication was received and filed in the office of the Chief Clerk:

#### DEPARTMENT OF HUMAN SERVICES

A report on the Registered Child Care Home Pilot Project, pursuant to Chapter 151.4, 1997 Acts of the Seventy-seventh General Assembly.

### CERTIFICATES OF RECOGNITION

**MR. SPEAKER:** The Chief Clerk of the House respectfully reports that certificates of recognition have been issued as follows.

**ELIZABETH A. ISAACSON**  
Chief Clerk of the House

- 1998\346 Mary Hanzelka, Senior Vice President of Solon State Bank - For her retirement after a 45 year banking career.
- 1998\347 Robert and Dorothy Gaines, Mt. Vernon - For celebrating their 50th wedding anniversary.
- 1998\348 Emil and Evelyn Lamparek, Cedar Rapids - For celebrating their 60th wedding anniversary.

- 1998\349 Dale and Dorothy Steckly, Oxford – For celebrating their 50th wedding anniversary.
- 1998\350 Beverly Dickerson, Indianola – For her retirement after 33 years as Warren County Auditor.
- 1998\351 Art and LaVaun Johnston, Coin – For celebrating their 65th wedding anniversary.
- 1998\352 Jeremy Fischer, Dubuque – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 1998\353 Associated General Contractors of Iowa, Des Moines – For being selected by the Associated General Contractors of America as their national "Chapter of the Year" for 1997 and for receiving the national award for "Best Overall Public Relation Campaign" for 1997.
- 1998\354 Doyle and Beverly Van Essen, Prairie City – For celebrating their 50th wedding anniversary.
- 1998\355 Robert and Martha Guthrie, Newton – For celebrating their 50th wedding anniversary.
- 1998\356 Wesley and Golda Gatch, Newton – For celebrating their 60th wedding anniversary.
- 1998\357 Rose Metz, Indianola – For retiring after 24 years as Office Manager at Indianola Municipal Utilities.
- 1998\358 Doug and Lynne Johnson, Fairfield – For receiving the Wallace Farmer 1998 Iowa Master Farmers Award.
- 1998\359 Shawn Driscoll, Kalona – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 1998\360 Darrell Whitaker, Fairfield – For celebrating his 95th birthday.
- 1998\361 Dick and Maxine Blackford, Carlisle – For celebrating their 50th wedding anniversary.
- 1998\362 Esther and Cecil Lennox, Selma – For celebrating their 50th wedding anniversary.
- 1998\363 Raymond and Edna Dorothy, Stockport – For celebrating their 65th wedding anniversary.

#### AMENDMENTS FILED

H—8762	H.F.	2498	Murphy of Dubuque
H—8763	H.F.	2539	Garman of Story
H—8764	S.F.	187	Klemme of Plymouth
H—8765	S.F.	367	Weigel of Chickasaw

H—8766	S.F.	2052	Warnstadt of Woodbury
H—8767	S.F.	2380	Weigel of Chickasaw
H—8768	S.F.	2380	Weigel of Chickasaw
H—8769	S.F.	2380	Koenigs of Mitchell
H—8770	S.F.	2380	Koenigs of Mitchell
H—8771	S.F.	2380	Koenigs of Mitchell
H—8772	S.F.	58	Taylor of Linn
H—8773	S.F.	58	Taylor of Linn
H—8774	S.F.	2380	Wise of Lee
H—8778	S.F.	2280	Blodgett of Cerro Gordo May of Worth
H—8779	H.F.	2539	Murphy of Dubuque
H—8780	H.F.	2539	Murphy of Dubuque
H—8781	S.F.	58	Rants of Woodbury Grundberg of Polk
H—8782	S.F.	2296	Cormack of Webster
H—8783	H.F.	2539	Bell of Jasper
H—8785	H.F.	2539	Millage of Scott
H—8786	S.F.	2391	Lamberti of Polk
H—8787	S.F.	2331	Bernau of Story
H—8788	H.F.	2539	Doderer of Johnson Kreiman of Davis
H—8790	H.F.	2518	Murphy of Dubuque Brand of Tama
H—8791	H.F.	2539	Kreiman of Davis
H—8792	S.F.	530	Metcalf of Polk Larson of Linn
H—8793	H.F.	2538	Warnstadt of Woodbury Whitead of Woodbury

On motion by Siegrist of Pottawattamie, the House adjourned at 9:43 p.m., until 8:45 a.m., Tuesday, March 31, 1998.

# JOURNAL OF THE HOUSE

Seventy-ninth Calendar Day - Fifty-third Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Tuesday, March 31, 1998

The House met pursuant to adjournment at 8:50 a.m., Speaker Corbett in the chair.

Prayer was offered by Reverend Paul Fredricksen, First United Methodist Church, Cedar Falls.

The Journal of Monday, March 30, 1998 was approved.

On motion by Siegrist of Pottawattamie, the House was recessed at 8:58 a.m., until 10:30 a.m.

## LATE MORNING SESSION

The House reconvened at 10:50 a.m., Speaker Corbett in the chair.

## CONSIDERATION OF BILLS

### Unfinished Business Calendar

**Senate File 2085**, a bill for an act relating to the responsibilities of the department of transportation, including vehicle equipment and parking regulation, postings of highway weight restrictions, and receipt of plans for city street construction, with report of committee recommending amendment and passage, was taken up for consideration.

Welter of Jones offered the following amendment H-8493 filed by the committee on transportation and moved its adoption:

H-8493

- 1 Amend Senate File 2085 as passed by the Senate as
- 2 follows:
- 3 1. Page 4, by inserting after line 18 the
- 4 following:
- 5 "Sec. \_\_\_\_ Section 321L.2A, Code Supplement 1997,
- 6 is amended to read as follows:
- 7 321L.2A ~~WHEELCHAIR LIFT WARNING~~ PARKING CONE.
- 8 The department ~~shall~~, upon the request of a person
- 9 issued a persons with disabilities parking permit
- 10 under section 321L.2 who ~~operates a motor vehicle with~~
- 11 uses a wheelchair lift, shall provide the person with
- 12 a traffic cone list of names and addresses of vendors
- 13 who sell parking cones bearing the international
- 14 symbol of accessibility and the words "wheelchair lift

- 15 parking space". The department shall adopt rules as  
 16 necessary to ~~implement~~ administer this section."  
 17 2. By renumbering as necessary.

The committee amendment H-8493 was adopted.

Welter of Jones offered the following amendment H-8671 filed by him and May of Worth and moved its adoption:

H-8671

- 1 Amend Senate File 2085, as passed by the Senate, as  
 2 follows:  
 3 1. By striking page 3, line 22, through page 4,  
 4 line 9.  
 5 2. By renumbering as necessary.

Amendment H-8671 was adopted.

May of Worth moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2085)

The ayes were, 100:

Arnold	Barry	Bell	Bernau
Blodgett	Boddicker	Boggess	Bradley
Brand	Brauns	Brunkhorst	Bukta
Burnett	Carroll	Cataldo	Chapman
Chiodo	Churchill	Cohoon	Connors
Cormack	Dinkla	Dix	Doderer
Dolecheck	Dotzler	Drake	Drees
Eddie	Falck	Fallon	Foege
Ford	Frevert	Garman	Gipp
Greig	Greiner	Gries	Grundberg
Hahn	Hansen	Heaton	Holmes
Holveck	Houser	Huseman	Huser
Jacobs	Jenkins	Jochum	Kinzer
Klemme	Koenigs	Kreiman	Kremer
Lamberti	Larkin	Larson	Lord
Martin	Mascher	May	Mertz
Metcalf	Meyer	Millage	Moreland
Mundie	Murphy	Myers	Nelson
O'Brien	Osterhaus	Rants	Rayhons
Reynolds-Knight	Richardson	Scherrman	Schrader
Shoultz	Siegrist	Sukup	Taylor
Teig	Thomas	Thomson	Tyrrell
Van Fossen	Van Maanen	Vande Hoef	Veenstra
Warnstadt	Weidman	Weigel	Welter
Whitead	Wise	Witt	Mr. Speaker Corbett



The nays were, none.

Absent or not voting, none.

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

**Senate File 2308**, a bill for an act concerning eligible alternative retirement benefit systems for community college employees, 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. 2308)

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
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, none.

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

**Senate File 2371**, a bill for an act relating to infectious and contagious diseases affecting livestock and providing penalties, 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. 2371)

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 MESSAGES

Siegrist of Pottawattamie asked and received unanimous consent that the following bills be immediately messaged to the Senate: **Senate Files 2085, 2308 and 2371.**

**Senate File 2356**, a bill for an act relating to revolving funds to be administered by the department of general services and providing for funding for the revolving funds, with report of committee recommending passage, was taken up for consideration.

Gipp of Winneshiek moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2356)

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.

**Senate File 2368**, a bill for an act relating to the management of public rights-of-way by local government units, eliminating the power of cities to grant franchises to erect, maintain, and operate plants and systems for telecommunications services within the city, and providing

an effective date, with report of committee recommending amendment and passage, was taken up for consideration.

Bradley of Clinton offered the following amendment H-8508 filed by the committee on commerce and regulation and moved its adoption:

H-8508

- 1 Amend Senate File 2368 as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 4, line 2, by inserting after the word
- 4 "fee" the following: "from an entity".
- 5 2. Page 4, line 4, by inserting after the word
- 6 "fee" the following: "from that entity".

The committee amendment H-8508 was adopted.

Bradley of Clinton offered the following amendment H-8557 filed by him and moved its adoption:

H-8557

- 1 Amend Senate File 2368, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 2, line 4, by inserting after the word
- 4 "service" the following: "or utility poles owned by a
- 5 local government or a municipal utility".

Amendment H-8557 was adopted.

### RULE 32 INVOKED

Bernau of Story rose on a point of order and invoked Rule 32.

The Speaker ruled the point well taken and referred Senate File 2368 to the committee on ways and means.

### IMMEDIATE MESSAGE

Siegrist of Pottawattamie asked and received unanimous consent that **Senate File 2356** be immediately messaged to the Senate.

**Senate File 2391**, a bill for an act allowing probation for some operating-while-intoxicated offenders after service of a mandatory minimum sentence, permitting a .15 blood alcohol level to control the penalties applicable to an offender regardless of the margin of error associated with the test device, requiring the deletion from motor vehicle records after twelve years of certain youth license revocations for alcohol violations, and providing an effective date, with report of committee recommending passage, was taken up for consideration.

On motion by Siegrist of Pottawattamie, the House was recessed at 11:30 a.m., until 1:30 p.m. (Senate File 2391 pending.)

AFTERNOON SESSION

The House reconvened at 2:38 p.m., Veenstra of Sioux in the chair.

QUORUM CALL

A non-record roll call was requested to determine that a quorum was present. The vote revealed seventy-five members present, twenty-five absent.

Siegrist of Pottawattamie asked and received unanimous consent that Senate File 2391 be deferred and that the bill be retained on the calendar.

CONSIDERATION OF BILLS

Appropriations Calendar

House File 2539, a bill for an act relating to and making appropriations to the justice system and providing effective dates, was taken up for consideration.

Murphy of Dubuque asked and received unanimous consent that amendment H-8779 be deferred.

Whitead of Woodbury offered amendment H-8742 filed by him and requested division as follows:

H-8742

1 Amend House File 2539 as follows:

H-8742A

2 1. Page 4, by striking line 20 and inserting the  
3 following:  
4 " ..... \$ 950,000"

H-8742B

5 2. Page 34, by inserting after line 27 the  
6 following:  
7 "Sec. \_\_\_\_ Section 236.8, Code 1997, is amended to  
8 read as follows:  
9 236.8 VIOLATION OF ORDER - CONTEMPT - PENALTIES  
10 - HEARINGS.  
11 1. A person commits a simple misdemeanor or the  
12 court may hold a person in contempt for a violation of

13 ~~an any of the following:~~

14 a. An order or court-approved consent agreement  
15 entered under this chapter, for violation of a.

16 b. A temporary or permanent protective order or  
17 order to vacate the homestead under chapter 598, for  
18 violation of any.

19 c. Any order that establishes conditions of  
20 release or is a protective order or sentencing order  
21 in a criminal prosecution arising from a domestic  
22 abuse assault, or for violation by an adult of a.

23 d. A protective order under chapter 232, by an  
24 adult.

25 2. In any contempt proceeding in which the person  
26 seeking the contempt order is proceeding pro se and  
27 the defendant has a right to appointed counsel or is  
28 otherwise represented by counsel in the contempt  
29 hearing, the plaintiff shall be eligible for legal  
30 assistance pursuant to section 13.34, providing for  
31 the legal services for persons in poverty grant  
32 program, if the plaintiff qualifies as an "eligible  
33 individual" under that section. The county attorney  
34 may also assist the person proceeding pro se, pursuant  
35 to section 236.3B.

36 3. If convicted or held in contempt, the defendant  
37 shall serve a jail sentence. Any jail sentence of  
38 more than one day imposed under this section shall be  
39 served on consecutive days.

40 4. A defendant who is held in contempt or  
41 convicted may be ordered by the court to pay the  
42 plaintiff's attorney fees and court costs incurred in  
43 the proceedings under this section.

44 5. A hearing in a contempt proceeding brought  
45 pursuant to this section shall be held not less than  
46 five and not more than fifteen days after the issuance  
47 of a rule to show cause, as set by the court.

48 6. A person shall not be convicted of and held in  
49 contempt for the same violation of an order or court-  
50 approved consent agreement entered under this chapter,

Page 2

H-8742B

1 ~~for the same violation of a temporary or permanent~~  
2 ~~protective order or order to vacate the homestead~~  
3 ~~under chapter 598, for violation of any order that~~  
4 ~~establishes conditions of release or is a protective~~  
5 ~~order or sentencing order in a criminal prosecution~~  
6 ~~arising from a domestic abuse assault, or for~~  
7 ~~violation of a protective order under chapter 232~~  
8 ~~listed in subsection 1."~~

9 3. By renumbering as necessary.

Whitead of Woodbury moved the adoption of amendment H-8742A.

Roll call was requested by Chapman of Linn and Bell of Jasper.

On the question "Shall amendment H-8742A be adopted?" (H.F. 2539)

The ayes were, 47:

Bell	Bernau	Brand	Bukta
Burnett	Cataldo	Chapman	Chiodo
Cohoon	Connors	Dinkla	Doderer
Dotzler	Drees	Falck	Fallon
Foege	Ford	Frevert	Holveck
Huser	Jochum	Kinzer	Koenigs
Kreiman	Larkin	Mascher	May
Mertz	Moreland	Mundie	Murphy
Myers	O'Brien	Osterhaus	Reynolds-Knight
Richardson	Scherrman	Schrader	Shoultz
Taylor	Thomas	Warnstadt	Weigel
Whitead	Wise	Witt	

The nays were, 52:

Arnold	Barry	Blodgett	Boddicker
Boggess	Bradley	Brauns	Brunkhorst
Carroll	Churchill	Corbett, Spkr.	Cormack
Dix	Dolecheck	Drake	Eddie
Garman	Gipp	Greig	Greiner
Gries	Grundberg	Hahn	Hansen
Heaton	Holmes	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	Weidman	Welter	Veenstra, Presiding

Absent or not voting, 1:

Houser

Amendment H-8742A lost.

Taylor of Linn offered the following amendment H-8703 filed by him and moved its adoption:

H-8703

- 1 Amend House File 2539 as follows:
- 2 1. Page 12, by inserting after line 6 the

3 following:

4 "It is the intent of the general assembly that as a  
5 condition of receiving the appropriation provided in  
6 this subsection, the department of corrections shall  
7 not enter into a lease or contractual agreement  
8 pursuant to section 904.809 with a private corporation  
9 for the use of building space for the purpose of  
10 providing inmate employment without providing that the  
11 terms of the lease or contract establish safeguards to  
12 restrict, to the greatest extent feasible, access by  
13 inmates working for the private corporation to  
14 personal identifying information of citizens".

Amendment H-8703 was adopted.

Huser of Polk offered the following amendment H-8713 filed by her and Lamberti of Polk and moved its adoption:

H-8713

1 Amend House File 2539 as follows:

2 1. Page 12, by inserting after line 6 the  
3 following:

4 "It is the intent of the general assembly that as a  
5 condition of receiving the appropriation provided in  
6 this subsection, the department of corrections shall  
7 not enter into a lease or contractual agreement  
8 pursuant to section 904.809 with a private corporation  
9 for the use of building space unless the lease or  
10 contract includes provisions detailing what city  
11 services will be necessary to support the use of the  
12 building space used for inmate labor and an estimate  
13 of the extent of city services needed."

A non-record roll call was requested.

The ayes were 43, nays 50.

Amendment H-8713 lost.

Huser of Polk offered the following amendment H-8715 filed by her and Lamberti of Polk and moved its adoption:

H-8715

1 Amend House File 2539 as follows:

2 1. Page 12, by inserting after line 6 the  
3 following:

4 "It is the intent of the general assembly that as a  
5 condition of receiving the appropriation provided in  
6 this subsection, the department of corrections shall  
7 not enter into a lease or contractual agreement  
8 pursuant to section 904.809 with a private corporation



9 for the use of building space for the purpose of  
10 providing inmate employment without providing, if the  
11 property is totally or partially exempt from property  
12 taxation, that the terms of the lease or contract  
13 shall require the private corporation to make payments  
14 in lieu of property taxes to the applicable local  
15 government in an amount determined by the department  
16 based upon criteria which shall include, but is not  
17 limited to, the investment amount required of the  
18 private corporation to use the building space, up to a  
19 maximum amount which is equal to the amount of tax  
20 moneys that would be collected for that local  
21 government if the property was not exempt."

Speaker Corbett in the chair at 3:25 p.m.

A non-record roll call was requested.

The ayes were 45, nays 50.

Amendment H-8715 lost.

Taylor of Linn offered amendment H-8726 filed by him as follows:

H-8726

1 Amend House File 2539 as follows:  
2 1. Page 12, by inserting after line 6 the  
3 following:  
4 "It is the intent of the general assembly that as a  
5 condition of receiving the appropriation provided in  
6 this subsection, the department of corrections shall  
7 not enter into any agreement with a private for-profit  
8 agency or corporation for the purpose of transferring  
9 inmates under the custody of the department to a jail  
10 or correctional facility or institution established,  
11 maintained, or operated by a private for-profit agency  
12 or corporation without prior approval by the general  
13 assembly."

Huser of Polk offered the following amendment H-8805, to amend-  
ment H-8726, filed by her from the floor and moved its adoption:

H-8805

1 Amend the amendment, H-8726, to House File 2539 as  
2 follows:  
3 1. Page 1, line 10, by inserting after the word  
4 "institution" the following: "in this state which  
5 is".

Amendment H-8805 was adopted.

Taylor of Linn moved the adoption of amendment H-8726, as amended.

Amendment H-8726, as amended, was adopted.

Doderer of Johnson offered the following amendment H-8799 filed by her from the floor and moved its adoption:

H-8799

- 1 Amend House File 2539 as follows:
- 2 1. Page 13, by inserting after line 19 the
- 3 following:
- 4 "\_\_\_ For educational programs for inmates at the
- 5 Mitchellville correctional facility:
- 6 ..... \$ 12,000
- 7 It is the intent of the general assembly that
- 8 moneys appropriated in this subsection shall be in
- 9 addition to any moneys that would be allocated to the
- 10 Mitchellville correctional facility for educational
- 11 programs pursuant to the formula established by the
- 12 department of corrections for distribution of moneys
- 13 appropriated in subsection 7."
- 14 2. By renumbering as necessary.

A non-record roll call was requested.

The ayes were 50, nays 29.

Amendment H-8799 was adopted.

Taylor of Linn offered the following amendment H-8702 filed by him and moved its adoption:

H-8702

- 1 Amend House File 2539 as follows:
- 2 1. Page 15, by inserting after line 19 the
- 3 following:
- 4 "16. It is the intent of the general assembly that
- 5 any requirement applicable to the general population
- 6 of a correctional facility, including but not limited
- 7 to a general lock down, shall apply without exception
- 8 to the prisoners working in buildings constructed for
- 9 private industry employment and in other work programs
- 10 employing prisoners under section 904.809."
- 11 2. By renumbering as necessary.

A non-record roll call was requested.

The ayes were 37, nays 42.

Amendment H-8702 lost.

Bell of Jasper asked and received unanimous consent that amendment H-8783 be deferred.

Nelson of Marshall asked and received unanimous consent to withdraw amendment H-8808 filed by her and Martin of Scott from the floor.

Murphy of Dubuque offered the following amendment H-8780 filed by him and moved its adoption:

H-8780

- 1 Amend House File 2539 as follows:
- 2 1. Page 28, by striking line 17 and inserting the
- 3 following:
- 4 " ..... \$ 963,551"

Amendment H-8780 lost.

Myers of Johnson offered the following amendment H-8730 filed by him and moved its adoption:

H-8730

- 1 Amend House File 2539 as follows:
- 2 1. Page 28, by striking lines 17 through 23 and
- 3 inserting the following:
- 4 " ..... \$ 922,551
- 5 ..... FTEs 17.00"

A non-record roll call was requested.

The ayes were 35, nays 43.

Amendment H-8730 lost.

Garman of Story asked and received unanimous consent to withdraw amendment H-8806 filed by her from the floor.

Moreland of Wapello offered amendment H-8725 filed by him as follows:

H-8725

- 1 Amend House File 2539 as follows:
- 2 1. Page 31, by striking line 21 and inserting the
- 3 following:
- 4 " ..... \$ 250,000"
- 5 2. Page 33, by inserting after line 9 the
- 6 following:
- 7 "10. For costs associated with the establishment
- 8 of a clandestine laboratory emergency response team

- 9 within the department of public safety, including the  
 10 state's contribution to the peace officers'  
 11 retirement, accident, and disability system provided  
 12 in chapter 97A in the amount of 17 percent of the  
 13 salaries for which the funds are appropriated, and for  
 14 not more than the following full-time equivalent  
 15 positions:
- |          |      |           |
|----------|------|-----------|
| 16 ..... | \$   | 1,385,000 |
| 17 ..... | FTEs | 15.00"    |
- 18 3. By renumbering as necessary.

The House stood at ease at 4:32 p.m., until the fall of the gavel.

The House resumed session at 4:45 p.m., Speaker Corbett in the chair.

Siegrist of Pottawattamie asked and received unanimous consent that House File 2539 be deferred and that the bill be retained on the calendar. (Amendment H-8725 pending.)

#### Unfinished Business Calendar

The House resumed consideration of **Senate File 2391**, a bill for an act allowing probation for some operating-while-intoxicated offenders after service of a mandatory minimum sentence, permitting a .15 blood alcohol level to control the penalties applicable to an offender regardless of the margin of error associated with the test device, requiring the deletion from motor vehicle records after twelve years of certain youth license revocations for alcohol violations, and providing an effective date, previously deferred.

The House stood at ease at 4:48 p.m., until the fall of the gavel.

The House resumed session at 6:00 p.m., Speaker Corbett in the chair.

#### QUORUM CALL

A non-record roll call was requested to determine that a quorum was present. The vote revealed sixty-two members present, thirty-eight absent.

Lamberti of Polk offered amendment H-8796 filed by him and Sukup of Franklin, Larson of Linn, Jenkins of Black Hawk, Thomson of Linn, Millage of Scott, Veenstra of Sioux, Weidman of Cass, Arnold of Lucas, Martin of Scott, Hansen of Pottawattamie, Van Fossen of Scott, Rants of Woodbury, Dix of Butler, Gipp of Winneshiek, Houser of Pottawattamie, Teig of Hamilton, Metcalf of Polk, Eddie of Buena Vista, Carroll of Poweshiek, Blodgett of Cerro Gordo, Greig of Emmet, Hahn

of Muscatine, Greiner of Washington, Rayhons of Hancock, Dolecheck of Ringgold, Boggess of Taylor and Nelson of Marshall from the floor as follows:

H-8796

1 Amend Senate File 2391, as amended, passed, and  
2 reprinted by the Senate, as follows:

3 1. Page 1, by inserting before line 1 the  
4 following:

5 "DIVISION I".

6 2. Page 3, by inserting before line 2 the  
7 following:

8 "DIVISION II

9 Sec. \_\_\_\_ Section 321J.1, Code 1997, is amended by  
10 adding the following new subsection:

11 NEW SUBSECTION. 3A. "Controlled substance" means  
12 any drug, substance, or compound that is listed in  
13 section 124.204 or 124.206, or any metabolite or  
14 derivative of the drug, substance, or compound.

15 Sec. \_\_\_\_ Section 321J.2, subsection 1, Code  
16 Supplement 1997, is amended to read as follows:

17 1. A person commits the offense of operating while  
18 intoxicated if the person operates a motor vehicle in  
19 this state in ~~either~~ any of the following conditions:

20 a. While under the influence of an alcoholic  
21 beverage or other drug or a combination of such  
22 substances.

23 b. While having an alcohol concentration as  
24 ~~defined in section 321J.1 of .10 or more.~~

25 c. While any amount of a controlled substance is  
26 present in the person, as measured in the person's  
27 blood or urine.

28 Sec. \_\_\_\_ Section 321J.2, subsections 7 and 8,  
29 Code Supplement 1997, are amended to read as follows:

30 7. a. This section does not apply to a person  
31 operating a motor vehicle while under the influence of  
32 a drug if the substance was prescribed for the person  
33 and was taken under the prescription and in accordance  
34 with the directions of a medical practitioner as  
35 defined in chapter 155A, if there is no evidence of  
36 the consumption of alcohol and the medical  
37 practitioner had not directed the person to refrain  
38 from operating a motor vehicle.

39 b. When charged with a violation of subsection 1,  
40 paragraph "c", a person may assert, as an affirmative  
41 defense, that the controlled substance present in the  
42 person's blood or urine was prescribed for the person  
43 and was taken in accordance with the directions of a  
44 practitioner and the labeling directions of the  
45 pharmacy, as that person and place of business are  
46 defined in section 155A.3.

47 8. In any prosecution under this section, evidence  
48 of the results of analysis of a specimen of the  
49 defendant's blood, breath, or urine is admissible upon  
50 proof of a proper foundation.

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1 a. The alcohol concentration established by the  
2 results of an analysis of a specimen of the  
3 defendant's blood, breath, or urine withdrawn within  
4 two hours after the defendant was driving or in  
5 physical control of a motor vehicle is presumed to be  
6 the alcohol concentration at the time of driving or  
7 being in physical control of the motor vehicle.  
8 b. The presence of a controlled substance or other  
9 drug established by the results of analysis of a  
10 specimen of the defendant's blood or urine withdrawn  
11 within two hours after the defendant was driving or in  
12 physical control of a motor vehicle is presumed to  
13 show the presence of such controlled substance or  
14 other drug in the defendant at the time of driving or  
15 being in physical control of the motor vehicle.

16 Sec. \_\_\_\_ Section 321J.2, subsection 10, Code  
17 Supplement 1997, is amended to read as follows:

18 10. In any prosecution under this section, the  
19 results of a chemical test may not be used to prove a  
20 violation of paragraph "b" of subsection 1 if the  
21 alcohol, controlled substance, or other drug  
22 concentration indicated by the chemical test minus the  
23 established margin of error inherent in the device or  
24 method used to conduct the chemical test does not  
25 equal an alcohol concentration of .10 or more or  
26 exceed the level prohibited by subsection 1.

27 Sec. \_\_\_\_ Section 321J.6, subsection 1, unnumbered  
28 paragraph 1, Code 1997, is amended to read as follows:

29 A person who operates a motor vehicle in this state  
30 under circumstances which give reasonable grounds to  
31 believe that the person has been operating a motor  
32 vehicle in violation of section 321J.2 or 321J.2A is  
33 deemed to have given consent to the withdrawal of  
34 specimens of the person's blood, breath, or urine and  
35 to a chemical test or tests of the specimens for the  
36 purpose of determining the alcohol concentration or  
37 presence of a controlled substance or other drugs,  
38 subject to this section. The withdrawal of the body  
39 substances and the test or tests shall be administered  
40 at the written request of a peace officer having  
41 reasonable grounds to believe that the person was  
42 operating a motor vehicle in violation of section  
43 321J.2 or 321J.2A, and if any of the following  
44 conditions exist:

45 Sec. \_\_\_\_ Section 321J.6, subsection 1, paragraphs  
46 d and f, Code 1997, are amended to read as follows:

47 d. The preliminary breath screening test was  
48 administered and it indicated an alcohol concentration  
49 ~~as defined in equal to or in excess of the level~~  
50 ~~prohibited by section 321J.1 of .10 or more~~ 321J.2.

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1 f. The preliminary breath screening test was  
2 administered and it indicated an alcohol concentration  
3 ~~of less than 0.10 the level prohibited by section~~  
4 321J.2, and the peace officer has reasonable grounds  
5 to believe that the person was under the influence of  
6 a controlled substance, a drug other than alcohol, or  
7 a combination of alcohol and another drug.  
8 Sec. \_\_\_\_ Section 321J.6, subsection 3, Code 1997,  
9 is amended to read as follows:

10 3. Notwithstanding subsection 2, if the peace  
11 officer has reasonable grounds to believe that the  
12 person was under the influence of a controlled  
13 substance, a drug other than alcohol, or a combination  
14 of alcohol and another drug, a blood or urine test may  
15 shall be required even after ~~a blood or breath another~~  
16 type of test has been administered. Section 321J.9  
17 applies to a refusal to submit to a chemical test of  
18 urine or blood requested under this subsection.

19 Sec. \_\_\_\_ Section 321J.8, subsection 2, Code 1997,  
20 is amended to read as follows:

21 2. If the person submits to the test and the  
22 results indicate the presence of a controlled  
23 substance or other drug, or an alcohol concentration  
24 ~~as defined in equal to or in excess of the level~~  
25 ~~prohibited by section 321J.1 of .10 or more, or the~~  
26 ~~person is under the age of twenty one and the results~~  
27 ~~indicate an alcohol concentration of .02 or more, but~~  
28 ~~less than .10~~ 321J.2 or 321J.2A, the person's motor  
29 vehicle license or nonresident operating privilege  
30 will be revoked by the department as required by and  
31 for the applicable period specified under section  
32 321J.12.

33 Sec. \_\_\_\_ Section 321J.10, subsection 4, Code  
34 1997, is amended to read as follows:

35 4. a. Search warrants issued under this section  
36 shall authorize and direct peace officers to secure  
37 the withdrawal of blood specimens by medical personnel  
38 under section 321J.11. Reasonable care shall be  
39 exercised to ensure the health and safety of the  
40 persons from whom specimens are withdrawn in execution  
41 of the warrants.

42 b. If a person from whom a specimen is to be  
43 withdrawn objects to the withdrawal of blood, ~~and the~~  
44 warrant may be executed as follows:

45 (1) If the person is capable of giving a specimen  
46 of breath, and a direct breath testing instrument is

47 readily available, the warrant may be executed by the  
48 withdrawal of a specimen of breath for chemical  
49 testing, unless the peace officer has reasonable  
50 grounds to believe that the person was under the

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1 influence of a controlled substance, a drug other than  
2 alcohol, or a combination of alcohol and another drug.  
3 (2) If the testimony in support of the warrant  
4 sets forth facts and information that the peace  
5 officer has reasonable grounds to believe that the  
6 person was under the influence of a controlled  
7 substance, a drug other than alcohol, or a combination  
8 of alcohol and another drug, a urine sample shall be  
9 collected in lieu of a blood sample, if the person is  
10 capable of giving a urine sample and the sample can be  
11 collected without the need to physically compel the  
12 execution of the warrant.

13 Sec. \_\_\_\_ Section 321J.11, unnumbered paragraph 1,  
14 Code 1997, is amended to read as follows:

15 Only a licensed physician, licensed physician  
16 assistant as defined in section 148C.1, medical  
17 technologist, or registered nurse, acting at the  
18 request of a peace officer, may withdraw a specimen of  
19 blood for the purpose of determining the alcohol  
20 concentration or the presence of a controlled  
21 substance or other drugs. However, any peace officer,  
22 using devices and methods approved by the commissioner  
23 of public safety, may take a specimen of a person's  
24 breath or urine for the purpose of determining the  
25 alcohol concentration or the presence of a controlled  
26 substance or other drugs. Only new equipment kept  
27 under strictly sanitary and sterile conditions shall  
28 be used for drawing blood.

29 Sec. \_\_\_\_ Section 321J.12, subsection 1, 3, 4, and  
30 6, Code Supplement 1997, are amended to read as  
31 follows:

32 1. Upon certification, subject to penalty for  
33 perjury, by the peace officer that there existed  
34 reasonable grounds to believe that the person had been  
35 operating a motor vehicle in violation of section  
36 321J.2, that there existed one or more of the  
37 necessary conditions for chemical testing described in  
38 section 321J.6, subsection 1, and that the person  
39 submitted to chemical testing and the test results  
40 indicated the presence of a controlled substance or  
41 other drug, or an alcohol concentration as defined in  
42 section 321J.1 of 10 or more 321J.2, or a combination  
43 of alcohol and another drug in violation of section  
44 321J.2, the department shall revoke the person's motor  
45 vehicle license or nonresident operating privilege for  
46



- 47 the following periods of time:  
48 a. One hundred eighty days if the person has had  
49 no revocation under this chapter.  
50 b. One year if the person has had a previous

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1 revocation under this chapter.  
2 3. The effective date of the revocation shall be  
3 ten days after the department has mailed notice of  
4 revocation to the person by certified mail. The peace  
5 officer who requested or directed the administration  
6 of the chemical test may, on behalf of the department,  
7 serve immediate notice of revocation on a person whose  
8 test results indicated the presence of a controlled  
9 substance or other drug, or an alcohol concentration  
10 of .10 or more equal to or in excess of the level  
11 prohibited by section 321J.2, or a combination of  
12 alcohol and another controlled substance or drug in  
13 violation of section 321J.2.

14 4. If the peace officer serves that immediate  
15 notice, the peace officer shall take the person's Iowa  
16 license or permit, if any, and issue a temporary  
17 license valid only for ten days. The peace officer  
18 shall immediately send the person's driver's license  
19 to the department along with the officer's certificate  
20 indicating that the test results indicated the  
21 presence of a controlled substance or other drug, or  
22 an alcohol concentration of .10 or more equal to or in  
23 excess of the level prohibited by section 321J.2.

24 6. The results of a chemical test may not be used  
25 as the basis for a revocation of a person's motor  
26 vehicle license or nonresident operating privilege if  
27 the alcohol or drug concentration indicated by the  
28 chemical test minus the established margin of error  
29 inherent in the device or method used to conduct the  
30 chemical test does is not equal an alcohol  
31 concentration of .10 or more for violations under to  
32 or in excess of the level prohibited by section 321J.2  
33 or of .02 or more for violations of section 321J.2A.

34 Sec. \_\_\_\_ Section 321J.13, subsection 2, Code  
35 Supplement 1997, is amended to read as follows:

36 2. The department shall grant the person an  
37 opportunity to be heard within forty-five days of  
38 receipt of a request for a hearing if the request is  
39 made not later than ten days after receipt of notice  
40 of revocation served pursuant to section 321J.9 or  
41 321J.12. The hearing shall be before the department  
42 in the county where the alleged events occurred,  
43 unless the director and the person agree that the  
44 hearing may be held in some other county, or the  
45 hearing may be held by telephone conference at the  
46 discretion of the agency conducting the hearing. The

47 hearing may be recorded and its scope shall be limited  
48 to the issues of whether a peace officer had  
49 reasonable grounds to believe that the person was  
50 operating a motor vehicle in violation of section

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1 321J.2 or ~~section 321J.2A~~ and either one or more of  
2 the following:

3 a. Whether the person refused to submit to the  
4 test or tests.

5 b. Whether a test was administered and the test  
6 results indicated an alcohol concentration ~~as defined~~  
7 in equal to or in excess of the level prohibited under  
8 ~~section 321J.1 of .10 or more or whether a test was~~  
9 ~~administered and the test results indicated an alcohol~~  
10 ~~concentration as defined in section 321J.1 of .02 or~~  
11 ~~more pursuant to section 321J.2 or 321J.2A.~~

12 c. Whether a test was administered and the test  
13 results indicated the presence of alcohol, a  
14 controlled substance or other drug, or a combination  
15 of alcohol and another drug, in violation of section  
16 321J.2.

17 Sec. \_\_\_\_ Section 321J.15, Code 1997, is amended  
18 to read as follows:

19 321J.15 EVIDENCE IN ANY ACTION.

20 Upon the trial of a civil or criminal action or  
21 proceeding arising out of acts alleged to have been  
22 committed by a person while operating a motor vehicle  
23 in violation of section 321J.2 or 321J.2A, evidence of  
24 the alcohol concentration or the presence of a  
25 controlled substance or other drugs in the person's  
26 body substances at the time of the act alleged as  
27 shown by a chemical analysis of the person's blood,  
28 breath, or urine is admissible. If it is established  
29 at trial that an analysis of a breath specimen was  
30 performed by a certified operator using a device and  
31 methods approved by the commissioner of public safety,  
32 no further foundation is necessary for introduction of  
33 the evidence.

34 Sec. \_\_\_\_ Section 321J.18, Code 1997, is amended  
35 to read as follows:

36 321J.18 OTHER EVIDENCE.

37 This chapter does not limit the introduction of any  
38 competent evidence bearing on the question of whether  
39 a person was under the influence of an alcoholic  
40 beverage or a controlled substance or other drug,  
41 including the results of chemical tests of specimens  
42 of blood, breath, or urine obtained more than two  
43 hours after the person was operating a motor vehicle."

44 3. Page 3, by inserting before line 2 the  
45 following:

46 "DIVISION III

47 Sec. \_\_\_\_ Section 124.401, subsection 1, paragraph  
48 d, Code Supplement 1997, is amended to read as  
49 follows:  
50 d. Violation of this subsection, with respect to

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1 any other controlled substances, counterfeit  
2 substances, or simulated controlled substances  
3 classified in schedule IV or V is an aggravated  
4 misdemeanor. However, violation of this subsection  
5 involving fifty kilograms or less of marijuana, is a  
6 class "D" felony, and in addition to the provisions of  
7 section 902.9, subsection 4, shall be punished by a  
8 fine of not less than one thousand dollars nor more  
9 than five seven thousand five hundred dollars.

10 Sec. \_\_\_\_ Section 124.401, subsection 5, Code  
11 Supplement 1997, is amended to read as follows:

12 5. It is unlawful for any person knowingly or  
13 intentionally to possess a controlled substance unless  
14 such substance was obtained directly from, or pursuant  
15 to, a valid prescription or order of a practitioner  
16 while acting in the course of the practitioner's  
17 professional practice, or except as otherwise  
18 authorized by this chapter. Any person who violates  
19 this subsection is guilty of a serious misdemeanor for  
20 a first offense. A person who commits a violation of  
21 this subsection and who has previously been convicted  
22 of violating this subsection is guilty of an  
23 aggravated misdemeanor. A person who commits a  
24 violation of this subsection and has previously been  
25 convicted two or more times of violating this  
26 subsection is guilty of a class "D" felony.

27 PARAGRAPH DIVIDED. If the controlled substance is  
28 marijuana, the punishment shall be by imprisonment in  
29 the county jail for not more than six months or by a  
30 fine of not more than one thousand dollars, or by both  
31 such fine and imprisonment for a first offense. If  
32 the controlled substance is marijuana and the person  
33 has been previously convicted of a violation of this  
34 subsection in which the controlled substance was  
35 marijuana, the punishment shall be as provided in  
36 section 903.1, subsection 1, paragraph "b". If the  
37 controlled substance is marijuana and the person has  
38 been previously convicted two or more times of a  
39 violation of this subsection in which the controlled  
40 substance was marijuana, the person is guilty of an  
41 aggravated misdemeanor.

42 PARAGRAPH DIVIDED. All or any part of a sentence  
43 imposed pursuant to this ~~section~~ subsection may be  
44 suspended and the person placed upon probation upon  
45 such terms and conditions as the court may impose  
46 including the active participation by such person in a

47 drug treatment, rehabilitation or education program  
48 approved by the court.”  
49 4. Page 3, by inserting before line 2 the  
50 following:

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1 “DIVISION IV

2 Sec. \_\_\_\_ Section 901.5, Code 1997, is amended by  
3 adding the following new subsections:  
4 NEW SUBSECTION. 11. In addition to any sentence  
5 or other penalty imposed against the defendant for an  
6 offense under chapter 124, the court shall consider  
7 the provisions of 21 U.S.C. § 862, regarding the  
8 denial of federal benefits to drug traffickers and  
9 possessors convicted under state or federal law, and  
10 may enter an order specifying the range and scope of  
11 benefits to be denied to the defendant, according to  
12 the provisions of 21 U.S.C. § 862. For the purposes  
13 of this subsection, “federal benefit” means the  
14 issuance of any grant, contract, loan, professional  
15 license, or commercial license provided by an agency  
16 of the United States or through the appropriation of  
17 funds of the United States, but does not include any  
18 retirement, welfare, social security, health,  
19 disability, veterans, public housing, or similar  
20 benefit for which payments or services are required  
21 for eligibility. The supreme court may adopt rules  
22 establishing sentencing guidelines consistent with  
23 this subsection and 21 U.S.C. § 862. The clerk of the  
24 district court shall send a copy of any order issued  
25 pursuant to this subsection to the denial of federal  
26 benefits program of the United States department of  
27 justice, along with any other forms and information  
28 required by the department.

29 NEW SUBSECTION. 12. In addition to any sentence  
30 or other penalty imposed against the defendant for an  
31 offense under chapter 124, the court shall consider  
32 the denial of state benefits to the defendant, and may  
33 enter an order specifying the range and scope of  
34 benefits to be denied to the defendant, comparable to  
35 the federal benefits denied under subsection 11. For  
36 the purposes of this subsection, “state benefit” means  
37 the issuance of any grant, contract, loan,  
38 professional license, or commercial license provided  
39 by a state agency, department, program, or otherwise  
40 through the appropriation of funds of the state, but  
41 does not include any retirement, welfare, health,  
42 disability, veterans, public housing, or similar  
43 benefit. The supreme court may adopt rules  
44 establishing sentencing guidelines consistent with  
45 this subsection and comparable to the guidelines for  
46 denial of federal benefits in 21 U.S.C. § 862. The

47 clerk of the district court shall send a copy of any  
48 order issued pursuant to this subsection to each state  
49 agency, department, or program required to deny  
50 benefits pursuant to such an order."

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1 5. Page 3, by inserting before line 2 the  
2 following:

3 "DIVISION V

4 Sec. \_\_\_\_ Section 811.1, subsection 2, Code  
5 Supplement 1997, is amended to read as follows:

6 2. A defendant appealing a conviction of a class  
7 "A" felony, murder, any class "B" felony included in  
8 section 707.6A, felonious assault, felonious child  
9 endangerment, sexual abuse in the second degree,  
10 sexual abuse in the third degree, kidnapping, robbery  
11 in the first degree, arson in the first degree, or  
12 burglary in the first degree, or any felony included  
13 in section 124.401, subsection 1, paragraph "a", or a  
14 violation of section 124.401, subsection 1, paragraph  
15 "b".

16 Sec. \_\_\_\_ Section 901.10, Code 1997, is amended to  
17 read as follows:

18 901.10 IMPOSITION OF MANDATORY MINIMUM SENTENCES.

19 1. A court sentencing a person for the person's  
20 first conviction under section 124.406, 124.413, or  
21 902.7 may, at its discretion, sentence the person to a  
22 term less than provided by the statute if mitigating  
23 circumstances exist and those circumstances are stated  
24 specifically in the record. ~~However, the~~

25 2. Notwithstanding subsection 1, if the sentence  
26 under section 124.413 involves a methamphetamine  
27 offense under section 124.401, subsection 1, paragraph  
28 "a" or "b", the court shall not grant any reduction of  
29 sentence unless the defendant pleads guilty. If the  
30 defendant pleads guilty, the court may, at its  
31 discretion, reduce the mandatory minimum sentence by  
32 up to one-third. If the defendant additionally  
33 cooperates in the prosecution of other persons  
34 involved in the sale or use of controlled substances,  
35 and if the prosecutor requests an additional reduction  
36 in defendant's sentence because of such cooperation,  
37 the court may grant a further reduction in defendant's  
38 mandatory minimum sentence, up to one-half of the  
39 remaining mandatory minimum sentence.

40 3. The state may appeal the discretionary decision  
41 on the grounds that the stated mitigating  
42 circumstances do not warrant a reduction of the  
43 sentence.

44 Sec. \_\_\_\_ Section 907.3, subsection 1, Code  
45 Supplement 1997, is amended by adding the following  
46 new paragraph:

47 NEW PARAGRAPH. k. The offense is a violation of  
48 section 124.401, subsection 1, paragraph "a" or "b",  
49 and the controlled substance is methamphetamine.  
50 Sec. \_\_\_\_ Section 907.3, subsection 2, Code

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1 Supplement 1997, is amended by adding the following  
2 new paragraph:

3 NEW PARAGRAPH. e. The offense is a violation of  
4 section 124.401, subsection 1, paragraph "a" or "b",  
5 and the controlled substance is methamphetamine.  
6 Sec. \_\_\_\_ Section 907.3, subsection 3, Code

7 Supplement 1997, is amended by adding the following  
8 new paragraph:

9 NEW PARAGRAPH. e. The offense is a violation of  
10 section 124.401, subsection 1, paragraph "a" or "b",  
11 and the controlled substance is methamphetamine."

12 6. Page 3, by inserting before line 2 the  
13 following:

14 "DIVISION VI

15 Sec. \_\_\_\_ Section 730.5, subsection 7, paragraph  
16 a, as enacted in 1998 Iowa Acts, House File 299,  
17 section 1, is amended to read as follows:

18 a. The collection of samples shall be performed  
19 under sanitary conditions and with regard for the  
20 privacy of the individual from whom the specimen is  
21 being obtained and in a manner reasonably calculated  
22 to preclude contamination or substitution of the  
23 specimen. If the sample collected is urine,  
24 procedures shall be established to provide for  
25 individual privacy in the collection of the sample  
26 unless there is reason to believe that a particular  
27 individual subject to testing may alter or substitute  
28 the urine specimen to be provided, or has previously  
29 altered or substituted a urine specimen provided  
30 pursuant to a drug or alcohol test. For purposes of  
31 this paragraph, "individual privacy" means a location  
32 at the collection site where urination can occur in  
33 private, which has been secured by visual inspection  
34 to ensure that other persons are not present, which  
35 provides that undetected access to the location is not  
36 possible during urination, and which provides for the  
37 ability to effectively restrict access to the location  
38 during the time the specimen is provided. If an  
39 individual providing a sample is under eighteen years  
40 of age and is not considered by law to be an adult and  
41 if collection of the sample is directly monitored or  
42 observed by another individual, or if an individual is  
43 providing a urine sample and collection of the sample  
44 is directly monitored or observed by another  
45 individual, the individual who is directly monitoring  
46 or observing the collection shall be of the same

47 gender as the individual from whom the sample is being  
48 collected.  
49 Sec. \_\_\_\_ Section 730.5, subsection 9, paragraph  
50 a, as enacted in 1998 Iowa Acts, House File 299,

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1 section 1, is amended to read as follows:

2 a. (1) Drug or alcohol testing or retesting by an  
3 employer shall be carried out within the terms of a  
4 written policy which has been provided to every  
5 employee subject to testing, and is available for  
6 review by employees and prospective employees. If an  
7 employee or prospective employee is a minor, the  
8 employer shall provide a copy of the written policy to  
9 a parent of the employee or prospective employee and  
10 shall obtain a receipt or acknowledgement from the  
11 parent that a copy of the policy has been received.  
12 Providing a copy of the written policy to a parent of  
13 a minor by certified mail, return receipt requested,  
14 shall satisfy the requirements of this subparagraph.

15 (2) In addition, the written policy shall provide  
16 that any notice required by subsection 7, paragraph  
17 "i", to be provided to an individual pursuant to a  
18 drug or alcohol test conducted pursuant to this  
19 section, shall also be provided to the parent of the  
20 individual if the individual tested is a minor and a  
21 parent of the minor has not specifically waived the  
22 requirement to be provided notice. If a parent of the  
23 minor has waived the requirement to provide notice,  
24 the employer shall not be required to provide notice  
25 to any person other than the individual tested.

26 (3) In providing information or notice to a parent  
27 as required by this paragraph, an employer shall rely  
28 on the information regarding the identity of a parent  
29 as provided by the minor.

30 (4) For purposes of this paragraph, "minor" means  
31 an individual who is under eighteen years of age and  
32 is not considered by law to be an adult, and "parent"  
33 means one biological or adoptive parent, a stepparent,  
34 or a legal guardian or custodian of the minor."

35 7. Page 3, by inserting before line 2 the  
36 following:

37 "DIVISION VII

38 Sec. \_\_\_\_ IMPLEMENTATION OF ACT. Section 25B.2,  
39 subsection 3, shall not apply to this Act.

40 Sec. \_\_\_\_ EFFECTIVE DATES. Division VI of this  
41 Act takes effect upon enactment or April 16, 1998,  
42 whichever is later."

43 8. Page 3, line 2, by striking the word "This"  
44 and inserting the following: "Division I of this".

45 9. Title page, line 1, by inserting after the  
46 word "Act" the following: "relating to certain drug

47 and alcohol abuse and certain offenses which carry a  
48 mandatory minimum sentence, by".  
49 10. Title page, line 5, by inserting after the  
50 word "device," the following: "requiring the

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1 imposition of a mandatory minimum penalty for certain  
2 methamphetamine offenses, prohibiting the granting of  
3 a deferred judgment or sentence or a suspended  
4 sentence for certain methamphetamine offenses,  
5 providing that persons convicted of certain  
6 methamphetamine offenses are ineligible for bail upon  
7 appeal,".

8 11. Title page, line 7, by inserting after the  
9 word "violations," the following: "increasing and  
10 adding certain penalties for certain drug offenses,  
11 providing for the denial of federal benefits to  
12 persons convicted of drug-related offenses, providing  
13 for an operating while intoxicated offense for persons  
14 driving after taking certain controlled substances,  
15 providing privacy and notice in certain drug and  
16 alcohol testing situations, making related changes,  
17 making penalties applicable,".

18 12. By renumbering as necessary.

Kreiman of Davis asked and received unanimous consent to withdraw amendments H-8821, H-8820 and H-8822, to amendment H-8796, filed by him from the floor.

Rants of Woodbury in the chair at 6:20 p.m.

Huser of Polk offered the following amendment H-8827, to amendment H-8796, filed by her and Sukup of Franklin from the floor and moved its adoption:

H-8827

1 Amend the amendment, H-8796, to Senate File 2391,  
2 as amended, passed, and reprinted by the Senate, as  
3 follows:  
4 1. Page 11, line 20, by striking the words  
5 "individual if" and inserting the following:  
6 "individual by certified mail, return receipt  
7 requested, if".

Amendment H-8827 was adopted.

The House stood at ease at 6:22 p.m., until the fall of the gavel.

The House resumed session at 6:25 p.m., Rants of Woodbury in the chair.



Osterhaus of Jackson offered the following amendment H-8828, to amendment H-8796, filed by him from the floor and moved its adoption:

H-8828

- 1 Amend the amendment, H-8796, to Senate File 2391,
- 2 as amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 1, line 35, by inserting after the figure
- 5 "155A" the following: "or if the substance was
- 6 dispensed by a pharmacist without a prescription
- 7 pursuant to the rules of the board of pharmacy
- 8 examiners".
- 9 2. Page 1, line 37, by inserting after the word
- 10 "practitioner" the following: "or pharmacist".
- 11 3. Page 1, line 42, by inserting after the word
- 12 "prescribed" the following: "or dispensed".

Amendment H-8828 was adopted.

Holveck of Polk offered the following amendment H-8829, to amendment H-8796, filed by him from the floor and moved its adoption:

H-8829

- 1 Amend the amendment, H-8796, to Senate File 2391,
- 2 as amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 4, by striking line 25 and inserting the
- 5 following: "alcohol concentration, or may take a
- 6 specimen of a person's urine for the purpose of
- 7 determining the presence of a controlled".
- 8 2. Page 6, line 30, by inserting after the word
- 9 "device" the following: "intended to determine
- 10 alcohol concentration".

Amendment H-8829 was adopted.

Lamberti of Polk asked and received unanimous consent that amendment H-8796, as amended, be deferred.

Lamberti of Polk offered the following amendment H-8786 filed by him and moved its adoption:

H-8786

- 1 Amend Senate File 2391, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, line 16, by inserting after the word
- 4 "sentence" the following: "of incarceration".
- 5 2. Page 1, line 18, by inserting after the word

- 6 "sentence" the following: "not involving  
7 incarceration".  
8 3. Page 2, line 21, by inserting after the word  
9 "sentence" the following: "of incarceration".  
10 4. Page 2, line 23, by inserting after the word  
11 "sentence" the following: "not involving  
12 incarceration".

Amendment H-8786 was adopted.

Kremer of Buchanan offered the following amendment H-8502 filed by him and moved its adoption:

H-8502

- 1 Amend Senate File 2391 as follows:  
2 1. Page 1, by inserting before line 31 the  
3 following:  
4 "Sec. 101. Section 321J.4, Code Supplement 1997,  
5 is amended by adding the following new subsection:  
6 NEW SUBSECTION. 10. Notwithstanding the  
7 requirement in subsections 2, 4, and 8 for a court  
8 order for an individual to install an ignition  
9 interlock device as a prerequisite to obtaining a  
10 temporary restricted license, such requirement shall  
11 apply only to offenses committed on or after July 1,  
12 1997."  
13 2. Page 3, line 2, by striking the word "DATE."  
14 and inserting the following: "AND APPLICABILITY  
15 DATES. Section 101 of this Act is retroactively  
16 applicable to July 1, 1997, and is applicable on and  
17 after that date."  
18 3. Title page, lines 7 and 8, by striking the  
19 words "and providing an effective date" and inserting  
20 the following: "providing a limitation on the  
21 applicability of the requirement for an ignition  
22 interlock device as a prerequisite to obtaining a  
23 temporary restricted license, and providing effective  
24 and retroactive applicability dates".  
25 4. By renumbering as necessary.

Amendment H-8502 was adopted.

Heaton of Henry offered amendment H-8752 filed by him and requested division as follows:

H-8752

- 1 Amend Senate File 2391, as amended, passed, and  
2 reprinted by the Senate, as follows:

H-8752A

- 3 1. Page 1, by inserting before line 31 the

4 following:

5 "Sec. 101. Section 321J.4, subsection 9, Code  
6 Supplement 1997, is amended by adding the following  
7 new unnumbered paragraph:

8 NEW UNNUMBERED PARAGRAPH. Notwithstanding any  
9 provision of this chapter to the contrary, the court  
10 may order the department to issue a temporary  
11 restricted license to a person otherwise eligible for  
12 a temporary restricted license under this subsection,  
13 whose period of revocation under this chapter has  
14 expired, but who has not met all requirements for  
15 reinstatement of the person's motor vehicle license or  
16 nonresident operating privileges.

17 Sec. 102. Section 321J.20, Code Supplement 1997;  
18 is amended by adding the following new subsection:

19 NEW SUBSECTION. 7. Notwithstanding any provision  
20 of this chapter to the contrary, the department may  
21 issue a temporary restricted license to a person  
22 otherwise eligible for a temporary restricted license  
23 under this section, whose period of revocation under  
24 this chapter has expired, but who has not met all  
25 requirements for reinstatement of the person's motor  
26 vehicle license or nonresident operating privileges."

27 2. Page 3, by inserting before line 2 the  
28 following:

29 "Sec. \_\_\_\_ RETROACTIVE APPLICABILITY. Sections  
30 101 and 102 of this Act are retroactively applicable  
31 to July 1, 1997, and are applicable on and after that  
32 date."

H-8752B

33 3. Title page, line 8, by inserting after the  
34 word "date" the following: "and a retroactive  
35 applicability date".

H-8752A

36 4. By renumbering as necessary.

Heaton of Henry asked and received unanimous consent to withdraw amendment H-8752B.

Heaton of Henry moved the adoption of amendment H-8752A.

Amendment H-8752A was adopted.

The House resumed consideration of amendment H-8796, as amended.

Fallon of Polk rose on a point of order that amendment H-8796 was not germane.

The Speaker ruled the point well taken and amendment H-8796 not germane.

Siegrist of Pottawattamie asked and received unanimous consent to suspend the rules to consider amendment H-8796, as amended.

The House stood at ease at 8:12 p.m., until the fall of the gavel.

The House resumed session at 8:14 p.m., Rants of Woodbury in the chair.

Bernau of Story offered the following amendment H-8833, to amendment H-8796, filed by him and Sukup of Franklin from the floor and moved its adoption:

H-8833

- 1 Amend the amendment, H-8796, to Senate File 2391,
- 2 as amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 2, by inserting before line 27 the
- 5 following:
- 6 "Sec. \_\_\_\_ Section 321J.5, Code 1997, is amended
- 7 by adding the following new subsection:
- 8 NEW SUBSECTION. 1A. When a peace officer has
- 9 reasonable grounds to believe that a motor vehicle
- 10 operator may be violating or has violated section
- 11 321J.2, subsection 1, paragraph "c", the peace officer
- 12 may request that the operator provide a sample of the
- 13 operator's urine for a preliminary screening test.
- 14 The department of public safety shall adopt nationally
- 15 accepted standards for determining detectable levels
- 16 of controlled substances in an initial screening test
- 17 for controlled substances."
- 18 2. Page 3, by inserting before line 8 the
- 19 following:
- 20 "Sec. \_\_\_\_ Section 321J.6, subsection 1, Code
- 21 1997, is amended by adding the following new
- 22 paragraph:
- 23 NEW PARAGRAPH. h. The preliminary urine screening
- 24 test indicates a detectable amount of a controlled
- 25 substance."

Amendment H-8833 was adopted.

Lamberti of Polk moved the adoption of amendment H-8796, as amended.

Amendment H-8796, 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. 2391)

The ayes were, 96:

Arnold	Barry	Bell	Bernau
Blodgett	Boddicker	Boggess	Bradley
Brand	Brauns	Brunkhorst	Bukta
Burnett	Carroll	Cataldo	Chapman
Chiodo	Churchill	Cohoon	Connors
Corbett, Spkr.	Cormack	Dinkla	Dix
Doderer	Dolecheck	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	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, 3:

Dotzler	Fallon	Ford
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Absent or not voting, 1:

Meyer

The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

## IMMEDIATE MESSAGE

Siegrist of Pottawattamie asked and received unanimous consent that **Senate File 2391** be immediately messaged to the Senate.

Speaker Corbett in the chair at 8:28 p.m.

The House resumed consideration of **House File 2539**, a bill for an act relating to and making appropriations to the justice system and providing effective dates, previously deferred, and amendment H-8725 (found on page 1088 of the House Journal) pending.

Moreland of Wapello moved the adoption of amendment H-8725.

Roll call was requested by Schrader of Marion and Garman of Story.

On the question "Shall amendment H-8725 be adopted?" (H.F. 2539)

The ayes were, 46:

Bell	Bernau	Brand	Bukta
Burnett	Cataldo	Chapman	Chiodo
Cohoon	Connors	Doderer	Dotzler
Drees	Falck	Foege	Ford
Frevert	Holveck	Huser	Jochum
Kinzer	Koenigs	Kreiman	Larkin
Mascher	May	Mertz	Moreland
Mundie	Murphy	Myers	O'Brien
Osterhaus	Reynolds-Knight	Richardson	Scherrman
Schrader	Shoultz	Taylor	Thomas
Warnstadt	Weidman	Weigel	Whitead
Wise	Witt		

The nays were, 54:

Arnold	Barry	Blodgett	Boddicker
Boggess	Bradley	Brauns	Brunkhorst
Carroll	Churchill	Cormack	Dinkla
Dix	Dolecheck	Drake	Eddie
Fallon	Garman	Gipp	Greig
Greiner	Gries	Grundberg	Hahn
Hansen	Heaton	Holmes	Houser
Huseman	Jacobs	Jenkins	Klemme
Kremer	Lamberti	Larson	Lord
Martin	Metcalf	Meyer	Millage
Nelson	Rants	Rayhons	Siegrist
Sukup	Teig	Thomson	Tyrrell
Van Fossen	Van Maanen	Vande Hoef	Veenstra
Welter	Mr. Speaker		
	Corbett		

Absent or not voting, none.

Amendment H-8725 lost.

Millage of Scott asked and received unanimous consent to withdraw amendment H-8785 filed by him on March 30, 1998.

The House resumed consideration of amendment H-8742B.

Garman of Story rose on a point of order that amendment H-8742B was not germane.

The Speaker ruled the point well taken and amendment H-8742B not germane.

Whitead of Woodbury asked for unanimous consent to suspend the rules to consider amendment H-8742B.

Objection was raised.

Whitead of Woodbury moved to suspend the rules to consider amendment H-8742B.

Roll call was requested by Schrader of Marion and Murphy of Dubuque.

On the question "Shall the rules be suspended to consider amendment H-8742B?" (H.F. 2539)

The ayes were, 45:

Bell	Bernau	Brand	Bukta
Burnett	Cataldo	Chapman	Chiodo
Cohoon	Connors	Doderer	Dotzler
Drees	Falck	Fallon	Foege
Frevert	Holveck	Huser	Jochum
Kinzer	Koenigs	Kreiman	Larkin
Mascher	May	Mertz	Moreland
Mundie	Murphy	Myers	O'Brien
Osterhaus	Reynolds-Knight	Richardson	Scherrman
Schrader	Shoultz	Taylor	Thomas
Warnstadt	Weigel	Whitead	Wise
Witt			

The nays were, 53:

Arnold	Barry	Blodgett	Boddicker
Boggess	Bradley	Brauns	Brunkhorst
Carroll	Churchill	Cormack	Dix
Dolecheck	Drake	Eddie	Garman
Gipp	Greig	Greiner	Gries
Grundberg	Hahn	Hansen	Heaton
Holmes	Houser	Huseman	Jacobs
Jenkins	Klemme	Kremer	Lamberti
Larson	Lord	Martin	Metcalf
Meyer	Millage	Nelson	Rants
Rayhons	Siegrist	Sukup	Teig
Thomson	Tyrrell	Van Fossen	Van Maanen
Vande Hoef	Veenstra	Weidman	Welter
Mr. Speaker			
Corbett			

Absent or not voting, 2:

Dinkla	Ford
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The motion to suspend the rules lost.

Doderer of Johnson offered amendment H-8788 filed by her and Kreiman of Davis as follows:

H-8788

1 Amend House File 2539 as follows:

2 1. Page 34, by inserting after line 27 the  
3 following:

4 "Sec. 101. NEW SECTION. 249A.50 STATE RECOVERY  
5 OF TOBACCO-RELATED MEDICAL ASSISTANCE PAYMENTS.

6 1. For purposes of this section:

7 a. "Manufacturer" means any person engaged in the  
8 process of designing, fabricating, assembling,  
9 producing, constructing, or otherwise preparing a  
10 product containing tobacco, including any packaging or  
11 labeling or repackaging or relabeling of such a  
12 product, with the intention of selling the product for  
13 gain or profit. "Manufacturer" does not include  
14 persons whose activity is limited to growing natural  
15 leaf tobacco or to selling tobacco products at  
16 wholesale or retail to consumers.

17 b. "Tobacco" means any tobacco product, including  
18 but not limited to loose tobacco suitable for smoking,  
19 snuff, snuff flour, cavendish, plug and twist tobacco,  
20 fine cuts and other chewing tobaccos, shorts, refuse  
21 scraps, clippings, cuttings, and sweepings of tobacco,  
22 and other kinds and forms of tobacco suitable for  
23 chewing and smoking, including cigars and cigarettes.

24 2. The state and the department shall be entitled  
25 to bring an action against and recover in full from  
26 any manufacturer which caused in fact any injury,  
27 disease, or disability arising from or connected with  
28 the use of tobacco by recipients of medical  
29 assistance, for the full amount of medical assistance  
30 paid under this chapter on behalf of such recipients,  
31 and for other relief, including legal and  
32 administrative fees and expenses. The attorney  
33 general may institute a civil action to enforce the  
34 rights conferred by this section. The right of  
35 recovery of the state and the department under this  
36 section is independent from and not derivative of any  
37 right or claim of the individual recipients of medical  
38 assistance.

39 a. The court shall do all of the following:

40 (1) Shall permit evidence, proof, and argument as  
41 to causation and amount of damages by and through  
42 statistical analysis or other methods of scientific or  
43 statistical proof.

44 (2) Shall not require proof of causation and  
45 damages as to individual recipients.

46 b. The state or department may recover damages  
47 against manufacturers based upon an aggregation of or



48 a reasonable estimation of payments made on behalf of  
 49 recipients of medical assistance. Apportionment of  
 50 damages among defendants shall be according to a

**Page 2**

1 manufacturer's respective share of the market for  
 2 tobacco within the state.  
 3 c. Trial shall be by jury, if either party demands  
 4 a jury."  
 5 2. Page 37, by inserting after line 10 the  
 6 following:  
 7 "Sec. 201. EFFECTIVE DATE AND APPLICABILITY.  
 8 Section 101 of this Act, being deemed of immediate  
 9 importance, takes effect upon enactment and applies to  
 10 medical assistance paid on or after the effective date  
 11 of this Act. Section 101 of this Act shall not affect  
 12 the common law rights of the state or the department,  
 13 if any."  
 14 3. Title page, line 2, by inserting after the  
 15 word "system" the following: ",providing a civil  
 16 cause of action to recover medical assistance payments  
 17 made due to injury, disease, or disability caused by  
 18 the use of tobacco,".  
 19 4. By renumbering as necessary.

Millage of Scott rose on a point of order that amendment H-8788 was not germane.

The Speaker ruled the point well taken and amendment H-8788 not germane.

Schrader of Marion moved to suspend the rules to consider amendment H-8788.

Roll call was requested by Schrader of Marion and Garman of Story.

On the question "Shall the rules be suspended to consider amendment H-8788?" (H.F. 2539)

The ayes were, 43:

Bell	Bernau	Brand	Bukta
Burnett	Chapman	Cohoon	Connors
Doderer	Dotzler	Drees	Falck
Fallon	Foege	Ford	Frevert
Holveck	Huser	Jochum	Kinzer
Koenigs	Kreiman	Larkin	Mascher
May	Moreland	Mundie	Murphy
Myers	O'Brien	Osterhaus	Reynolds-Knight
Richardson	Scherrman	Schrader	Shoultz
Taylor	Thomas	Warnstadt	Weigel
Whitead	Wise	Witt	

The nays were, 56:

Arnold	Barry	Blodgett	Boddicker
Bogges	Bradley	Brauns	Brunkhorst
Carroll	Cataldo	Chiodo	Churchill
Cormack	Dinkla	Dix	Dolecheck
Drake	Eddie	Garman	Gipp
Greig	Greiner	Gries	Grundberg
Hahn	Hansen	Holmes	Houser
Huseman	Jacobs	Jenkins	Klemme
Kremer	Lamberti	Larson	Lord
Martin	Mertz	Metcalf	Meyer
Millage	Nelson	Rants	Rayhons
Siegrist	Sukup	Teig	Thomson
Tyrrell	Van Fossen	Van Maanen	Vande Hoef
Veenstra	Weidman	Welter	Mr. Speaker Corbett

Absent or not voting, 1:

Heaton

The motion to suspend the rules lost.

Kreiman of Davis offered amendment H-8791 filed by him as follows:

H-8791

- 1 Amend House File 2539, as follows:
- 2 1. Page 34, by inserting after line 27 the
- 3 following:
- 4 "Sec. \_\_\_\_ Section 602.6405, Code 1997, is amended
- 5 by adding the following new subsection:
- 6 NEW SUBSECTION. 3. If a magistrate does not elect
- 7 to have a contested proceeding electronically recorded
- 8 and the proceeding is not reported by a certified
- 9 court reporter, the magistrate shall advise each party
- 10 prior to the commencement of the proceeding of the
- 11 party's right to cause the proceeding to be
- 12 electronically recorded. Any recording made by the
- 13 parties pursuant to this subsection shall be filed
- 14 with the magistrate immediately following the hearing
- 15 and may be used in any appeal of the proceeding by
- 16 either party in accordance with the applicable rules
- 17 of procedure.
- 18 Sec. \_\_\_\_ Section 631.11, subsection 3, Code 1997,
- 19 is amended to read as follows:
- 20 3. RECORD. Upon the trial, the judicial
- 21 magistrate shall make detailed minutes of the
- 22 testimony of each witness and append the exhibits or
- 23 copies thereof to the record. The proceedings upon
- 24 trial shall not be reported by a certified court

25 reporter, unless the party provides the reporter at  
 26 such party's expense. The magistrate, in the  
 27 magistrate's discretion, may cause the proceedings  
 28 upon trial to be reported electronically. If the  
 29 proceedings are being electronically recorded both  
 30 parties shall be notified in advance of that  
 31 recording. If a magistrate does not elect to have a  
 32 contested proceeding electronically recorded and the  
 33 proceeding is not reported by a certified court  
 34 reporter, the magistrate shall advise each party prior  
 35 to the commencement of the proceeding of the party's  
 36 right to cause the proceeding to be electronically  
 37 recorded. Any recording made by the parties pursuant  
 38 to this subsection shall be filed with the magistrate  
 39 immediately following the hearing and may be used in  
 40 any appeal of the proceeding by either party in  
 41 accordance with the applicable rules of procedure. If  
 42 the proceedings have been reported electronically the  
 43 recording shall be retained under the jurisdiction of  
 44 the magistrate unless appealed, and upon appeal shall  
 45 be transcribed only by a person designated by the  
 46 court under the supervision of the magistrate."  
 47 2. By renumbering as necessary.

Millage of Scott rose on a point of order that amendment H-8791 was not germane.

The Speaker ruled the point well taken and amendment H-8791 not germane.

Thomas of Clayton offered amendment H-8794 filed by him from the floor as follows:

H-8794

1 Amend House File 2539 as follows:  
 2 1. Page 34, by inserting after line 27 the  
 3 following:  
 4 "Sec. \_\_\_\_ DIVISION OF CRIMINAL AND JUVENILE  
 5 JUSTICE PLANNING - LOCAL CORRECTIONS INFRASTRUCTURE  
 6 FUND. There is appropriated from the general fund of  
 7 the state to the department of human rights, division  
 8 of criminal and juvenile justice planning for the  
 9 fiscal year beginning July 1, 1998, and ending June  
 10 30, 1999, the following amount, or so much thereof as  
 11 is necessary, to be used for the purpose designated:  
 12 For deposit in the local corrections infrastructure  
 13 revolving fund established in section 905A.1:  
 14 ..... \$ 3,500,000  
 15 Sec. \_\_\_\_ NEW SECTION. 905A.1 LOCAL CORRECTIONS  
 16 INFRASTRUCTURE REVOLVING FUND.  
 17 1. A local corrections infrastructure revolving

18 fund is created in the office of the treasurer of  
19 state to provide grants, loans, or loan guarantees to  
20 eligible recipients for the purposes provided in this  
21 section. The fund is under the authority of the  
22 division of criminal and juvenile justice planning of  
23 the department of human rights. The division shall  
24 adopt rules pursuant to chapter 17A as necessary to  
25 administer the revolving fund and to establish  
26 criteria for providing grants, loans, or loan  
27 guarantees from the fund. In establishing criteria,  
28 the division shall give preference to cities or  
29 counties willing to provide a local match for moneys  
30 provided from the revolving fund. Notwithstanding  
31 section 8.33, moneys in the fund at the end of a  
32 fiscal year shall not revert to any other fund or to  
33 the general fund of the state but shall remain in the  
34 revolving fund. The fund shall consist of all  
35 appropriations, grants, or gifts received by the  
36 division specifically for use as provided by this  
37 section and all repayments of loans or grants made  
38 under this section.

39 2. A grant, loan, or loan guarantee authorized by  
40 this section shall be utilized for any or all of the  
41 following projects:

- 42 a. A county jail.
- 43 b. A regional or multicounty jail.
- 44 c. A county juvenile detention or shelter care  
45 home, including retirement of outstanding debt for  
46 such a home.
- 47 d. A regional or multicounty juvenile detention or  
48 shelter care home.

49 3. For purposes of this section, "eligible  
50 recipients" means a city or county which expends funds

Page 2

1 for incarceration or supervision of individuals  
2 charged with or convicted of a felony, an aggravated  
3 misdemeanor, or a serious misdemeanor, or one or more  
4 cities or counties as described in this subsection  
5 within a judicial election district as described in  
6 section 602.6109."

7 2. By renumbering as necessary.

Garman of Story rose on a point of order that amendment H-8794 was not germane.

The Speaker ruled the point well taken and amendment H-8794 not germane.

Thomas of Clayton moved to suspend the rules to consider amendment H-8794.

A non-record roll call was requested.

The ayes were 40, nays 49.

The motion to suspend the rules lost.

Kreiman of Davis offered amendment H-8798 filed by him from the floor as follows:

H-8798

- 1 Amend House File 2539 as follows:
- 2 1. Page 34, by inserting after line 27 the
- 3 following:
- 4 "Sec. \_\_\_\_ Section 811.2, subsection 1, Code 1997,
- 5 is amended by adding the following new unnumbered
- 6 paragraph:
- 7 NEW UNNUMBERED PARAGRAPH. Any bailable defendant
- 8 who is charged with unlawful possession, manufacture,
- 9 delivery, or distribution of methamphetamine and is
- 10 ordered released shall be required, as a condition of
- 11 that release, to submit to a substance abuse
- 12 evaluation and follow any recommendations proposed in
- 13 the evaluation for appropriate substance abuse
- 14 treatment."
- 15 2. By numbering and renumbering as necessary.

Garman of Story rose on a point of order that amendment H-8798 was not germane.

The Speaker ruled the point well taken and amendment H-8798 not germane.

Kreiman of Davis moved to suspend the rules to consider amendment H-8798.

A non-record roll call was requested.

The ayes were 39, nays 51.

The motion to suspend the rules lost.

Lamberti of Polk offered amendment H-8800 filed by him and Welter of Jones, Myers of Johnson, Cormack of Webster, Heaton of Henry, Garman of Story, Bell of Jasper, Larkin of Lee and Richardson of Warren from the floor as follows:

H-8800

- 1 Amend House File 2539 as follows:
- 2 1. Page 34, by inserting after line 27 the
- 3 following:

- 4 "Sec. 300. Section 89.4, Code 1997, is amended by  
5 adding the following new subsection:  
6 **NEW SUBSECTION.** 4. Jacketed direct or indirect  
7 fired vessels built and installed in accordance with  
8 the American Society of Mechanical Engineers Code,  
9 section VII, division 1, appendix 19, shall not be  
10 considered boilers or power boilers for purposes of  
11 this chapter and shall not be required to meet the  
12 American Society of Mechanical Engineers standard for  
13 controls and safety devices for automatically fired  
14 boilers."  
15 2. Page 37, by inserting after line 10 the  
16 following:  
17 "\_\_\_\_. Section 300 of this Act, amending section  
18 89.4, being deemed of immediate importance, takes  
19 effect upon enactment."  
20 3. By renumbering as necessary.

Lamberti of Polk offered the following amendment H-8807, to amend-  
ment H-8800, filed by him from the floor and moved its adoption:

H-8807

- 1 Amend the amendment, H-8800, to House File 2539 as  
2 follows:  
3 1. Page 1, line 9, by striking the figure "VII"  
4 and inserting the following: "VIII".  
5 2. Page 1, line 14, by inserting after the word  
6 "boilers." the following: "However, jacketed direct  
7 or indirect fired vessels as described in this  
8 subsection shall be subject to inspection under  
9 section 89.3 as pressure vessels."

Amendment H-8807 was adopted.

Lamberti of Polk moved the adoption of amendment H-8800, as  
amended.

Amendment H-8800, as amended, was adopted.

Schrader of Marion offered the following amendment H-8797 filed  
by him from the floor and moved its adoption:

H-8797

- 1 Amend House File 2539 as follows:  
2 1. Page 36, by inserting after line 17 the  
3 following:  
4 "Sec. 200. DEPARTMENT OF CORRECTIONS ESCAPEE  
5 HEALTH CARE COSTS. There is appropriated from the  
6 general fund of the state to the department of  
7 corrections for the fiscal year beginning July 1,  
8 1997, and ending June 30, 1998, the following amount,

9 or so much thereof as is necessary, to be used for the  
10 purpose designated:

11 For payment of assistance to counties for health  
12 care costs billed to those counties for care provided  
13 to escapees from a correctional facility administered  
14 by the department due to injuries sustained by the  
15 escapees in automobile accidents which occurred during  
16 calendar year 1995:

17 ..... \$ 60,000

18 Counties eligible for assistance under this section  
19 shall file a claim with the department for assistance  
20 within 30 days of the effective date of this section.  
21 The department shall identify those counties eligible  
22 for assistance and approve warrants for payment of the  
23 claims within 60 days of the effective date of this  
24 section. If the amount of the eligible claims exceeds  
25 the amount appropriated in this section, payment of  
26 the claims shall be prorated among the eligible  
27 claims."

28 2. Page 37, by inserting after line 10 the  
29 following:

30 "\_\_\_ Section 200 of this Act, concerning an  
31 appropriation to the department of corrections for  
32 payment of assistance to counties for certain health  
33 care costs of escapees, being deemed of immediate  
34 importance, takes effect upon enactment."

35 3. By renumbering as necessary.

Roll call was requested by Schrader of Marion and Garman of Story.

On the question "Shall amendment H-8797 be adopted?" (H.F. 2539)

The ayes were, 47:

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
Metcalf	Moreland	Mundie	Murphy
Myers	O'Brien	Osterhaus	Reynolds-Knight
Richardson	Scherrman	Schrader	Shoultz
Taylor	Thomas	Warnstadt	Weigel
Whitead	Wise	Witt	

The nays were, 53:

Arnold	Barry	Blodgett	Boddicker
Bogges	Bradley	Brauns	Brunkhorst
Carroll	Chudhill	Cornack	Dinkla
Dix	Dolecheck	Drake	Eddie
Garman	Gipp	Greig	Greiner

Gries	Grundberg	Hahn	Hansen
Heaton	Holmes	Houser	Huseman
Jacobs	Jenkins	Klemme	Kremer
Lamberti	Larson	Lord	Martin
Meyer	Millage	Nelson	Rants
Rayhons	Siegrist	Sukup	Teig
Thomson	Tyrrell	Van Fossen	Van Maanen
Vande Hoef	Veenstra	Weidman	Welter
Mr. Speaker Corbett			

Absent or not voting, none.

Amendment H-8797 lost.

Garman of Story offered the following amendment H-8763 filed by her and moved its adoption:

H-8763

- 1 Amend House File 2539 as follows:
- 2 1. Page 36, by inserting after line 24 the
- 3 following:
- 4 "Sec. \_\_\_\_ PRIVATE INDUSTRY EMPLOYMENT OF INMATES
- 5 STUDY. The legislative council is requested to
- 6 establish an interim study committee concerning
- 7 private industry employment of inmates under the
- 8 custody of the department of corrections. The interim
- 9 study shall include examination of the costs
- 10 associated with permitting private industry to lease
- 11 building space from the department of corrections for
- 12 the employment of inmates, the economic impact of
- 13 private industry employment, including the recoupment
- 14 of inmate earnings, on the department of corrections,
- 15 the benefits of private industry employment for
- 16 inmates, and the effect of permitting private industry
- 17 employment of inmates on private sector industry and
- 18 employment."
- 19 2. By renumbering as necessary.

Amendment H-8763 was adopted.

Kreiman of Davis asked and received unanimous consent that amendment H-8810 be deferred.

Kreiman of Davis offered amendment H-8811 filed by him from the floor. Division was requested as follows:

H-8811

- 1 Amend House File 2539 as follows:



H-8811A

2 1. Page 19, by striking line 23 and inserting the  
3 following:

4 " ..... \$ 140,576

5 It is the intent of the general assembly that  
6 \$57,000 of the moneys appropriated in this paragraph  
7 shall be used for increased costs associated with  
8 requiring persons to provide additional community  
9 service pursuant to section 300 of this Act."

H-8811B

10 2. Page 34, by inserting after line 27 the  
11 following:

12 "Sec. 300. Section 124.401, subsection 5, Code  
13 Supplement 1997, is amended to read as follows:

14 5. It is unlawful for any person knowingly or  
15 intentionally to possess a controlled substance unless  
16 such substance was obtained directly from, or pursuant  
17 to, a valid prescription or order of a practitioner  
18 while acting in the course of the practitioner's  
19 professional practice, or except as otherwise  
20 authorized by this chapter. Any person who violates  
21 this subsection is guilty of a serious misdemeanor.

22 If the controlled substance is methamphetamine and the  
23 violation is a first offense, the person shall perform  
24 not less than forty hours of community service in  
25 addition to the punishment prescribed in section 903.1  
26 for serious misdemeanors. If the controlled substance  
27 is methamphetamine and the person has previously been  
28 convicted of violating this subsection, the person  
29 shall perform not less than eighty hours of community  
30 service in addition to the punishment prescribed in  
31 section 903.1. If the controlled substance is  
32 methamphetamine and the person has previously been  
33 convicted two or more times of violating this  
34 subsection, the person shall perform not less than  
35 three hundred hours of community service in addition  
36 to the punishment prescribed in section 903.1.

37 PARAGRAPH DIVIDED. If the controlled substance is  
38 marijuana, the punishment shall be by imprisonment in  
39 the county jail for not more than six months or by a  
40 fine of not more than one thousand dollars, or by both  
41 such fine and imprisonment. All or any part of a  
42 sentence imposed pursuant to this section may be  
43 suspended and the person placed upon probation upon  
44 such terms and conditions as the court may impose  
45 including the active participation by such person in a  
46 drug treatment, rehabilitation or education program  
47 approved by the court."

48 3. By renumbering as necessary.

Kreiman of Davis asked and received unanimous consent that amendment H-8811A be deferred.

Garman of Story rose on a point of order that amendment H-8811B was not germane.

The Speaker ruled the point well taken and amendment H-8811B not germane.

Kreiman of Davis asked for unanimous consent to suspend the rules to consider amendment H-8811B.

Objection was raised.

Kreiman of Davis moved to suspend the rules to consider amendment H-8811B.

Roll call was requested by Kreiman of Davis and Garman of Story.

On the question "Shall the rules be suspended to consider amendment H-8811B?" (H.F. 2539)

The ayes were, 44:

Bell	Bernau	Brand	Bukta
Cataldo	Chapman	Chiodo	Cohon
Connors	Doderer	Dotzler	Drees
Falck	Fallon	Foege	Ford
Frevert	Holveck	Huser	Jochum
Kinzer	Koenigs	Kreiman	Larkin
Mascher	May	Mertz	Moreland
Mundie	Murphy	Myers	O'Brien
Osterhaus	Reynolds-Knight	Richardson	Scherrman
Schrader	Shoultz	Taylor	Thomas
Warnstadt	Weigel	Whitead	Witt

The nays were, 54:

Arnold	Barry	Boddicker	Bogges
Bradley	Brauns	Brunkhorst	Carroll
Churchill	Cormack	Dinkla	Dix
Dolecheck	Drake	Eddie	Garman
Gipp	Greig	Greiner	Gries
Grundberg	Hahn	Hansen	Heaton
Holmes	Houser	Huseman	Jacobs
Jenkins	Klemme	Kremer	Lamberti
Larson	Lord	Martin	Metcalf
Meyer	Millage	Nelson	Rants
Rayhons	Siegrist	Sukup	Teig
Thomson	Tyrrell	Van Fossen	Van Maanen
Vande Hoef	Veenstra	Weidman	Welter
Wise	Mr. Speaker		
	Corbett		

Absent or not voting, 2:

Blodgett

Burnett

The motion to suspend the rules lost.

Murphy of Dubuque asked and received unanimous consent to withdraw amendment H-8779 filed by him on March 30, 1998.

Bell of Jasper asked and received unanimous consent to withdraw amendment H-8783 filed by him on March 30, 1998, placing amendment H-8795 filed by Carroll of Poweshiek from the floor out of order.

Kreiman of Davis offered amendment H-8810 filed by him from the floor. Division was requested as follows:

H-8810

1 Amend House File 2539 as follows:

H-8810A

2 1. Page 12, by inserting after line 11 the  
3 following:

4 "\_\_\_\_. For reimbursement of counties for  
5 confinement of persons pursuant to the requirements of  
6 section 400 of this Act:

7 ..... \$ 274,000"

H-8810B

8 2. Page 34, by inserting after line 27 the  
9 following:

10 "Sec. 400. Section 124.401, subsection 5, Code  
11 Supplement 1997, is amended to read as follows:

12 5. It is unlawful for any person knowingly or  
13 intentionally to possess a controlled substance unless  
14 such substance was obtained directly from, or pursuant  
15 to, a valid prescription or order of a practitioner  
16 while acting in the course of the practitioner's  
17 professional practice, or except as otherwise  
18 authorized by this chapter. Any person who violates  
19 this subsection is guilty of a serious misdemeanor.

20 If the controlled substance is methamphetamine and the  
21 violation is a first offense, the person shall be  
22 imprisoned and shall serve not less than forty-eight  
23 hours in the county jail. If the controlled substance  
24 is methamphetamine and the person has previously been  
25 convicted of violating this subsection the person  
26 shall be imprisoned and shall serve not less than  
27 seven days in the county jail. If the controlled  
28 substance is methamphetamine and the person has

29 previously been convicted two or more times of  
 30 violating this subsection the person shall be  
 31 imprisoned and shall serve not less than thirty days  
 32 in the county jail.

33 PARAGRAPH DIVIDED. If the controlled substance is  
 34 marijuana, the punishment shall be by imprisonment in  
 35 the county jail for not more than six months or by a  
 36 fine of not more than one thousand dollars, or by both  
 37 such fine and imprisonment. All or any part of a  
 38 sentence imposed pursuant to this section may be  
 39 suspended and the person placed upon probation upon  
 40 such terms and conditions as the court may impose  
 41 including the active participation by such person in a  
 42 drug treatment, rehabilitation or education program  
 43 approved by the court.”  
 44 3. By renumbering as necessary.

Kreiman of Davis asked and received unanimous consent that amendment H-8810A be deferred.

Kreiman of Davis asked and received unanimous consent to withdraw amendment H-8811A.

The House resumed consideration of amendment H-8810B.

Garman of Story rose on a point of order that amendment H-8810B was not germane.

The Speaker ruled the point well taken and amendment H-8810B not germane.

Kreiman of Davis moved to suspend the rules to consider amendment H-8810B.

Roll call was requested by Kreiman of Davis and Garman of Story.

On the question “Shall the rules be suspended to consider amendment H-8810B?” (H.F. 2539)

The ayes were, 39:

Bell	Bernau	Brand	Bukta
Cataldo	Chapman	Chiodo	Cohoon
Connors	Doderer	Dotzler	Drees
Falck	Ford	Frevert	Holveck
Jochum	Kinzer	Koenigs	Kreiman
Larson	Mascher	May	Mertz
Moreland	Mundie	Murphy	Myers
O'Brien	Osterhaus	Reynolds-Knight	Richardson
Scherrman	Schrader	Taylor	Thomas
Warnstadt	Weigel	Whitead	

The nays were, 59:

Arnold	Barry	Boddicker	Bogges
Bradley	Brauns	Brunkhorst	Carroll
Churchill	Cormack	Dinkla	Dix
Dolecheck	Drake	Eddie	Fallon
Foege	Garman	Gipp	Greig
Greiner	Gries	Grundberg	Hahn
Hansen	Heaton	Holmes	Houser
Huseman	Huser	Jacobs	Jenkins
Klemme	Kremer	Lamberti	Larkin
Lord	Martin	Metcalf	Meyer
Millage	Nelson	Rants	Rayhons
Shoultz	Siegrist	Sukup	Teig
Thomson	Tyrrell	Van Fossen	Van Maanen
Vande Hoef	Veenstra	Weidman	Welter
Wise	Witt	Mr. Speaker	
		Corbett	

Absent or not voting, 2:

Blodgett                      Burnett

The motion to suspend the rules lost.

Kreiman of Davis asked and received unanimous consent to withdraw amendment H-8810A.

Garman of Story moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2539)

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
Eddie	Falck	Foege	Frevert
Garman	Gipp	Greig	Greiner
Gries	Grundberg	Hahn	Hansen
Heaton	Holmes	Holveck	Houser
Huseman	Huser	Jacobs	Jenkins
Jochum	Kinzer	Klemme	Koenigs
Kremer	Lamberti	Larkin	Larson
Lord	Martin	Mascher	May
Mertz	Metcalf	Meyer	Millage
Mundie	Murphy	Myers	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:

Fallon	Ford	Kreiman	Moreland
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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 MESSAGE

Siegrist of Pottawattamie asked and received unanimous consent that **House File 2539** be immediately messaged to the Senate.

#### INTRODUCTION OF BILL

**House File 2543**, by committee on ways and means, a bill for an act relating to the state inheritance tax by exempting intangible personal property owned by an inhabitant of another state; determining the net market value of transfers made within three years of death as the net market value on the date of transfer; exempting the tax only upon the portion of retirement benefits and individual retirement accounts that will be subject to federal income tax when paid; applying compromised settlements for federal estate tax purposes the same for state purposes; and requiring deferred estates to be recorded by the department of revenue and finance if tax is not paid when tax accrues; and providing an applicability date provision.

Read first time and placed on the **ways and means calendar**.

#### MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 31, 1998, passed the following bill in which the concurrence of the Senate was asked:

House File 2135, a bill for an act relating to mid-America port commission agreement and providing an effective date.

Also: That the Senate has on March 31, 1998, amended and passed the following bill in which the concurrence of the House is asked:

House File 2211, a bill for an act relating to the liability for and payment of medical costs and other expenses incurred by certain prisoners and escapees.

Also: That the Senate has on March 31, 1998, amended and passed the following bill in which the concurrence of the House is asked:

House File 2424, a bill for an act providing for the expansion of the system of issuance of motor vehicle licenses by county treasurers.

Also: That the Senate has on March 31, 1998, amended and passed the following bill in which the concurrence of the House is asked:

House File 2454, a bill for an act relating to motor vehicle operator proof of financial responsibility and providing an effective date and for retroactive applicability.

Also: That the Senate has on March 31, 1998, passed the following bill in which the concurrence of the Senate was asked:

House File 2476, a bill for an act providing for connection to the Iowa communications network by the quad cities graduate center.

Also: That the Senate has on March 31, 1998, amended and passed the following bill in which the concurrence of the House is asked:

House File 2528, a bill for an act establishing a graduated driver's license for young drivers, making penalties applicable, creating an interim study committee, and including an applicability provision and an effective date.

Also: That the Senate has on March 31, 1998, refused to concur in the House amendment to the following bill in which the concurrence of the Senate was asked:

Senate File 2295, a bill for an act relating to and making appropriations for agriculture and natural resources and providing an effective date.

MARY PAT GUNDERSON, Secretary

### UNANIMOUS CONSENT

Siegrist of Pottawattamie asked and received unanimous consent to place House File 2532 on the Regular Calendar. (This is a leadership bill that was inadvertently removed from the calendar.)

### EXPLANATION OF VOTES

I was necessarily absent from the House chamber on the morning of March 30, 1998. Had I been present, I would have voted "aye" on House File 2272, Senate Files 2113, 2269 and 2348.

MORELAND of Wapello

I was necessarily absent from the House chamber on March 30, 1998. Had I been present, I would have voted "aye" on House File 2533.

RICHARDSON of Warren

**BILLS SIGNED BY THE GOVERNOR**

A communication was received from the Governor announcing that on March 31, 1998, he approved and transmitted to the Secretary of State the following bills:

House File 58, an act relating to fees charged by an employer for copies of items in an employee's personnel file.

House File 2146, an act establishing Iowa State Flag Day.

House File 2210, an act relating to energy conservation including making appropriations of petroleum overcharge funds and providing for the dissolution of the energy fund disbursement council and intermodal revolving loan fund.

House File 2246, an act relating to the collection and payment of fees and expenses of county medical examiners.

House File 2317, an act relating to drainage districts, by providing for the maintenance, repair, or replacement of improvements within drainage districts.

House File 2324, an act relating to the statutory elements of certain forms of assault.

House File 2340, an act relating to the inclusion of dentists and certain other medical specialists in the volunteer health care provider program.

House File 2353, an act relating to exemptions from distinguishing registration plates for motor vehicles.

House File 2412, an act relating to optometrists' reports to the Department of Transportation concerning a person's ability to operate a motor vehicle.

Senate File 2090, an act relating to compensation for the legal defense of indigent persons in prison disciplinary postconviction cases and providing an effective date and for retroactive applicability.

Senate File 2183, an act relating to a transfer of the records management duties of the Department of General Services to the Department of Cultural Affairs and making conforming changes.

Senate File 2184, an act relating to the disposal of cement kiln dust at tonnage fee exempt solid waste disposal facilities.

Senate File 2220, an act relating to the definition of a chronic runaway.

Senate File 2367, an act relating to county vital statistics by providing for the issuance of marriage licenses and eliminating the fee for county birth registrations.

Senate File 2373, an act relating to certain crimes against persons, by permitting the retention as criminal history data of acquittals, dismissals, or adjudications based on mental condition if the charge involved injury to another, by providing for the collection and dissemination of information on the offense of stalking, by providing for the application of enhanced stalking penalties for persons who are the subject of certain restraining or protective orders and providing for the issuance of no-contact orders against persons who are arrested for the crimes of harassment or stalking and providing penalties.



### SPECIAL PRESENTATIONS

Meyer of Sac presented to the House the former Representative and Senator Wayne Bennett from Ida County.

Osterhaus of Jackson presented to the House four foreign exchange students Jesper Nielsen, Denmark; Olivier Ansellmo, Switzerland; Yves Meyer, Switzerland; Laurence Quintin, Belgium; they were accompanied by Corryn Thola and Wanda Cornelius.

Welter of Jones presented to the House Marcy Machaciek, the recipient of the Mother of the Year Award, accompanied by her husband David, from Alburnett.

### PRESENTATION OF VISITORS

The Speaker announced that the following visitors were present in the House chamber:

Twenty-eight students from Western Hills Elementary, West Des Moines, accompanied by Mrs. Strentz. By Jacobs of Polk.

Twenty-seven students from Western Hills Elementary, West Des Moines, accompanied by Mrs. Huggins. By Jacobs of Polk.

Three FFA members from Crestwood High School, Cresco, accompanied by Neil Shaefer and Bart Brinks. By Weigel of Chickasaw.

### 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

1998\364 Lois and Robert McCulloh, Clinton – For celebrating their 50th wedding anniversary.

1998\365 Helen R. Uthe, Boone – For celebrating her 80th birthday.

1998\366 Don Raymond, Fairfield – For his 25 1/2 year career with the Fairfield Police Department.

1998\367 Craig Lewis, Keokuk – For being named to the Class 3-A Boys' Basketball All-State First Team.

1998\368 Julian Seay, Keokuk – For being named All-State Honorable Mention in Class 3-A Boys' Basketball.

1998\369 Christy White, Thomas Jefferson High School, Council Bluffs – For being named to the Council Bluffs First Team All-City Girls' Basketball Team.

- 1998\370 Jennifer Rochelle, St. Albert High School, Council Bluffs – For being named to the Council Bluffs First Team All-City Girls' Basketball Team.
- 1998\371 Brandy Ficek, St. Albert High School, Council Bluffs – For being named to the Council Bluffs First Team All-City Girls' Basketball Team.
- 1998\372 Molly Parrott, Lewis Central High School, Council Bluffs – For being named to the Council Bluffs First Team All-City Girls' Basketball Team.
- 1998\373 Emily Reeder, Abraham Lincoln High School, Council Bluffs – For being named to the Council Bluffs First Team All-City Girls' Basketball Team.
- 1998\374 Molly Parrott, Council Bluffs – For being named Council Bluffs Girls' Basketball Player of the Year.
- 1998\375 George and Marj Nuss, Sumner – For celebrating their 50th wedding anniversary.
- 1998\376 Russ Woodrick, Cedar Falls – For 28 years of service as business representative for the International Association of Machinists, beginning in 1970 as the youngest Machinists business agent in the United States.
- 1998\377 Herb Saunders, Bonaparte – For nearly 50 years in the telephone business.
- 1998\378 Chris Lownes, St. Albert High School, Council Bluffs – For being named Council Bluffs Basketball Player of the Year.
- 1998\379 Chris Lownes, St. Albert High School, Council Bluffs – For being named Council Bluffs Boys' Basketball First Team All-City.
- 1998\380 Mike Rossbund, Abraham Lincoln High School, Council Bluffs – For being named Council Bluffs Boys' Basketball First Team All-City.
- 1998\381 Nick Brougham, Thomas Jefferson High School, Council Bluffs – For being named Council Bluffs Boys' Basketball First Team All-City.
- 1998\382 Eric Thomsen, Lewis Central High School, Council Bluffs – For being named Council Bluffs Boys' Basketball First Team All-City.
- 1998\383 Chad Schoening, St. Albert High School, Council Bluffs – For being named Council Bluffs Boys' Basketball First Team All-City.

### 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

**Senate File 2061**, a bill for an act relating to a delay in implementing the inclusion of certain information on property tax statements by providing a deferral application process and providing an effective date.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H-8801** March 31, 1998.

**Senate File 2365**, a bill for an act relating to the imposition of the sales and use tax on building materials, supplies, and equipment sold and used in the construction of facilities of rural water districts.

Fiscal Note is not required.

Recommended **Do Pass** March 31, 1998.

**Committee Bill (Formerly House Study Bill 562)**, relating to the state inheritance tax by treating stepchildren and adopted children the same as biological children; exempting intangible personal property owned by an inhabitant of another state; determining the net market value of transfers made within three years of death as the net market value on the date of transfer; exempting the tax only upon the portion of retirement benefits and individual retirement accounts that will be subject to federal income tax when paid; applying compromised settlements for federal estate tax purposes the same for state purposes; and requiring deferred estates to be recorded by the department of revenue and finance if tax is not paid when tax accrues; and providing an applicability date provision.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 31, 1998.

#### RESOLUTION FILED

**HR 103**, by Corbett, Siegrist, Sukup, Nelson, Jacobs, Cormack, Ford, Burnett, Mascher, Myers, Bernau, and Gipp, a resolution congratulating the Drake Bulldogs, Iowa State Cyclones, and Iowa Hawkeyes Women's Basketball Teams.

Laid over under **Rule 25**.

#### AMENDMENTS FILED

H-8801	S.F.	2061	Committee on Ways and Means
H-8802	S.F.	2374	Boddicker of Cedar

H—8803	H.F.	2498	Jacobs of Polk
H—8804	H.F.	2498	Rants of Woodbury
H—8809	S.F.	2316	Van Fossen of Scott
H—8812	H.F.	2290	Dotzler of Black Hawk
H—8813	H.F.	2290	Dotzler of Black Hawk
H—8814	H.F.	2513	Myers of Johnson
H—8815	S.F.	58	Witt of Black Hawk
H—8816	S.F.	187	Fallon of Polk Boddicker of Cedar
H—8817	S.F.	2365	Van Fossen of Scott Millage of Scott Larson of Linn
H—8818	S.F.	2296	Larkin of Lee Cohon of Des Moines
H—8819	S.F.	2374	Bernau of Story
H—8823	H.F.	2290	Dotzler of Black Hawk
H—8824	H.F.	2454	Senate Amendment
H—8825	H.F.	2424	Senate Amendment
H—8826	H.F.	2211	Senate Amendment
H—8830	H.F.	2498	Cataldo of Polk Richardson of Warren
H—8831	H.F.	2498	Martin of Scott Jacobs of Polk Brunkhorst of Bremer Burnett of Story
H—8832	H.F.	2528	Senate Amendment
H—8834	S.F.	58	Bernau of Story
H—8835	S.F.	58	Bernau of Story
H—8836	S.F.	58	Bernau of Story
H—8837	S.F.	58	Bernau of Story
H—8838	S.F.	2312	Barry of Harrison Murphy of Dubuque
H—8839	S.F.	58	Ford of Polk
H—8840	S.F.	2363	Ford of Polk
H—8841	S.F.	2381	Ford of Polk Brauns of Muscatine

On motion by Siegrist of Pottawattamie, the House adjourned at 10:40 p.m., until 8:45 a.m., Wednesday, April 1, 1998.