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SEVENTY-SECOND
GENERAL ASSEMBLY**

**Convened January 12, 1987
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**Volume II
May 5 – May 10**

**JO ANN ZIMMERMAN, President of the Senate
DONALD D. AVENSON, Speaker of the House**

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ONE HUNDRED FOURTEENTH CALENDAR DAY
SEVENTY-FOURTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Tuesday, May 5, 1987

The Senate met in regular session at 8:08 a.m., Senator Coleman presiding.

Prayer was offered by the Honorable Richard Vande Hoef, member of the Senate from Osceola County, Harris, Iowa.

The Journal of Monday, May 4, 1987, was approved.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Hannon for the morning on request of Senator Hutchins.

QUORUM CALL

Senator Hutchins requested a non record roll call to determine that a quorum was present.

The vote revealed 38 present, 12 absent and a quorum present.

HOUSE AMENDMENT TO SENATE AMENDMENT CONSIDERED

House File 334

Senator Dieleman called up for consideration House File 334, a bill for an act relating to cigarette and tobacco tax assessment periods, penalties and appeal periods, offsetting of claims against the state with a person's liabilities to the state, tax return confidentiality, the filing of sales and services tax refund claims, audit periods for sales, services, and use tax returns, use tax penalty, and penalties for interfering with department of revenue and finance employees in the performance of their duties and providing effective dates, amended by the Senate, further amended

by the House and moved that the Senate concur in House amendment S—3918 to Senate amendment H—3883 filed April 30, 1987.

The motion prevailed by a voice vote and the Senate concurred in the House amendment to the Senate amendment.

Senator Dieleman moved that the bill as amended by the Senate, further amended by the House and concurred in by the Senate, be read the last time now and placed upon its passage, which motion prevailed by a voice vote and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 334) the vote was:

Ayes, 39:

Bruner	Carr	Coleman	Corning
Deluhery	Dieleman	Doyle	Drake
Fraise	Fuhrman	Gentleman	Gettings
Goodwin	Gronstal	Hester	Holden
Holt	Horn	Hultman	Husak
Hutchins	Jensen	Lind	Lloyd-Jones
Miller, A.V.	Peterson	Priebe	Rensink
Rife	Riordan	Schwengels	Scott
Soorholtz	Taylor	Tieden	Vande Hoef
Varn	Wells	Welsh	

Nays, none.

Absent or not voting, 11:

Boswell	Hall	Hannon	Kinley
Mann	Miller, C.P.	Murphy	Nystrom
Palmer	Readinger	Sturgeon	

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

HOUSE AMENDMENTS CONSIDERED

Senate File 101

Senator Dieleman called up for consideration Senate File 101, a bill for an act relating to mobile home taxes and providing an effective date, amended by the House, and moved that the Senate concur in House amendment S—3943 filed May 1, 1987.

President Zimmerman took the chair at 8:22 a.m.

The motion prevailed by a voice vote and the Senate concurred in the House amendment.

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

On the question "Shall the bill pass?" (S.F. 101) the vote was:

Ayes, 38:

Boswell	Bruner	Carr	Coleman
Corning	Deluhery	Dieleman	Doyle
Drake	Fraise	Fuhrman	Gettings
Goodwin	Gronstal	Hester	Holden
Holt	Horn	Hultman	Husak
Hutchins	Jensen	Lind	Miller, A.V.
Peterson	Priebe	Rensink	Rife
Riordan	Schwengels	Scott	Soorholtz
Taylor	Tieden	Vande Hoef	Varn
Wells	Welsh		

Nays, 1:

Gentleman

Absent or not voting, 11:

Hall	Hannon	Kinley	Lloyd-Jones
Mann	Miller, C.P.	Murphy	Nystrom
Palmer	Readinger	Sturgeon	

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

Senate File 342

Senator Fraise called up for consideration Senate File 342, a bill for an act relating to the assessment of costs to the owner of real estate subject to tax sale, amended by the House, and moved that the Senate concur in House amendment S—3942 filed May 1, 1987.

The motion lost by a voice vote and the Senate **refused to concur** in the House amendment.

IMMEDIATELY MESSAGED

Senator Hutchins asked and received unanimous consent that **House File 334** and **Senate File 342** be immediately messaged to the House.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Miller of Des Moines for the morning on request of Senator Hutchins.

UNFINISHED BUSINESS (Deferred April 16, 1987)

House File 588

The Senate resumed consideration of House File 588, a bill for an act relating to child in need of assistance proceedings, deferred on April 16, 1987.

Senator Gentleman offered amendment S—3502 filed by the committee on Judiciary on April 10, 1987, to page 1 of the bill and moved its adoption.

Amendment S—3502 was adopted by a voice vote.

Senator Gentleman moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 588) the vote was:

Ayes, 43:

Boswell	Bruner	Carr	Coleman
Corning	Deluhery	Dieleman	Doyle
Drake	Fraise	Fuhrman	Gentleman
Gettings	Goodwin	Gronstal	Hall
Hester	Holden	Holt	Horn
Hultman	Husak	Jensen	Lind
Lloyd-Jones	Miller, A.V.	Murphy	Nystrom
Peterson	Priebe	Readinger	Rensink
Rife	Riordan	Schwengels	Scott
Soorholtz	Taylor	Tieden	Vande Hoef
Varn	Wells	Welsh	

Nays, none.

Absent or not voting, 7:

Hannon
Miller, C.P.

Hutchins
Palmer

Kinley
Sturgeon

Mann

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

HOUSE AMENDMENT CONSIDERED

Senate File 139

Senator Miller of Cerro Gordo called up for consideration Senate File 139, a bill for an act relating to economic development, by declaring economic development as a public purpose and by allowing money received from the county government assistance fund or the municipal assistance fund to be used for economic development projects, amended by the House in House amendment S—3730 filed April 22, 1987.

Senator Holden offered amendment S—3815 filed by him on April 24, 1987, to House amendment S—3730.

Senator Gronstal raised the point of order that amendment S—3815 to House amendment S—3730 was not germane.

The Chair ruled the point well taken and amendment S—3815 out of order.

Senator Miller of Cerro Gordo moved that the Senate concur in House amendment S—3730, which motion prevailed by a voice vote.

Senator Miller of Cerro Gordo moved that the bill as amended by the House and concurred in by the Senate, be read the last time now and placed upon its passage, which motion prevailed by a voice vote and the bill was read the last time.

On the question “Shall the bill pass?” (S.F. 139) the vote was:

Ayes, 45:

Boswell	Bruner	Carr	Coleman
Corning	Deluhery	Dieleman	Doyle
Drake	Fraise	Fuhrman	Gentleman
Gettings	Goodwin	Gronstal	Hall
Hester	Holt	Horn	Husak
Hutchins	Jensen	Kinley	Lind
Lloyd-Jones	Miller, A.V.	Murphy	Nystrom
Palmer	Peterson	Priebe	Readinger
Rensink	Rife	Riordan	Schwengels
Scott	Soorholtz	Sturgeon	Taylor
Tieden	Vande Hoef	Varn	Wells
Welsh			

Nays, 1:

Holden

Absent or not voting, 4:

Hannon	Hultman	Mann	Miller, C.P.
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The bill having received a constitutional majority was declared to have passed the Senate and the title as amended was agreed to.

CONSIDERATION OF BILL (Regular Calendar)

Senator Hutchins asked and received unanimous consent to take up for consideration Senate File 507.

Senate File 507

On motion of Senator Hultman, Senate File 507, a bill for an act relating to the adoption of a benefit ratio unemployment compensation contribution array system and providing for the Act's applicability, with report of committee recommending passage, was taken up for consideration.

Senator Hultman asked and received unanimous consent that Paul Moran, Chief of the Job Insurance Bureau and Ralph Hoksbergen, Actuary of Job Service, be present in the Senate chamber during debate of Senate File 507.

Senator Hultman offered amendment S—3989 filed by him from the floor to page 38 of the bill and moved its adoption.

Amendment S—3989 was adopted by a voice vote.

Senator Hultman moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 507) the vote was:

Ayes, 47:

Boswell	Bruner	Carr	Coleman
Corning	Deluhery	Dieleman	Doyle
Drake	Fraise	Fuhrman	Gentleman
Gettings	Goodwin	Gronstal	Hall
Hester	Holden	Holt	Horn
Hultman	Husak	Hutchins	Jensen
Kinley	Lind	Lloyd-Jones	Mann
Murphy	Nystrom	Palmer	Peterson
Priebe	Readinger	Rensink	Rife
Riordan	Schwengels	Scott	Soorholtz
Sturgeon	Taylor	Tieden	Vande Hoef
Varn	Wells	Welsh	

Nays, none.

Absent or not voting, 3:

Hannon	Miller, A.V.	Miller, C.P.
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The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

IMMEDIATELY MESSAGED

Senator Hutchins asked and received unanimous consent that **House File 588** and **Senate File 507** be immediately messaged to the House.

BILL REFERRED TO COMMITTEE

Senator Hultman asked and received unanimous consent that **Senate File 506** be referred from the Regular Calendar to the committee on **Business and Labor Relations**.

HOUSE AMENDMENT CONSIDERED
(Deferred April 29, 1987)

Senate File 479

The Senate resumed consideration of Senate File 479, a bill for an act relating to the use and application of pesticides and making penalties applicable and House amendment S—3753, deferred April 29, 1987.

Senator Mann withdrew the point of order that House amendment S—3753 was not germane to Senate File 479, raised by him on April 29, 1987, and found on page 1598 of the Senate Journal.

Senator Varn moved that the Senate concur in House amendment S—3753, which motion prevailed by a voice vote.

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

On the question "Shall the bill pass?" (S.F. 479) the vote was:

Ayes, 35:

Boswell	Bruner	Carr	Coleman
Corning	Dieleman	Doyle	Fraise
Fuhrman	Gettings	Gronstal	Hall
Holden	Holt	Horn	Husak
Hutchins	Kinley	Lind	Lloyd-Jones
Mann	Miller, A.V.	Murphy	Nystrom
Palmer	Priebe	Readinger	Riordan
Schwengels	Scott	Soorholtz	Sturgeon
Tieden	Varn	Welsh	

Nays, 10:

Drake	Gentleman	Goodwin	Hester
Jensen	Peterson	Rensink	Rife
Taylor	Vande Hoef		

Absent or not voting, 5:

Deluhery	Hannon	Hultman	Miller, C.P.
Wells			

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

HOUSE AMENDMENTS CONSIDERED

Senate Concurrent Resolution 35

Senator Varn called up for consideration Senate Concurrent Resolution 35, a concurrent resolution relating to the board of regents ten-year building program, amended by the House in House amendment S—3964 filed May 4, 1987.

Senator Varn offered amendment S—3990 filed by Senators Varn, et al., from the floor to House amendment S—3964 and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S—3990 to House amendment S—3964 be adopted?" (S.C.R. 35) the vote was:

Ayes, 28:

Boswell	Bruner	Carr	Deluhery
Dieleman	Fraise	Fuhrman	Gettings
Goodwin	Gronstal	Holt	Horn
Husak	Hutchins	Lind	Lloyd-Jones
Miller, A.V.	Peterson	Priebe	Readinger
Rensink	Schwengels	Scott	Taylor
Tieden	Varn	Wells	Welsh

Nays, 15:

Coleman	Corning	Doyle	Drake
Gentleman	Hall	Hannon	Hester
Kinley	Palmer	Rife	Riordan
Soorholtz	Sturgeon	Vande Hoef	

Absent or not voting, 7:

Holden	Hultman	Jensen	Mann
Miller, C.P.	Murphy	Nystrom	

Amendment S—3990 was adopted.

Senator Varn moved that the Senate concur in the House amendment S—3964 as amended, which motion prevailed by a voice vote.

Senator Varn moved that the resolution as amended by the House, further amended and concurred in by the Senate be adopted.

On the question “Shall the resolution be adopted?” (S.C.R. 35) the vote was:

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

Ayes, 32:

Boswell	Bruner	Carr	Deluhery
Dieleman	Fraise	Fuhrman	Gettings
Goodwin	Gronstal	Holt	Horn
Hultman	Husak	Hutchins	Jensen
Lind	Lloyd-Jones	Miller, A.V.	Murphy
Nystrom	Peterson	Priebe	Readinger
Rensink	Schwengels	Scott	Tieden
Vande Hoef	Varn	Wells	Welsh

Nays, 17:

Coleman	Corning	Doyle	Drake
Gentleman	Hall	Hannon	Hester
Holden	Kinley	Mann	Palmer
Rife	Riordan	Soorholtz	Sturgeon
Taylor			

Absent or not voting, 1:

Miller, C.P.

The resolution having received a constitutional majority was declared to have been adopted by the Senate.

Senate File 510

Senator Varn called up for consideration Senate File 510, a bill for an act relating to the conducting of classified research at institutions under the state board of regents, amended by the House and moved that the Senate concur in House amendment S—3963 filed May 4, 1987.

Senator Coleman took the chair at 10:15 a.m.

The motion lost by a voice vote and the Senate **refused to concur** in the House amendment.

MOTIONS TO RECONSIDER WITHDRAWN

Senate File 515

Senator Hannon withdrew the motion to reconsider Senate File 515, a bill for an act relating to the allocations and appropriations of lottery revenues and the programs for which the revenues may be used, filed by her on May 4, 1987, and found on page 1683 of the Senate Journal.

Senator Boswell withdrew the motion to reconsider Senate File 515, filed by him on May 4, 1987, and found on page 1683 of the Senate Journal.

Senator Hutchins asked and received unanimous consent that **Senate File 515** be **immediately messaged** to the House.

SENATE INSISTS

House File 407

Senator Hall called up for consideration House File 407, a bill for an act relating to violations of 321J.2 and retention of records of motor vehicle violations, amended by the Senate and moved that the Senate insists on its amendment.

The motion prevailed by a voice vote and the Senate **insisted** on its amendment.

APPOINTMENT OF CONFERENCE COMMITTEE

The Chair announced the following conference committee on **House File 407** on the part of the Senate: Senators Doyle, Chair; Hall, Lloyd-Jones, Jensen and Drake.

The Senate stood at ease until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session, Senator Coleman presiding.

QUORUM CALL

Senator Gronstal requested a non record roll call to determine that a quorum was present.

President Zimmerman took the chair at 11:01 a.m.

The vote revealed 44 present, 6 absent and a quorum present.

UNFINISHED BUSINESS (Deferred April 16, 1987)

House File 377

The Senate resumed consideration of House File 377, a bill for an act relating to public financing of political campaigns, appropriating funds, and providing penalties and providing effective dates, deferred April 16, 1987.

Senator Carr offered amendment S—3968 filed by him on May 4, 1987, to page 1 of the bill and moved its adoption.

Amendment S—3968 was adopted by a voice vote.

Senator Bruner offered amendment S—3702 filed by Senators Bruner and Drake on April 21, 1987, to pages 4, 7 and 9 through 11 of the bill and called for a division: lines 3 through 18 as division S—3702A and lines 19 and 20 as division S—3702B.

Senator Bruner asked and received unanimous consent to withdraw division S—3702B.

Senator Bruner moved the adoption of division S—3702A, which motion prevailed by a voice vote.

Senator Mann offered amendment S—3717 filed by him on April 21, 1987, to page 9 of the bill and moved its adoption.

Amendment S—3717 was adopted by a voice vote.

With the adoption of amendment S—3717, the Chair ruled amendment S—3709 filed by Senator Mann on April 21, 1987, to pages 9 through 11 of the bill, out of order.

Senator Murphy offered amendment S—3507 filed by him on April 10, 1987, to page 11 and the title page of the bill.

Senator Carr raised the point of order that amendment S—3507 was not germane to the bill.

The Chair ruled the point well taken and amendment S—3507 out of order.

Senator Gentleman filed the following motion to reconsider from the floor and moved its adoption:

MADAM PRESIDENT: I move to reconsider the vote by which amendment S—3968 to House File 377 was adopted by the Senate on May 5, 1987.

A non record roll call was requested.

The ayes were 15, nays 29.

The motion lost.

Senator Carr moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 377) the vote was:

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

Ayes, 27:

Boswell	Bruner	Carr	Coleman
Deluhery	Dieleman	Doyle	Fraise
Gettings	Gronstal	Hannon	Horn
Husak	Hutchins	Lloyd-Jones	Mann
Miller, A.V.	Miller, C.P.	Murphy	Palmer
Priebe	Riordan	Scott	Sturgeon
Varn	Wells	Welsh	

Nays, 21:

Corning	Drake	Fuhrman	Gentleman
Goodwin	Hall	Hester	Holden
Holt	Hultman	Jensen	Nystrom
Peterson	Readinger	Rensink	Rife
Schwengels	Soorholtz	Taylor	Tieden
Vande Hoef			

Absent or not voting, 2:

Kinley

Lind

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

HOUSE MESSAGE RECEIVED

The following message was received from the Chief Clerk of the House:

MADAM PRESIDENT: I am directed to inform your honorable body that the members of the **conference committee**, appointed May 4, 1987, on **House File 395**, a bill for an act relating to the taking of animals and subjecting violators to penalties, on the part of the House, are: The Representative from Jasper, Mr. Black, chair; the Representative from Black Hawk, Mr. Diemer, the Representative from Johnson, Mr. Dvorsky, the Representative from Cass, Mr. Pellett and the Representative from Marion, Mr. Schrader.

INTRODUCTION OF BILLS

Senate File 516, by committee on Appropriations, a bill for an act relating to the mentally retarded, developmentally disabled, and chronically mental ill by creating a regional delivery system, and specifying duties, memberships, services, funding, and effective dates.

Read first time and **placed on the Appropriations Calendar.**

Senate File 517, by committee on Appropriations, a bill for an act appropriating petroleum overcharge funds.

Read first time and **placed on the Appropriations Calendar.**

Senate File 518, by committee on Appropriations, a bill for an act relating to and making appropriations to state agencies whose responsibilities relate to public defense, public safety, transportation, and enforcement, and including allocation of moneys from the road use tax fund and providing effective dates.

Read first time and **placed on the Appropriations Calendar.**

RECESS

On motion of Senator Hutchins, the Senate recessed at 12:10 p.m., until 2:30 p.m.

APPENDIX

REPORT OF COMMITTEE MEETING

APPROPRIATIONS

Convened: May 4, 1987, 9:14 a.m.

Members Present: Welsh, Chair; Tieden, Ranking Member; Boswell, Corning, Dieleman, Fraise, Gettings, Holt, Jensen, Lind, Lloyd-Jones, Peterson, Riordan, Schwengels, Sturgeon and Varn.

Members Absent: Husak, Vice Chair and Readinger.

Committee Business: Amended and approved LSB 2857 as a committee bill.

Recessed: 10:29 a.m.

Reconvened: May 4, 1987, 4:50 p.m.

Members Present: Welsh, Chair; Tieden, Ranking Member; Boswell, Corning, Dieleman, Fraise, Gettings, Holt, Jensen, Lind, Lloyd-Jones, Peterson, Riordan, Readinger, Schwengels, Sturgeon and Varn.

Members Absent: Husak, Vice Chair.

Committee Business: Amended and approved LSB 2981 and LSB 2959 as committee bills.

Adjourned: 5:50 p.m.

COMMITTEE REPORTS

APPROPRIATIONS

Final Bill Action: SENATE FILE 516, a bill for an act relating to the mentally retarded, developmentally disabled, and chronically mentally ill by creating a regional delivery system, and specifying duties, memberships, services, funding, and effective dates.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 11: Welsh, Tieden, Corning, Dieleman, Holt, Jensen, Lind, Lloyd-Jones, Riordan, Sturgeon and Varn. Nays, 3: Boswell, Fraise and Schwengels. Voting present, 3: Holt, Peterson and Readinger. Absent, 1: Husak.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: SENATE FILE 517, a bill for an act appropriating petroleum overcharge funds.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 17: Welsh, Tieden, Boswell, Corning, Dieleman, Fraise, Gettings, Holt, Jensen, Lind, Lloyd-Jones, Peterson, Readinger, Riordan, Schwengels, Sturgeon and Varn. Nays, none. Absent or not voting, 1: Husak.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: SENATE FILE 518, a bill for an act relating to and making appropriations to state agencies whose responsibilities relate to public defense, public safety, transportation, and enforcement, and including allocation of moneys from the road use tax fund and providing effective dates.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 16: Welsh, Tieden, Boswell, Corning, Dieleman, Fraise, Gettings, Holt, Jensen, Lind, Lloyd-Jones, Peterson, Riordan, Schwengels, Sturgeon and Varn. Nays, none. Absent or not voting, 2: Husak and Readinger.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

BILLS SIGNED BY THE GOVERNOR

Communications were received announcing that on May 4, 1987, the Governor approved and transmitted to the Secretary of State the following bills:

SENATE FILE 70 — Relating to motor vehicle fuel pumps and public scales by revising provisions governing licensing, inspection, calibration, and sealing by the Department of Agriculture and Land Stewardship and providing a penalty.

SENATE FILE 106 — Relating to evaluations of the performance of school administrators including requiring the adoption of job descriptions and evaluation criteria and procedures.

SENATE FILE 130 — To provide that moneys deposited in the barrel tax fund and the gallonage tax fund shall not revert to the state general fund without a specific appropriation, and providing for retroactive applicability of the act.

SENATE FILE 177 — Relating to the disposal of dead animals.

SENATE FILE 214 — Authorizing a city with a population of five thousand or less to reduce council membership to three by referendum.

SENATE FILE 266 — Relating to the affirmation and reenactment of certain provisions of law concerning judicial procedures and court enforced orders, and providing an effective date.

PRESENTATION OF VISITORS

The Chair welcomed the following visitors who were present in the Senate gallery:

Ninety fourth grade students from Roosevelt Elementary School, Perry, Iowa, accompanied by Mrs. Leslie and Mrs. Landon. Senator Riordan.

AMENDMENTS FILED

S—3989	S.F.	507	Calvin Hultman
S—3990	S. C. R.	35	Richard Varn Bill Hutchins Calvin Hultman John Nystrom Wally E. Horn
S—3991	S.F.	351	Forrest V. Schwengels
S—3992	S.F.	518	Jean Lloyd-Jones Julia Gentleman
S—3993	S.F.	518	Jean Lloyd-Jones Julia Gentleman
S—3994	S.F.	480	Tom Mann, Jr. Ray Taylor Richard Drake
S—3995	H.F.	650	William W. Dieleman Ray Taylor Larry Murphy James Riordan

AFTERNOON SESSION

The Senate reconvened at 2:36 p.m., Senator Doyle presiding.

QUORUM CALL

Senator Husak requested a non record roll call to determine that a quorum was present.

President Zimmerman took the chair at 2:39 p.m.

The vote revealed 34 present, 16 absent and a quorum present.

The Senate stood at ease until the fall of the gavel.

The Senate resumed session, President Zimmerman presiding.

HOUSE MESSAGES RECEIVED AND CONSIDERED

The following messages were received from the Chief Clerk of the House:

MADAM PRESIDENT: I am directed to inform your honorable body that the House has on May 5, 1987, passed the following bill in which the concurrence of the Senate is asked:

House File 468, a bill for an act authorizing limited gambling on excursion gambling boats, by specifying additional powers and duties of the state racing and gaming commission, by imposing a tax on adjusted gross receipts from gambling, by authorizing and imposing taxes on admissions, by requiring licenses and imposing fees, by allocating revenue received, by making corresponding amendments to the Code, and by providing penalties for violations.

This bill was read first time and **passed on file**.

ALSO: That the House has on May 5, 1987, **refused to concur** in the Senate amendment to the following bill in which the concurrence of the House was asked:

House File 671, a bill for an act relating to and making appropriations to agencies, boards, commissions, departments, and programs of state government for health and human rights, human services, the judicial branch, the department of justice, the department of corrections, the board of parole, the auditor of state,

campaign finance, employment services, inspections and appeals, employment relations, and commerce, and providing effective dates.

CONSIDERATION OF BILLS (Appropriations Calendar)

Senator Husak asked and received unanimous consent to take up for consideration Senate File 516.

Senate File 516

On motion of Senator Sturgeon, Senate File 516, a bill for an act relating to the mentally retarded, developmentally disabled, and chronically mentally ill by creating a regional delivery system, and specifying duties, memberships, services, funding, and effective dates, was taken up for consideration.

Senator Husak asked and received unanimous consent that action on **Senate File 516** be **deferred**.

Senator Husak asked and received unanimous consent to take up for consideration Senate File 518.

Senate File 518

On motion of Senator Gettings, Senate File 518, a bill for an act relating to and making appropriations to state agencies whose responsibilities relate to public defense, public safety, transportation, and enforcement, and including allocation of moneys from the road use tax fund and providing effective dates, was taken up for consideration.

Senator Gettings offered amendment S—3996 filed by him from the floor to page 8 of the bill and moved its adoption.

Amendment S—3996 was adopted by a voice vote.

Senator Lloyd-Jones offered amendment S—3993 filed by Senators Lloyd-Jones and Gentleman from the floor to pages 13 and 14 of the bill and moved its adoption.

A non record roll call was requested.

The ayes were 12, nays 30.

Amendment S—3993 lost.

Senator Lloyd-Jones offered amendment S—3992 filed by Senators Lloyd-Jones and Gentleman from the floor to page 13 of the bill and moved its adoption.

Amendment S—3992 lost by a voice vote.

Senator Welsh offered amendment S—4000 filed by him from the floor to page 17 of the bill.

Senator Mann raised the point of order that amendment S—4000 was not germane to the bill.

The Chair ruled the point well taken and amendment S—4000 out of order.

Senator Welsh offered amendment S—4002 filed by him from the floor to pages 9 and 11 of the bill and moved its adoption.

Amendment S—4002 was adopted by a voice vote.

Senator Murphy offered amendment S—4001 filed by Senators Taylor and Murphy from the floor to page 6 of the bill.

Senator Drake raised the point of order that amendment S—4001 was not germane to the bill.

The Chair ruled the point well taken and amendment S—4001 out of order.

Senator Gettings moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 518) the vote was:

Ayes, 45:

Boswell	Bruner	Carr	Corning
Deluhery	Dieleman	Doyle	Drake
Fraise	Fuhrman	Gettings	Goodwin
Gronstal	Hall	Hester	Holden
Holt	Horn	Hultman	Husak
Hutchins	Jensen	Kinley	Lind
Mann	Miller, A.V.	Miller, C.P.	Murphy
Nystrom	Palmer	Peterson	Priebe
Readinger	Rensink	Riordan	Schwengels

Scott
Tieden
Welsh

Soorholtz
Vande Hoef

Sturgeon
Varn

Taylor
Wells

Nays, 2:

Gentleman

Lloyd-Jones

Absent or not voting, 3:

Coleman

Hannon

Rife

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

Senator Husak asked and received unanimous consent that **Senate File 518** be **immediately messaged** to the House.

BUSINESS PENDING

Senate File 516

The Senate resumed consideration of Senate File 516, previously deferred.

Senator Sturgeon moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

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

Ayes, 45:

Boswell
Deluhery
Fraise
Hall
Horn
Jensen
Mann
Nystrom
Rensink
Scott
Tieden
Welsh

Bruner
Dieleman
Gettings
Hester
Hultman
Kinley
Miller, A.V.
Palmer
Rife
Soorholtz
Vande Hoef

Carr
Doyle
Goodwin
Holden
Husak
Lind
Miller, C.P.
Peterson
Riordan
Sturgeon
Varn

Corning
Drake
Gronstal
Holt
Hutchins
Lloyd-Jones
Murphy
Priebe
Schwengels
Taylor
Wells

Nays, 4:

Fuhrman

Gentleman

Hannon

Readinger

Absent or not voting, 1:

Coleman

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

HOUSE MESSAGES RECEIVED

The following messages were received from the Chief Clerk of the House:

MADAM PRESIDENT: I am directed to inform your honorable body that the House has on May 5, 1987, **insisted on** its amendment to **House File 167**, a bill for an act relating to fees for and duration of motor vehicle licenses and requiring motor vehicle licenses and nonoperator's identification cards issued to persons under twenty-one years of age to contain a profile photograph and providing an effective date and conditional repeal and reenactment; and the members of the **conference committee**, on the part of the House, are: The Representative from Palo Alto, Mr. Fogarty, chair; the Representative from Scott, Mr. Fey, the Representative from Lucas, Mr. Cooper, the Representative from Clarke, Mr. Beaman, and the Representative from Muscatine, Mr. Platt.

ALSO: That the House has on May 5, 1987, **refused to concur** in the Senate amendments to the following bills in which the concurrence of the House was asked:

House File 244, a bill for an act relating to progress payments, final payments, and retention from payments made to subcontractors on public improvement construction projects.

House File 345, a bill for an act relating to the procedures for authorization of drainage district improvements.

House File 500, a bill for an act relating to the state civil rights law and the civil rights commission.

ALSO: That the House has on May 4, 1987, amended and passed the following bill in which the concurrence of the Senate is asked:

Senate File 511, a bill for an act relating to and making appropriations to agencies, boards, commissions, departments, and programs of state government relating to elected officials, the executive council, management, revenue and finance, personnel, general services, economic development, agriculture, natural resources, and education, providing effective dates, and making certain provisions retroactive (S—4005).

IMMEDIATELY MESSAGED

Senator Husak asked and received unanimous consent that **Senate File 516** be **immediately messaged** to the House.

SENATE INSISTS

House File 671

Senator Welsh called up for consideration House File 671, a bill for an act relating to and making appropriations to agencies, boards, commissions, departments, and programs of state government for health and human rights, human services, the judicial branch, the department of justice, the department of corrections, the board of parole, the auditor of state, campaign finance, employment services, inspections and appeals, employment relations, and commerce, and providing effective dates, amended by the Senate and moved that the Senate insists on its amendment.

The motion prevailed by a voice vote and the Senate **insisted** on its amendment.

APPOINTMENT OF CONFERENCE COMMITTEE

The Chair announced the following conference committee on **House File 671** on the part of the Senate: Senators Welsh, Chair; Husak, Varn, Holden and Tieden.

CONSIDERATION OF BILL (Appropriations Calendar)

Senator Husak asked and received unanimous consent to take up for consideration Senate File 517.

Senate File 517

On motion of Senator Welsh, Senate File 517, a bill for an act appropriating petroleum overcharge funds, was taken up for consideration.

Senator Jensen offered amendment S—3999 filed by Senators Jensen and Dieleman from the floor to pages 1 and 2 of the bill and moved its adoption.

A non record roll call was requested.

The ayes were 21, nays 20.

Amendment S—3999 was adopted.

Senator Welsh moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 517) the vote was:

Ayes, 46:

Boswell	Bruner	Carr	Corning
Deluhery	Dieleman	Doyle	Fraise
Fuhrman	Gentleman	Gettings	Goodwin
Gronstal	Hall	Hannon	Hester
Holden	Holt	Horn	Husak
Hutchins	Jensen	Kinley	Lind
Lloyd-Jones	Mann	Miller, A.V.	Miller, C.P.
Murphy	Palmer	Peterson	Priebe
Readinger	Rensink	Rife	Riordan
Schwengels	Scott	Soorholtz	Sturgeon
Taylor	Tieden	Vande Hoef	Varn
Wells	Welsh		

Nays, none.

Absent or not voting, 4:

Coleman	Drake	Hultman	Nystrom
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The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

APPOINTMENT OF CONFERENCE COMMITTEE

The Chair announced the following conference committee on **House File 167** on the part of the Senate: Senators Scott, Chair; Lloyd-Jones, Coleman, Drake and Goodwin.

IMMEDIATELY MESSAGED

Senator Husak asked and received unanimous consent that **Senate File 517** be immediately messaged to the House.

HOUSE AMENDMENT CONSIDERED

Senate File 511

Senator Welsh called up for consideration Senate File 511, a bill for an act relating to and making appropriations to agencies, boards, commissions, departments, and programs of state government relating to elected officials, the executive council, management, revenue and finance, personnel, general services, economic development, agriculture, natural resources, and education, providing effective dates, and making certain provisions retroactive, amended by the House in House amendment S—4005 filed May 5, 1987.

President pro tempore Kinley took the chair at 5:04 p.m.

Senator Horn asked and received unanimous consent that action on House amendment S—4005 and **Senate File 511** be deferred.

The Senate stood at ease until the fall of the gavel.

The Senate resumed session, President Zimmerman presiding.

HOUSE MESSAGES RECEIVED AND CONSIDERED

The following messages were received from the Chief Clerk of the House:

MADAM PRESIDENT: I am directed to inform your honorable body that the members of the **conference committee**, appointed May 5, 1987, on **House File 671**, a bill for an act relating to and making appropriations to agencies, boards, commissions, departments, and programs of state government for health and human rights, human services, the judicial branch, the department of justice,

the department of corrections, the board of parole, the auditor of state, campaign finance, employment services, inspections and appeals, employment relations, and commerce, and providing effective dates, on the part of the House, are: The Representative from Dubuque, Mr. Jochum, Chair; the Representative from Carroll, Mr. Peterson, the Representative from Marshall, Mr. Schwartz, the Representative from Pottawattamie, Mrs. Hester, and the Representative from Calhoun, Mr. Maulsby.

ALSO: That the members of the **conference committee**, appointed May 5, 1987, on **House File 407**, a bill for an act relating to violations of 321J.2 and the retention of records of motor vehicle violations, on the part of the House, are: The Representative from Appanoose, Mr. Jay, Chair; the Representative from Dubuque, Mr. Connolly, the Representative from Crawford, Mr. Muhlbauer, the Representative from Mills, Mr. Harbor, and the Representative from Page, Mr. Royer.

ALSO: That the House has on May 5, 1987, passed the following bill in which the concurrence of the Senate is asked:

House File 683, a bill for an act relating to energy assistance to low income households by requiring budget billing for certain utility bills for individuals receiving assistance under the low income home energy assistance program, by requiring each gas and electric public utility to create a utility shutoff fund with certain exceptions, by providing for the implementation of pilot projects of an affordable utility payment plan and affordable heating payment plan, making civil penalties applicable, providing a penalty, and providing for a sales tax refund for certain participating gas and electric public utilities and heating fuel supplier.

This bill was read first time and **passed on file**.

ALSO: That the House has on May 5, 1987, amended the Senate amendments, concurred in the Senate amendments as amended, and passed the following bills in which the concurrence of the Senate is asked:

House File 411, a bill for an act relating to the grain indemnity fund, by eliminating credit sale contracts from its protection, providing for distribution of receivership assets, excluding proceeds of the fund, raising minimum net worth requirements, and providing definitions eliminating participation by federally licensed warehouses, and providing a penalty for late payment of fees, eligibility standards, for the appointment of additional members to the Iowa grain indemnity fund board, the adjustment of fees, a procedure for determining the value of losses,

requirements for recovery from the fund, and the retroactive applicability of certain of its provisions (S—4006 to H—3839).

House File 469, a bill for an act to regulate the circumstance and procedure under which an employer may request a drug test of an employee or an applicant for employment and providing a penalty (S—4009 to H—4099).

House File 567, a bill for an act relating to permanency planning for children by providing for dispositional and placement review hearings for certain children subject to the jurisdiction of the juvenile court, by authorizing permanency placement orders for certain children in need of assistance, by modifying certain grounds and procedures for the termination of parental rights, and by establishing an adoption exchange (S—4007 to H—4118).

ALSO: That the House has on May 5, 1987, amended and passed the following bill in which the concurrence of the Senate is asked:

Senate File 55, a bill for an act to remove the requirement that a gambling license cannot be issued for a period of two years for a location for which a gambling license was revoked, and removing the prohibition against conducting games of skill, games of chance, and raffles on the premises of a liquor control licensee or beer permittee (S—4008).

APPENDIX

SUBCOMMITTEE ASSIGNMENTS

House Concurrent Resolution 17

NATURAL RESOURCES: Hall, Chair; Priebe and Rensink

House File 675

WAYS AND MEANS: Bruner, Chair; Murphy and Soorholtz

SSB 254

WAYS AND MEANS: Riordan, Chair; Soorholtz and Mann

BILLS SIGNED BY THE GOVERNOR

Communications were received announcing that on May 5, 1987, the Governor approved and transmitted to the Secretary of State the following bills:

SENATE FILE 319 — Relating to the condition of a building as a basis for the filing of a petition or hearing procedure.

SENATE FILE 341 — Relating to the standard of proof required under forfeiture of property law.

SENATE FILE 374 — Relating to statutory corrections of a noncontroversial and nonsubstantive nature.

SENATE FILE 424 — Relating to the administration of the campaign finance disclosure laws.

SENATE FILE 449 — Relating to the operation and administration of the department of employment services by correcting statutory omissions, inaccuracies, and inconsistencies to reflect or alter current practices, by limiting certain penalties, by continuing the reimbursable status of certain enterprises and businesses sold or transferred by reimbursable employers, and by authorizing the release of certain job service information to certain public or quasi-public officials and entities and certain business and labor organizations.

SENATE FILE 493 — Relating to the creation of a statewide regional network of small business economic development corporations to assist in providing financing for small businesses in the state.

REPORTS OF THE SECRETARY OF THE SENATE

MADAM PRESIDENT: Pursuant to Senate Rule 21, I report that in enrolling Senate File 219, the following technical correction was made:

1. Page 6, line 6, the number "4. The" was changed to the number "5. The".

I report that in engrossing Senate File 518, the following technical correction was made:

1. Page 18, lines 6 and 7, the numbers "23, 24, and 27" were changed to the numbers "24, 25, and 28".

JOHN F. DWYER
Secretary of the Senate

MOTION TO RECONSIDER

MADAM PRESIDENT: I move to reconsider the vote by which House File 377 passed the Senate on May 5, 1987.

BILL HUTCHINS

COMMITTEE REPORTS**NATURAL RESOURCES**

Final Bill Action: HOUSE CONCURRENT RESOLUTION 17, a concurrent resolution urging the President and Congress of the United States to enact legislation for the establishment of the National Western Historic Trails Center in Council Bluffs, Iowa.

Recommendation: DO PASS.

Final Vote: Ayes, 9: Hall, Priebe, Doyle, Hannon, Husak, Peterson, Goodwin, Hester and Rensink. Nays, none. Absent or not voting, 3: Scott, Schwengels and Tieden.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

WAYS AND MEANS

Final Bill Action: HOUSE FILE 673, a bill for an act to impose the premium tax on risk retention groups.

Recommendation: DO PASS.

Final Vote: Ayes, 15: Bruner, Husak, Holden, Boswell, Dieleman, Murphy, Riordan, Palmer, Mann, Gronstal, Hester, Holt, Readinger, Soorholtz and Drake. Nays, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: HOUSE FILE 676, a bill for an act relating to the imposition and repeal of a local option sales and services tax and providing effective dates.

Recommendation: DO PASS.

Final Vote: Ayes, 14: Bruner, Holden, Boswell, Dieleman, Murphy, Riordan, Palmer, Mann, Gronstal, Hester, Holt, Readinger, Soorholtz and Drake. Nays, 1: Husak.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

BILLS ENROLLED, SIGNED AND SENT TO GOVERNOR

The Secretary of the Senate submitted the following report:

MADAM PRESIDENT: The Secretary of the Senate respectfully reports that the following bills have been enrolled, signed by the President of the Senate and the Speaker of the House, and presented to the Governor for his approval on this 5th day of May, 1987:

SENATE FILES 219 and 290.

JOHN F. DWYER
Secretary of the Senate

AMENDMENTS FILED

S—3996	S. F.	518	Don Gettings
S—3997	H. F.	649	Berl Priebe Emil Husak Jack Rife
S—3998	H. F.	649	Berl Priebe Emil Husak Jack Rife
S—3999	S. F.	517	John Jensen William W. Dieleman
S—4000	S. F.	518	Joe Welsh

S—4001	S. F.	518	Ray Taylor Larry Murphy
S—4002	S. F.	518	Joe Welsh
S—4003	S. F.	351	Jack Rife
S—4004	H. F.	164	Donald V. Doyle
S—4005	S. F.	511	House amendment
S—4006	H. F.	411	House amendment
S—4007	H. F.	567	House amendment
S—4008	S. F.	55	House amendment
S—4009	H. F.	469	House amendment

ADJOURNMENT

On motion of Senator Hannon, the Senate adjourned at 6:41 p.m., until 9:00 a.m., Wednesday, May 6, 1987.

JOURNAL OF THE SENATE

ONE HUNDRED FIFTEENTH CALENDAR DAY
SEVENTY-FIFTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Wednesday, May 6, 1987

The Senate met in regular session at 9:08 a.m., President Zimmerman presiding.

Prayer was offered by the Honorable Ray Taylor, member of the Senate from Hardin County, Steamboat Rock, Iowa.

The Journal of Tuesday, May 5, 1987, was approved.

HOUSE MESSAGE RECEIVED

The following message was received from the Chief Clerk of the House:

MADAM PRESIDENT: I am directed to inform your honorable body that the House has on May 5, 1987, amended and passed the following bill in which the concurrence of the Senate is asked:

Senate File 504, a bill for an act relating to the compensation and benefits for public officials and employees by specifying salary rates and ranges, by providing adjustments for salaries, by providing coverage and adjustments for health, life, disability and dental insurance, by changing retirement benefits received by certain members of the Iowa public employees' retirement system, by creating a county compensation board and specifying its duties, by making coordinating amendments to the Code, and by providing effective dates (S—4010).

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Soorholtz for a portion of the day on request of Senator Holden.

**HOUSE AMENDMENT TO
SENATE AMENDMENT CONSIDERED**

House File 411

Senator Miller of Cerro Gordo called up for consideration House File 411, a bill for an act relating to the grain indemnity fund, by eliminating credit sale contracts from its protection, providing for distribution of receivership assets, excluding proceeds of the fund, raising minimum net worth requirements, and providing definitions eliminating participation by federally licensed warehouses, and providing a penalty for late payment of fees, eligibility standards, for the appointment of additional members to the Iowa grain indemnity fund board, the adjustment of fees, a procedure for determining the value of losses, requirements for recovery from the fund, and the retroactive applicability of certain of its provisions, amended by the Senate, further amended by the House and moved that the Senate concur in House amendment S—4006 to Senate amendment H—3839 filed May 5, 1987.

The motion prevailed by a voice vote and the Senate concurred in the House amendment to the Senate amendment.

Senator Miller of Cerro Gordo moved that the bill as amended by the Senate, further amended by the House and concurred in by the Senate, be read the last time now and placed upon its passage, which motion prevailed by a voice vote and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 411) the vote was:

Ayes, 43:

Boswell	Bruner	Carr	Coleman
Corning	Deluhery	Dieleman	Doyle
Drake	Fraise	Fuhrman	Gentleman
Gettings	Goodwin	Gronstal	Hall
Hester	Holden	Holt	Horn
Hultman	Husak	Hutchins	Jensen
Lind	Lloyd-Jones	Mann	Miller, A.V.
Miller, C.P.	Murphy	Nystrom	Palmer
Priebe	Readinger	Rensink	Riordan
Scott	Sturgeon	Taylor	Tieden
Vande Hoef	Varn	Wells	

Nays, none.

Absent or not voting, 7:

Hannon	Kinley	Peterson	Rife
Schwengels	Soorholtz	Welsh	

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

ADOPTION OF RESOLUTION (Regular Calendar)

Senator Hutchins asked and received unanimous consent to take up for consideration House Concurrent Resolution 17.

House Concurrent Resolution 17

On motion of Senator Hall, House Concurrent Resolution 17, a concurrent resolution urging the President and Congress of the United States to enact legislation for the establishment of the National Western Historic Trails Center in Council Bluffs, Iowa, with report of committee recommending passage, was taken up for consideration.

Senator Hall moved the adoption of House Concurrent Resolution 17, which motion prevailed by a voice vote.

HOUSE AMENDMENT CONSIDERED (Deferred May 5, 1987)

Senate File 511

The Senate resumed consideration of Senate File 511, a bill for an act relating to and making appropriations to agencies, boards, commissions, departments, and programs of state government relating to elected officials, the executive council, management, revenue and finance, personnel, general services, economic development, agriculture, natural resources, and education, providing effective dates, and making certain provisions retroactive and House amendment S—4005, deferred May 5, 1987.

Senator Welsh moved that the Senate concur in House amendment S—4005, which motion lost by a voice vote and the Senate **refused to concur** in the House amendment.

HOUSE AMENDMENT TO
SENATE AMENDMENT CONSIDERED

House File 469

Senator Mann called up for consideration House File 469, a bill for an act to regulate the circumstance and procedure under which an employer may request a drug test of an employee or an applicant for employment and providing a penalty, amended by the Senate, further amended by the House and moved that the Senate concur in House amendment S—4009 to Senate amendment H—4099 filed May 5, 1987.

A record roll call was requested.

On the question "Shall the motion to concur be adopted?" (H.F. 469) the vote was:

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

Ayes, 26:

Corning	Dieleman	Drake	Fuhrman
Gentleman	Goodwin	Hall	Hester
Holden	Holt	Jensen	Lind
Lloyd-Jones	Mann	Miller, C.P.	Nystrom
Peterson	Readinger	Rensink	Rife
Schwengels	Scott	Taylor	Tieden
Vande Hoef	Varn		

Nays, 21:

Boswell	Bruner	Carr	Coleman
Deluhery	Doyle	Fraise	Gettings
Gronstal	Hannon	Horn	Husak
Hutchins	Miller, A.V.	Murphy	Palmer
Priebe	Riordan	Sturgeon	Wells
Welsh			

Absent or not voting, 3:

Hultman	Kinley	Soorholtz
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The motion prevailed and the Senate concurred in the House amendment to the Senate amendment.

Senator Mann moved that the bill as amended by the Senate, further amended by the House and concurred in by the Senate be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 469) the vote was:

Ayes, 39:

Bruner	Carr	Coleman	Corning
Deluhery	Dieleman	Drake	Fraise
Fuhrman	Gentleman	Gettings	Goodwin
Gronstal	Hall	Hannon	Hester
Horn	Husak	Hutchins	Jensen
Lind	Mann	Miller, A.V.	Murphy
Nystrom	Palmer	Peterson	Priebe
Readinger	Rensink	Rife	Schwengels
Scott	Sturgeon	Taylor	Tieden
Vande Hoef	Varn	Welsh	

Nays, 8:

Boswell	Doyle	Holden	Holt
Lloyd-Jones	Miller, C.P.	Riordan	Wells

Absent or not voting, 3:

Hultman	Kinley	Soorholtz
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The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

HOUSE AMENDMENT CONSIDERED

Senate File 455

Senator Horn called up for consideration Senate File 455, a bill for an act relating to physical therapy by providing that physical therapy evaluation and treatment may be rendered without a prescription or referral, amended by the House in House amendment S—3962 filed May 4, 1987.

Senator Horn offered amendment S—4011 filed by him from the floor to House amendment S—3962 and moved its adoption.

Amendment S—4011 was adopted by a voice vote.

Senator Horn moved that the Senate concur in House amendment S—3962 as amended, which motion prevailed by a voice vote.

Senator Horn moved that the bill as amended by the House, further amended and concurred in by the Senate, be read the last time now and placed upon its passage, which motion prevailed by a voice vote and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 455) the vote was:

Ayes, 48:

Boswell	Bruner	Carr	Coleman
Corning	Deluhery	Dieleman	Doyle
Drake	Fraise	Fuhrman	Gentleman
Gettings	Goodwin	Gronstal	Hall
Hannon	Hester	Holden	Holt
Horn	Hultman	Husak	Hutchins
Jensen	Lind	Lloyd-Jones	Mann
Miller, A.V.	Miller, C.P.	Murphy	Nystrom
Palmer	Peterson	Priebe	Readinger
Rensink	Rife	Riordan	Schwengels
Scott	Sturgeon	Taylor	Tieden
Vande Hoef	Varn	Wells	Welsh

Nays, none.

Absent or not voting, 2:

Kinley	Soorholtz
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The bill having received a constitutional majority was declared to have passed the Senate and the title as amended was agreed to.

BILLS ASSIGNED TO COMMITTEE

President Zimmerman announced the assignment of the following bills to committee:

H.F. 468 State Government
 H.F. 683 Ways and Means

SENATE RECEDES

House File 345

Senator Fuhrman called up for consideration House File 345, a bill for an act relating to the procedures for authorization of drainage district improvements, amended by the Senate, and moved that the Senate recedes from its amendment.

The motion prevailed by a voice vote and the Senate receded from its amendment.

Senator Fuhrman moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 345) the vote was:

Ayes, 48:

Boswell	Bruner	Carr	Coleman
Corning	Deluhery	Dieleman	Doyle
Drake	Fraise	Fuhrman	Gentleman
Gettings	Goodwin	Gronstal	Hall
Hannon	Hester	Holden	Holt
Horn	Hultman	Husak	Hutchins
Jensen	Lind	Lloyd-Jones	Mann
Miller, A.V.	Miller, C.P.	Murphy	Nystrom
Palmer	Peterson	Priebe	Readinger
Rensink	Rife	Riordan	Schwengels
Scott	Sturgeon	Taylor	Tieden
Vande Hoef	Varn	Wells	Welsh

Nays, none.

Absent or not voting, 2:

Kinley Soorholtz

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

IMMEDIATELY MESSAGED

Senator Hutchins asked and received unanimous consent that **Senate File 455, House Files 411 and 345 and House Concurrent Resolution 17** be immediately messaged to the House.

CONSIDERATION OF BILL (Ways and Means Calendar)

Senator Hutchins asked and received unanimous consent to take up for consideration House File 673.

House File 673

On motion of Senator Gronstal, House File 673, a bill for an act to impose the premium tax on risk retention groups, with report of committee recommending passage, was taken up for consideration.

Senator Gronstal moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 673) the vote was:

Ayes, 46:

Boswell	Bruner	Carr	Coleman
Corning	Deluhery	Dieleman	Doyle
Drake	Fraise	Fuhrman	Gentleman
Gettings	Goodwin	Gronstal	Hall
Hester	Holden	Holt	Horn
Hultman	Husak	Hutchins	Jensen
Lind	Lloyd-Jones	Mann	Miller, A.V.
Miller, C.P.	Murphy	Nystrom	Palmer
Peterson	Priebe	Readinger	Rensink
Rife	Riordan	Schwengels	Scott
Taylor	Tieden	Vande Hoef	Varn
Wells	Welsh		

Nays, none.

Absent or not voting, 4:

Hannon	Kinley	Soorholtz	Sturgeon
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The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

HOUSE AMENDMENTS CONSIDERED

Senate File 480

Senator Mann called up for consideration Senate File 480, a bill for an act relating to things of value given to and received by public employees, officials, members of the general assembly, other persons serving in a public capacity, and candidates, mandating reporting of certain things of value, subjecting violators to penalties, and providing an effective date, amended by the House in House amendment S—3705 filed April 21, 1987.

Senator Mann offered amendment S—3994 filed by Senators Mann, Taylor and Drake on May 5, 1987, to pages 1 through 5 of House amendment S—3705.

Senator Drake asked and received unanimous consent that action on House amendment S—3705, amendment S—3994 to House amendment S—3705 and **Senate File 480** be deferred.

Senate File 55

Senator Welsh called up for consideration Senate File 55, a bill for an act to remove the requirement that a gambling license cannot be issued for a period of two years for a location for which a gambling license was revoked, amended by the House in House amendment S—4008 filed May 5, 1987.

Senator Welsh offered amendment S—4017 filed by him from the floor to House amendment S—4008 and moved its adoption.

Amendment S—4017 was adopted by a voice vote.

Senator Hall offered amendment S—4018 filed by him from the floor to House amendment S—4008 and moved its adoption.

Amendment S—4018 was adopted by a voice vote.

Senator Welsh moved that the Senate concur in House amendment S—4008 as amended, which motion prevailed by a voice vote.

Senator Welsh moved that the bill as amended by the House, further amended and concurred in by the Senate, be read the last time now and placed upon its passage, which motion prevailed by a voice vote and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 55) the vote was:

Ayes, 34:

Bruner	Carr	Coleman	Corning
Deluhery	Doyle	Fraise	Fuhrman
Gentleman	Gettings	Gronstal	Hall
Hannon	Horn	Husak	Hutchins
Lind	Lloyd-Jones	Mann	Miller, A.V.
Miller, C.P.	Murphy	Nystrom	Palmer
Peterson	Priebe	Rife	Riordan
Schwengels	Scott	Sturgeon	Tieden
Varn	Welsh		

Nays, 12:

Boswell	Dieleman	Goodwin	Hester
Holden	Holt	Hultman	Jensen
Readinger	Rensink	Taylor	Vande Hoef

Absent or not voting, 4:

Drake	Kinley	Soorholtz	Wells
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The bill having received a constitutional majority was declared to have passed the Senate and the title as amended was agreed to.

MOTIONS TO RECONSIDER WITHDRAWN

House File 499

Senator Welsh withdrew the motion to reconsider House File 499, a bill for an act relating to education including salary increases, efficiencies, and education enhancement, relating to the establishment of an educational excellence program consisting of three phases relating to the recruitment of quality teachers, the retention of quality teachers, and the enhancement of the quality and effectiveness of teachers; activities of the state board of education relating to the accreditation process; duration of a superintendent's contract; open enrollment of pupils in contiguous

school districts; postsecondary enrollment options for certain high school students; redrawing boundary lines of area education agencies; plans for a governance structure for merged area schools; majority vote for school district bond issues under certain conditions; date of the organizational meeting of school corporations; annual publication of financial statements; sharing interscholastic activity programs; adoption of student achievement goals; provision for intercollegiate athletic activities at merged area schools; procedure for opting out of whole grade sharing; calculation of enrollment of school districts; weighting for non-English-speaking students; and provide effective dates, filed by him on May 4, 1987, and found on page 1676 of the Senate Journal.

Senator Lind withdrew the motion to reconsider House File 499, filed by him on May 4, 1987, and found on page 1683 of the Senate Journal.

Senator Murphy withdrew the motion to reconsider House File 499, filed by him on May 4, 1987, and found on page 1676 of the Senate Journal.

The motion to reconsider the vote by which the Senate concurred in House amendment S—3944 to Senate amendment H—3878 to House File 499 filed by Senator Lind on May 4, 1987, and found on page 1683 of the Senate Journal, was out of order.

IMMEDIATELY MESSAGED

Senator Hutchins asked and received unanimous consent that **Senate File 55** and **House Files 499** and **673** be immediately messaged to the House.

SENATE RECEDES

House File 244

Senator Palmer called up for consideration House File 244, a bill for an act relating to progress payments, final payments, and retention from payments made to subcontractors on public improvement construction projects, amended by the Senate, and moved that the Senate recedes from its amendment.

The motion prevailed by a voice vote and the Senate receded from its amendment.

Senator Palmer moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 244) the vote was:

Ayes, 37:

Boswell	Bruner	Carr	Coleman
Corning	Deluhery	Dieleman	Doyle
Drake	Fraise	Fuhrman	Hall
Hannon	Holden	Horn	Hultman
Husak	Hutchins	Jensen	Lind
Lloyd-Jones	Mann	Miller, A.V.	Miller, C.P.
Murphy	Nystrom	Palmer	Peterson
Priebe	Readinger	Riordan	Schwengels
Scott	Sturgeon	Tieden	Varn
Welsh			

Nays, 7:

Gettings	Goodwin	Holt	Rensink
Rife	Taylor	Vande Hoef	

Voting present, 1:

Gentleman

Absent or not voting, 5:

Gronstal	Hester	Kinley	Soorholtz
Wells			

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

BUSINESS PENDING

Senate File 480

The Senate resumed consideration of Senate File 480, House amendment S—3705 and amendment S—3994 to House amendment S—3705, previously deferred.

Senator Drake offered amendment S—4019 filed by him from the floor to amendment S—3994 to House amendment S—3705, moved its adoption and requested a record roll call.

On the question “Shall amendment S—4019 to amendment S—3994 to House amendment S—3705 be adopted?” (S.F. 480) the vote was:

Ayes, 19:

Bruner	Corning	Dieleman	Drake
Fuhrman	Gentleman	Goodwin	Gronstal
Hester	Holt	Hultman	Jensen
Lind	Nystrom	Rensink	Rife
Schwengels	Scott	Vande Hoef	

Nays, 27:

Boswell	Carr	Deluhery	Doyle
Fraise	Gettings	Hall	Hannon
Holden	Horn	Husak	Hutchins
Lloyd-Jones	Mann	Miller, A.V.	Miller, C.P.
Murphy	Palmer	Peterson	Priebe
Readinger	Riordan	Taylor	Tieden
Varn	Wells	Welsh	

Voting present, 1:

Coleman

Absent or not voting, 3:

Kinley	Soorholtz	Sturgeon
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Amendment S—4019 lost.

Senator Mann moved the adoption of amendment S—3994 to pages 1 through 5 of House amendment S—3705, which motion prevailed by a voice vote.

Senator Mann moved that the Senate concur in House amendment S—3705 as amended, which motion prevailed by a voice vote.

Senator Mann moved that the bill as amended by the House, further amended and concurred in by the Senate, be read the last time now and placed upon its passage, which motion prevailed by a voice vote and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 480) the vote was:

Ayes, 46:

Boswell	Bruner	Carr	Coleman
Corning	Deluhery	Dieleman	Doyle
Drake	Fraise	Fuhrman	Gentleman
Gettings	Goodwin	Gronstal	Hall
Hannon	Hester	Holden	Holt
Horn	Hultman	Husak	Hutchins
Jensen	Lind	Lloyd-Jones	Mann
Miller, A. V.	Miller, C.P.	Murphy	Nystrom
Palmer	Peterson	Priebe	Readinger
Rensink	Rife	Riordan	Scott
Taylor	Tieden	Vande Hoef	Varn
Wells	Welsh		

Nays, none.

Absent or not voting, 4:

Kinley	Schwengels	Soorholtz	Sturgeon
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The bill having received a constitutional majority was declared to have passed the Senate and the title as amended was agreed to.

IMMEDIATELY MESSAGED

Senator Hutchins asked and received unanimous consent that **House File 244** and **Senate File 480** be immediately messaged to the House.

Senator Coleman took the chair at 11:24 a.m.

CONSIDERATION OF BILL (Appropriations Calendar)

Senate File 514

On motion of Senator Horn, Senate File 514, a bill for an act to appropriate moneys for educational improvement, including moneys for teacher salaries, benefits, and sabbaticals and for the education of certain children, was taken up for consideration.

Senator Horn offered amendment S—4021 filed by him from the floor to strike everything after the enacting clause of the bill and moved its adoption.

A record roll call was requested.

On the question “Shall amendment S—4021 be adopted?” (S.F. 514) the vote was:

Ayes, 30:

Boswell	Bruner	Carr	Coleman
Corning	Deluhery	Doyle	Gettings
Gronstal	Hannon	Horn	Husak
Hutchins	Lind	Lloyd-Jones	Mann
Miller, A.V.	Miller, C.P.	Murphy	Nystrom
Palmer	Priebe	Readinger	Rensink
Rife	Riordan	Scott	Taylor
Varn	Wells		

Nays, 17:

Drake	Fraise	Fuhrman	Gentleman
Goodwin	Hall	Hester	Holden
Holt	Hultman	Jensen	Peterson
Schwengels	Sturgeon	Tieden	Vande Hoef
Welsh			

Absent or not voting, 3:

Dieleman	Kinley	Soorholtz
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Amendment S—4021 was adopted.

With the adoption of amendment S—4021, the Chair ruled the following amendments out of order to page 1 of the bill:

S—3926 filed by Senators Peterson and Sturgeon on April 30, 1987.

S—3957 filed by Senators Horn, et al., on May 1, 1987.

Senator Welsh moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question “Shall the bill pass?” (S.F. 514) the vote was:

Ayes, 28:

Boswell	Bruner	Carr	Coleman
Corning	Deluhery	Doyle	Gettings
Gronstal	Hannon	Horn	Hutchins
Lind	Mann	Miller, A. V.	Miller, C.P.
Murphy	Nystrom	Palmer	Priebe
Readinger	Rensink	Rife	Riordan
Scott	Taylor	Varn	Wells

Nays, 19:

Dieleman	Drake	Fraise	Fuhrman
Gentleman	Goodwin	Hall	Hester
Holden	Holt	Hultman	Husak
Jensen	Peterson	Schwengels	Sturgeon
Tieden	Vande Hoef	Welsh	

Absent or not voting, 3:

Kinley	Lloyd-Jones	Soorholtz
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The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

HOUSE MESSAGE RECEIVED AND CONSIDERED

The following message was received from the Chief Clerk of the House:

MADAM PRESIDENT: I am directed to inform your honorable body that the House has on May 5, 1987, passed the following bill in which the concurrence of the Senate is asked:

House File 680, a bill for an act relating to juveniles, creating a study, the detention of juveniles in adult detention facilities, and penalties for violations of certain misdemeanors and ordinances.

This bill was read first time and **passed on file**.

INTRODUCTION OF RESOLUTIONS

Senate Resolution 13, by Holt, a resolution relating to support for gifted and talented children programs.

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

Senate Concurrent Resolution 37, by Vande Hoef, Lloyd-Jones, Readinger, Corning and Murphy, a concurrent resolution requesting an interim study committee regarding child protection.

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

INTRODUCTION OF BILLS

Senate File 519, by committee on Ways and Means, a bill for an act relating to the time for claiming urban revitalization tax exemptions.

Read first time and **placed on Ways and Means Calendar**.

Senate File 520, by committee on Ways and Means, a bill for an act relating to fees charged for hazardous wastes and deposited in the hazardous waste remedial fund.

Read first time and **placed on Ways and Means Calendar**.

RECESS

On motion of Senator Hutchins, the Senate recessed at 12:16 p.m., until 1:30 p.m.

APPENDIX

REPORTS OF COMMITTEE MEETINGS

NATURAL RESOURCES

Convened: May 5, 1987, 2:45 p.m.

Members Present: Hall, Chair; Priebe, Vice Chair; Doyle, Hannon, Husak, Peterson, Goodwin, Hester and Rensink.

Members Absent: Schwengels, Ranking Member; Scott and Tieden.

Committee Business: Recommended passage of House Concurrent Resolution 17.

Adjourned: 2:55 p.m.

WAYS AND MEANS

Convened: May 5, 1987, 1:42 p.m.

Members Present: Bruner, Chair; Husak, Vice Chair; Holden, Ranking Member; Boswell, Dieleman, Gronstal, Mann, Murphy, Palmer, Riordan, Drake, Hester, Holt, Readinger and Soorholtz.

Members Absent: none.

Committee Business: Approved SSBs 251, 252 and 253 as committee bills; recommended passage of House Files 675, 676 and 673.

Adjourned: 2:30 p.m.

COMMITTEE REPORTS

WAYS AND MEANS

Final Bill Action: SENATE FILE 520 (SSB 252), a bill for an act relating to fees charged for hazardous wastes and deposited in the hazardous waste remedial fund.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 8: Bruner, Gronstal, Mann, Murphy, Riordan, Drake, Readinger and Soorholtz. Nays, 6: Husak, Boswell, Dieleman, Holden, Hester and Holt. Absent or not voting, 1: Palmer.

Fiscal Note: REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: SENATE FILE 519 (SSB 253), a bill for an act relating to the time for claiming urban revitalization tax exemptions.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 15: Bruner, Husak, Boswell, Dieleman, Gronstal, Mann, Murphy, Palmer, Riordan, Holden, Drake, Hester, Holt, Readinger and Soorholtz. Nays, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

MOTION TO RECONSIDER

MADAM PRESIDENT: I move to reconsider the vote by which House File 469 passed the Senate on May 5, 1987.

TOM MANN, JR.

PRESENTATION OF VISITORS

The Chair welcomed the following visitors who were present in the Senate gallery:

Twenty students from Moravia High School, Moravia, Iowa, accompanied by Lyle Stevens. Senator Gettings.

Fifteen students from Indian Hills Community College, Ottumwa, Iowa, accompanied by Sherri Ziegler and Pat Huston. Senator Gettings.

AMENDMENTS FILED

S-4010	S.F.	504	House amendment
S-4011	S.F.	455	Wally Horn
S-4012	H.F.	164	Donald V. Doyle
S-4013	H.F.	468	William Dieleman
S-4014	H.F.	468	William Dieleman
S-4015	H.F.	468	William Dieleman
S-4016	H.F.	468	William Dieleman
S-4017	S.F.	55	Joe J. Welsh
S-4018	S.F.	55	Hurley W. Hall
S-4019	S.F.	480	Richard Drake

S—4020	S. F.	504	Bill Hutchins Joe J. Welsh Richard J. Varn
S—4021	S. F.	514	Wally Horn

AFTERNOON SESSION

The Senate reconvened at 1:30 p.m., Senator Priebe presiding.

QUORUM CALL

Senator Husak requested a non record roll call to determine that a quorum was present.

Senator Boswell took the chair at 1:35 p.m.

The vote revealed 38 present, 12 absent and a quorum present.

UNFINISHED BUSINESS (Deferred April 16, 1987)

House File 164

The Senate resumed consideration of House File 164, a bill for an act relating to the discretion of a notary public in performing notarial services, and limiting that discretion, deferred April 16, 1987.

Senator Kinley offered amendment S—3455 filed by Senators Drake, Kinley and Carr on April 7, 1987, to page 1 and the title page of the bill.

Senator Doyle offered amendment S—4012 filed by him from the floor to amendment S—3455 and moved its adoption.

Amendment S—4012 was adopted by a voice vote.

With the adoption of amendment S—4012 to amendment S—3455, the Chair ruled amendment S—4004 filed by Senator Doyle on May 5, 1987, to amendment S—3455, out of order.

Senator Peterson raised the point of order that amendment S—3455 as amended was not germane to the bill.

The Chair ruled the point not well taken and amendment S—3455 as amended in order.

Senator Kinley moved the adoption of amendment S—3455 as amended, which motion prevailed by a voice vote.

President pro tempore Kinley took the chair at 2:00 p.m.

Senator Gronstal moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 164) the vote was:

Ayes, 42:

Boswell	Bruner	Carr	Coleman
Corning	Deluhery	Dieleman	Doyle
Fraise	Gettings	Goodwin	Gronstal
Hall	Hannon	Hester	Holden
Holt	Horn	Husak	Jensen
Kinley	Lind	Lloyd-Jones	Miller, A.V.
Miller, C.P.	Murphy	Nystrom	Palmer
Priebe	Readinger	Rensink	Rife
Riordan	Schwengels	Scott	Soorholtz
Sturgeon	Taylor	Tieden	Varn
Wells	Welsh		

Nays, 4:

Fuhrman	Gentleman	Peterson	Vande Hoef
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Absent or not voting, 4:

Drake	Hultman	Hutchins	Mann
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The bill having received a constitutional majority was declared to have passed the Senate and the title as amended was agreed to.

IMMEDIATELY MESSAGED

Senator Husak asked and received unanimous consent that **Senate File 511** and **House File 164** be immediately messaged to the House.

MOTION TO RECONSIDER WITHDRAWN

Senate File 148

Senator Hutchins withdrew the motion to reconsider Senate File 148, a bill for an act relating to gender balance in the appointment and election of judicial nominating commissioners, filed by him on May 1, 1987, and found on page 1665 of the Senate Journal.

Senator Hutchins asked and received unanimous consent that **Senate File 148** be **immediately messaged** to the House.

UNFINISHED BUSINESS
(Deferred April 24, 1987)

House File 650

The Senate resumed consideration of House File 650, a bill for an act relating to providing private instruction and this Act is repealed July 1, 1990, and amendment S—3510 by the committee on Education to pages 1 through 4 and the title page of the bill and amendment S—3778 by Senator Horn to strike everything after the enacting clause of the bill, deferred April 24, 1987.

Senator Horn asked and received unanimous consent that action on amendment S—3778 be deferred.

Senator Coleman took the chair at 2:20 p.m.

Senator Horn offered amendment S—3806 filed by him on April 24, 1987, to strike everything after the enacting clause and to the title page of the bill and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S—3806 be adopted?" (H.F. 650) the vote was:

Ayes, 19:

Bruner	Carr	Corning	Fuhrman
Gettings	Gronstal	Hannon	Horn
Kinley	Lloyd-Jones	Mann	Murphy
Palmer	Peterson	Readinger	Rife
Sturgeon	Varn	Welsh	

Nays, 30:

Boswell	Coleman	Deluhery	Dieleman
Doyle	Drake	Fraise	Gentleman
Goodwin	Hall	Hester	Holden
Holt	Hultman	Husak	Jensen
Lind	Miller, A.V.	Miller, C.P.	Nystrom
Priebe	Rensink	Riordan	Schwengels
Scott	Soorholtz	Taylor	Tieden
Vande Hoef	Wells		

Absent or not voting, 1:

Hutchins

Amendment S—3806 lost.

Senator Horn withdrew amendment S—3778, previously deferred.

The Senate resumed consideration of amendment S—3510 to pages 1 through 4 and to the title page of the bill, deferred April 24, 1987.

Senator Dieleman offered amendment S—3995 filed by Senators Dieleman, et al., on May 5, 1987, to pages 1 through 4 of amendment S—3510, moved its adoption and requested a non record roll call.

The ayes were 34, nays 15.

Amendment S—3995 was adopted.

President Zimmerman took the chair at 3:26 p.m.

With the adoption of amendment S—3995 to amendment S—3510, the Chair ruled the following amendments to amendment S—3510 out of order:

S—3728 filed by Senators Hannon, et al., on April 22, 1987, to pages 2 and 3.

S—3729 filed by Senators Hannon, et al., on April 22, 1987, to pages 2 and 3.

S—3766 filed by Senator Horn on April 23, 1987, to pages 2 and 3.

S—3777 filed by Senator Murphy on April 23, 1987, to pages 2 through 4.

S—3787 filed by Senator Taylor on April 24, 1987, to page 4.

The Chair ruled the motion to reconsider the vote by which the Senate failed to adopt amendment S—3779 to pages 1 and 4 of amendment S—3510 filed by Senator Dieleman on April 24, 1987, and found on page 1530 of the Senate Journal, out of order.

Senator Murphy moved the adoption of amendment S—3510 as amended, which motion prevailed by a voice vote.

Senator Hannon offered amendment S—4025 filed by Senators Hannon, et al., from the floor to page 4 of the bill and moved its adoption.

A non record roll call was requested.

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

The ayes were 23, nays 25.

Amendment S—4025 lost.

Senator Readinger asked and received unanimous consent that action on **House File 650** be **deferred**.

The Senate stood at ease until the fall of the gavel

The Senate resumed session, President Zimmerman presiding.

BUSINESS PENDING

House File 650

The Senate resumed consideration of House File 650, previously deferred.

Senator Readinger offered amendment S—4026 filed by Senators Readinger and Murphy from the floor to page 4 of the bill, moved its adoption and requested a non record roll call.

Rules 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

The ayes were 23, nays 26.

Amendment S—4026 lost.

Senator Dieleman moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 650) the vote was:

Ayes, 37:

Boswell	Coleman	Deluhery	Dieleman
Doyle	Drake	Fraise	Gentleman
Gettings	Goodwin	Hall	Hester
Holden	Holt	Horn	Hultman
Husak	Hutchins	Jensen	Kinley
Lind	Mann	Miller, A.V.	Miller, C.P.
Murphy	Nystrom	Palmer	Priebe
Rensink	Riordan	Scott	Soorholtz
Taylor	Tieden	Vande Hoef	Wells
Welsh			

Nays, 12:

Bruner	Carr	Corning	Fuhrman
Gronstal	Lloyd-Jones	Peterson	Readinger
Rife	Schwengels	Sturgeon	Varn

Absent or not voting, 1:

Hannon

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

BILLS ASSIGNED TO COMMITTEE

President Zimmerman announced the assignment of the following bills to committee:

S. R.	13	Education
S. C. R.	37	Rules and Administration
H. F.	680	Appropriations

CONSIDERATION OF BILL (Appropriations Calendar)

Senator Hutchins asked and received unanimous consent to take up out of order Senate Joint Resolution 12.

Senate Joint Resolution 12

On motion of Senator Welsh, Senate Joint Resolution 12, a joint resolution ratifying a proposed amendment to the Constitution of the United States to provide for a delay in an increase in compensation to members of congress until an intervening election of representatives has occurred, was taken up for consideration.

Senator Welsh moved that the resolution be read the last time now and placed upon its passage, which motion prevailed by a voice vote and the resolution was read the last time.

Senate Joint Resolution 12, a joint resolution ratifying a proposed amendment to the Constitution of the United States to provide for a delay in an increase in compensation to members of congress until an intervening election of representatives has occurred.

Be It Resolved by the General Assembly of the State of Iowa:

Whereas, the First Congress of the United States of America, at its first session, sitting in New York, New York, on September 25, 1789, in both houses, by a constitutional majority of two-thirds, has proposed an amendment to the Constitution of the United States of America in the following words:

“Resolved by the Senate and House of Representatives of the United States of America in Congress assembled two-thirds of both Houses concurring, that the following (Article) be proposed to the legislatures of the several states, as (an Amendment) to the Constitution of the United States, . . . which (Article), when ratified by three-fourths of said legislatures, to be valid to all intents and purposes, as part of the said Constitution, viz;

“(An Article) in addition to, and Amendment of the Constitution of the United States of America, proposed by Congress, and ratified by the Legislatures of the several States, pursuant to the fifth Article of the original Constitution.

“ARTICLE

“No law, varying the compensation for the services of the Senators and Representatives, shall take effect until an election of Representatives shall have intervened.”

Whereas, Article V of the Constitution of the United States allows the ratification of the proposed amendment to the United States constitution by the general assembly of the state of Iowa; and

Whereas, the proposed amendment to the Constitution of the United States has already been ratified by the legislatures of the following states on the dates indicated: Maryland on December 19, 1789; North Carolina on December 22, 1789; South Carolina on January 19, 1790; Delaware on January 28, 1790; Vermont on November 3, 1791; Virginia on December 15, 1791; Ohio on May 6, 1873; Wyoming on March 3, 1978; Maine on April 27, 1983; Colorado on April 18, 1984; South Dakota on February 21, 1985; New Hampshire on March 7, 1985, Arizona on April 3, 1985; Tennessee on May 23, 1985; Oklahoma on July 10, 1985; New Mexico on February 13, 1986; Indiana on February 19, 1986; and Utah on February 25, 1986; and

Whereas, Article V of the Constitution of the United States does not state a time limit on ratification of an amendment submitted by congress, and the First Congress specifically did not provide a time limit for ratification of the proposed amendment; and

Whereas, the United States supreme court has ruled in Coleman v. Miller, 307 U.S. 433 (1939), that an amendment to the United States constitution may be ratified by states at any time, and Congress must then finally decide whether a reasonable time had elapsed since its submission when, in the presence of certified ratifications by three-fourths of the States, the time arrives for the promulgation of the of the amendment; and

Whereas, section 25 of Article III of the Constitution of the State of Iowa provides that "Each member of the General Assembly shall receive such compensation and allowances for expenses as shall be fixed by law but no General Assembly shall have the power to increase compensation and allowances effective prior to the convening of the next General Assembly following the session in which any increase is adopted."; and

Whereas, the general assembly of the state of Iowa finds that the proposed amendment is still meaningful and needed as part of the United States constitution and that the present political, social, and economic conditions are the same as or even more demanding today than they were when the proposed amendment was submitted for its adoption; *Now Therefore*,

Be It Resolved by the General Assembly of the State of Iowa: That the foregoing proposed amendment to the Constitution of the United States is hereby ratified and consented to by the state of Iowa and the general assembly thereof; and

Be It Further Resolved, That the governor of the state of Iowa forward certified copies of this resolution over the seal of the state of Iowa to the archivist of the United States, and to the presiding officers of the senate and house of representatives of the United States.

Be It Further Resolved, That the general assembly of the state of Iowa urges the state legislatures of those states which have not done so to follow Iowa in ratifying the proposed amendment and that, as an incentive for them to do so, copies of the foregoing preamble and resolution be transmitted to those state legislatures.

Senator Welsh moved that the resolution be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the resolution was read the last time.

On the question "Shall the resolution be adopted?" (S.J.R. 12) the vote was:

Yeas, 46:

Boswell	Carr	Coleman	Corning
Deluhery	Dieleman	Doyle	Drake
Fraise	Fuhrman	Gentleman	Gettings
Goodwin	Gronstal	Hall	Hester
Holden	Holt	Horn	Hultman
Husak	Hutchins	Jensen	Kinley
Lind	Lloyd-Jones	Mann	Miller, A.V.
Miller, C.P.	Nystrom	Palmer	Peterson
Priebe	Rensink	Rife	Riordan
Schwengels	Scott	Soorholtz	Sturgeon
Taylor	Tieden	Vande Hoef	Varn
Wells	Welsh		

Nays, 1:

Bruner

Absent or not voting, 3:

Hannon	Murphy	Readinger
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The resolution having received a constitutional majority was declared to have been adopted by the Senate and the title was agreed to.

HOUSE AMENDMENT CONSIDERED

Senate File 504

Senate Welsh called up for consideration Senate File 504, a bill for an act relating to the compensation and benefits for public officials and employees by specifying salary rates and ranges, by providing adjustments for salaries, by providing coverage and adjustments for health, life, disability and dental insurance, by changing retirement benefits received by certain members of the Iowa public employees' retirement system, by creating a county compensation board and specifying its duties, by making coordinating amendments to the Code, and by providing effective dates, amended by the House in House amendment S—4010 filed May 6, 1987.

Senator Hutchins offered amendment S—4020 filed by Senators Hutchins, Welsh and Varn from the floor to House amendment S—4010 and moved its adoption.

Amendment S—4020 was adopted by a voice vote.

Senator Welsh moved that the Senate concur in House amendment S—4010 as amended, which motion prevailed by a voice vote.

Senator Welsh moved that the bill as amended by the House, further amended and concurred in by the Senate, be read the last time now and placed upon its passage, which motion prevailed by a voice vote and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 504) the vote was:

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

Ayes, 28:

Bruner	Carr	Coleman	Deluhery
Dieleman	Doyle	Drake	Fraise
Fuhrman	Gettings	Gronstal	Horn
Hutchins	Lloyd-Jones	Mann	Miller, A.V.
Miller, C.P.	Murphy	Nystrom	Palmer
Peterson	Readinger	Rensink	Riordan
Schwengels	Varn	Wells	Welsh

Nays, 21:

Boswell	Corning	Gentleman	Goodwin
Hall	Hannon	Hester	Holden
Holt	Hultman	Husak	Jensen
Kinley	Lind	Priebe	Rife
Scott	Soorholtz	Sturgeon	Taylor
Vande Hoef			

Absent or not voting, 1:

Tieden

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

IMMEDIATELY MESSAGED

Senator Hutchins asked and received unanimous consent that **Senate File 504** and **Senate Joint Resolution 12** be immediately messaged to the House.

CONFERENCE COMMITTEE REPORT RECEIVED (Senate File 311)

A conference committee report signed by the following Senate and House members was filed on May 6, 1987, on Senate File 311, a bill for an act increasing the speed limit to sixty-five miles per hour on fully controlled-access, divided, multilaned highways including the interstate highway system, and providing a conditional effective date:

On the Part of the Senate:

DONALD E. GETTINGS, Chair
WALLY E. HORN
JOHN W. JENSEN

On the Part of the House:

DEO KOENIGS, Chair
DENNIS M. COHOON
KENNETH DE GROOT
RAYMOND LAGESCHULTE
MARY C. NEUHAUSER

CONFERENCE COMMITTEE REPORT ADOPTED

Senate File 311

Senator Gettings called up the conference committee report on

Senate File 311, a bill for an act increasing the speed limit to sixty-five miles per hour on fully controlled-access, divided, multilaned highways including the interstate highway system, and providing a conditional effective date, filed May 6, 1987, and moved its adoption.

The motion prevailed by a voice vote and the conference committee report and the recommendations and amendments contained therein was adopted.

Senator Gettings moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 311) the vote was:

Ayes, 43:

Boswell	Bruner	Corning	Deluhery
Dieleman	Fraise	Fuhrman	Gentleman
Gettings	Goodwin	Gronstal	Hall
Hester	Holden	Holt	Horn
Hultman	Husak	Hutchins	Jensen
Kinley	Lind	Lloyd-Jones	Mann
Miller, A.V.	Miller, C.P.	Palmer	Peterson
Priebe	Readinger	Rensink	Rife
Riordan	Schwengels	Scott	Soorholtz
Sturgeon	Taylor	Tieden	Vande Hoef
Varn	Wells	Welsh	

Nays, 5:

Carr	Coleman	Doyle	Drake
Hannon			

Absent or not voting, 2:

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

HOUSE MESSAGE RECEIVED

The following message was received from the Chief Clerk of the House:

MADAM PRESIDENT: I am directed to inform your honorable body that the House has, on May 6, 1987, **insisted on its amendment to Senate File 511**, a bill for an act relating to and making appropriations to agencies, boards, commissions, departments, and programs of state government relating to elected officials, the executive council, management, revenue and finance, personnel, general services, economic development, agriculture, natural resources, and education, providing effective dates, and making certain provisions retroactive; and the members of the **conference committee**, on the part of the House, are: The Representative from Dubuque, Mr. Jochum, Chair; the Representative from Carroll, Mr. Peterson, the Representative from Marshall, Mr. Swartz; the Representative from Pottawattamie, Mrs. Hester, and the Representative from Calhoun, Mr. Maulsby.

APPOINTMENT OF CONFERENCE COMMITTEE

The Chair announced the following conference committee on **Senate File 511** on the part of the Senate: Senators Welsh, Chair; Husak, Varn, Holden and Tieden.

IMMEDIATELY MESSAGED

Senator Hutchins asked and received unanimous consent that **Senate File 311** be immediately messaged to the House.

COMMITTEE REPORT

STATE GOVERNMENT

Final Bill Action: HOUSE FILE 468, a bill for an act authorizing limited gambling on excursion gambling boats, by specifying additional powers and duties of the state racing and gaming commission, by imposing a tax on adjusted gross receipts from gambling, by authorizing and imposing taxes on admissions, by requiring licenses and imposing fees, by allocating revenue received, by making corresponding amendments to the Code, and by providing penalties for violations.

Recommendation: DO PASS.

Final Vote: Ayes, 8: Carr, Nystrom, Coleman, Horn, C. Miller, Rife, Schwengels and Welsh. Nays, 6: Dieleman, Bruner, Drake, Gentleman, Gronstal and Soorholtz. Absent or not voting, 1: Lloyd-Jones.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

BILL REFERRED TO COMMITTEE

Senator Hutchins asked unanimous consent that House File 468 be referred from the Regular Calendar to the committee on Ways and Means and returned to the Senate Calendar by 3:00 p.m., Thursday, May 7, 1987.

Senator Holden raised the point of order that House File 468 was improperly on the Senate Calendar under Joint Rule 20.

The Chair ruled the point not well taken and **House File 468** was referred to the committee on **Ways and Means** to be returned to the Senate Calendar by 3:00 p.m., Thursday, May 7, 1987.

The Senate stood at ease until the fall of the gavel.

The Senate resumed session, President Zimmerman presiding.

INTRODUCTION OF RESOLUTION

Senate Concurrent Resolution 38, by Hannon, Riordan, Miller of Des Moines, Fraise, Vande Hoef, Lloyd-Jones, Miller of Cerro Gordo, Boswell, Goodwin, Corning, Kinley, Murphy, Priebe and Deluhery, a Senate Concurrent Resolution relating to the creation of an interim study committee to study the disability of head injury.

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

APPENDIX

SUBCOMMITTEE ASSIGNMENT

House File 683

WAYS AND MEANS: Murphy, Chair; Hester and Gronstal

MOTIONS TO RECONSIDER

MADAM PRESIDENT: I move to reconsider the vote by which House File 650 passed the Senate on May 6, 1987.

WALLY E. HORN

MADAM PRESIDENT: I move to reconsider the vote by which House File 650 passed the Senate on May 6, 1987.

TOM MANN, JR.

MADAM PRESIDENT: I move to reconsider the vote by which House File 650 passed the Senate on May 6, 1987.

WILLIAM W. DIELEMAN

STUDY BILL RECEIVED

SSB 255 Ways and Means

Relating to the department of agriculture and land stewardship, by providing for the establishment and raising of certain fees and the depositing of certain fees into a fund for use by the department of agriculture and land stewardship.

PRESENTATION OF VISITORS

The Chair welcomed the following visitors who were present in the Senate gallery:

Thirty-six fourth grade students from Stanton Elementary School, Stanton, Iowa, accompanied by Karen Mead. Senator Hultman.

Thirty seventh grade students from North Kossuth Middle School, Swea City, Iowa, accompanied by Bob Eggerth. Senator Priebe.

One hundred sixth grade students from Anson Junior High School, Marshalltown, Iowa, accompanied by Paul Thompson. Senator Soorholtz.

AMENDMENTS FILED

S—4022	H.F.	468	William Dieleman
S—4023	H.F.	468	William Dieleman
S—4024	H.F.	468	William Dieleman
S—4025	H.F.	650	Beverly Hannon Bob Carr Joy Corning Michael Gronstal Julia Gentleman Al Sturgeon Jean Lloyd-Jones Wally Horn Tom Mann, Jr.
S—4026	H.F.	650	David Readinger Larry Murphy
S—4027	H.F.	468	William Dieleman
S—4028	H.F.	468	William Dieleman
S—4029	H.F.	468	William Dieleman

ADJOURNMENT

On motion of Senator Hutchins, the Senate adjourned at 6:00 p.m., until 9:00 a.m., Thursday, May 7, 1987.

JOURNAL OF THE SENATE

ONE HUNDRED SIXTEENTH CALENDAR DAY
SEVENTY-SIXTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Thursday, May 7, 1987

The Senate met in regular session at 9:11 a.m., President Zimmerman presiding.

Prayer was offered by the Honorable William W. Dieleman, member of the Senate from Marion County, Pella, Iowa.

The Journal of Wednesday, May 6, 1987, was approved.

HOUSE MESSAGES RECEIVED AND CONSIDERED

The following messages were received from the Chief Clerk of the House:

MADAM PRESIDENT: I am directed to inform your honorable body that the House has on May 6, 1987, passed the following bill in which the concurrence of the Senate is asked:

House File 684, a bill for an act relating to the county juvenile justice base costs.

This bill was read first time and **passed on file**.

ALSO: That the House has on May 5, 1987, concurred in the Senate amendments and passed the following bills in which the concurrence of the House was asked:

House File 310, a bill for an act relating to acquired immune deficiency syndrome including the establishment of a central registry for victims and screening and testing procedures.

House File 472, a bill for an act to authorize the funding of state park road projects and county conservation parkway projects from RISE funds.

House File 533, a bill for an act relating to weight restrictions for vehicles on bridges and culverts and including a penalty.

ALSO: That the House has on May 6, 1987, **refused to concur** in the Senate amendment to the House amendment to the following bill in which the concurrence of the House was asked:

Senate File 504, a bill for an act relating to the compensation and benefits for public officials and employees by specifying salary rates and ranges, by providing adjustments for salaries, by providing coverage and adjustments for health, life, disability and dental insurance, by changing retirement benefits received by certain members of the Iowa public employees' retirement system, by creating a county compensation board and specifying its duties, by making coordinating amendments to the Code, and by providing effective dates.

ALSO: That the House has on May 6, 1987, amended the Senate amendment, concurred in the Senate amendment as amended, and passed the following bill in which the concurrence of the Senate is asked:

House File 600, a bill for an act relating to elections and political activity and subjecting violators to a penalty (S—4035 to H—3904).

ALSO: That the House has on May 6, 1987, amended and passed the following bills in which the concurrence of the Senate is asked:

Senate File 17, a bill for an act relating to the penalty for cruelty to animals (S—4030).

Senate File 513, a bill for an act appropriating federal funds made available from federal block grants, allocating portions of federal block grants, and providing procedures if federal funds are more or less than anticipated or if federal block grants are more or less than anticipated or if categorical grants are consolidated into new or existing block grants (S—4031).

Senate File 517, a bill for an act appropriating petroleum overcharge funds (S—4034).

MOTIONS TO RECONSIDER WITHDRAWN

House File 650

Senator Mann withdrew the motion to reconsider House File 650, a bill for an act relating to providing private instruction, filed by him on May 6, 1987, and found on page 1750 of the Senate Journal.

Senator Horn withdrew the motion to reconsider House File 650, filed by him on May 6, 1987, and found on page 1750 of the Senate Journal.

Senator Dieleman withdrew the motion to reconsider House File 650, filed by him on May 6, 1987, and found on page 1750 of the Senate Journal.

IMMEDIATELY MESSAGED

Senator Hutchins asked and received unanimous consent that **Senate File 514** and **House File 650** be **immediately messaged** to the House.

HOUSE AMENDMENT TO SENATE AMENDMENT CONSIDERED

House File 567

Senator Gentleman called up for consideration House File 567, a bill for an act relating to permanency planning for children by providing for dispositional and placement review hearings for certain children subject to the jurisdiction of the juvenile court, by authorizing permanency placement orders for certain children in need of assistance, by modifying certain grounds and procedures for the termination of parental rights, and by establishing an adoption exchange, amended by the Senate, further amended by the House in House amendment S—4007 to Senate amendment H—4118 filed May 5, 1987.

Senator Mann asked and received unanimous consent that action on House amendment S—4007 to Senate amendment H—4118 and **House File 567** be **deferred**.

CONSIDERATION OF BILLS (Ways and Means Calendar)

Senator Hutchins asked and received unanimous consent to take up for consideration Senate File 519.

Senate File 519

On motion of Senator Dieleman, Senate File 519, a bill for an act relating to the time for claiming urban revitalization tax exemptions, was taken up for consideration.

Senator Dieleman moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 519) the vote was:

Ayes, 48:

Boswell	Bruner	Carr	Coleman
Corning	Deluhery	Dieleman	Doyle
Drake	Fraise	Fuhrman	Gentleman
Gettings	Goodwin	Gronstal	Hall
Hannon	Hester	Holden	Holt
Horn	Hultman	Husak	Hutchins
Jensen	Lind	Lloyd-Jones	Mann
Miller, A.V.	Miller, C.P.	Murphy	Nystrom
Palmer	Peterson	Priebe	Readinger
Rensink	Rife	Riordan	Schwengels
Scott	Soorholtz	Taylor	Tieden
Vande Hoef	Varn	Wells	Welsh

Nays, none.

Absent or not voting, 2:

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

Senator Hutchins asked and received unanimous consent to take up for consideration Senate File 520.

Senate File 520

On motion of Senator Gronstal, Senate File 520, a bill for an act relating to fees charged for hazardous wastes and deposited in the hazardous waste remedial fund, was taken up for consideration.

Senator Corning asked and received unanimous consent that action on **Senate File 520** be deferred.

BUSINESS PENDING

House File 567

The Senate resumed consideration of House File 567 and House amendment S—4007 to Senate amendment H—4118, previously deferred.

Senator Gentleman moved that the Senate concur in House amendment S—4007 to Senate amendment H—4118, which motion prevailed by a voice vote.

Senator Gentleman moved that the bill as amended by the Senate, further amended by the House and concurred in by the Senate, be read the last time now and placed upon its passage, which motion prevailed by a voice vote and the bill was read the last time.

On the question “Shall the bill pass?” (H.F. 567) the vote was:

Ayes, 42:

Bruner	Carr	Coleman	Corning
Deluhery	Dieleman	Doyle	Drake
Fraise	Fuhrman	Gentleman	Gettings
Goodwin	Gronstal	Hall	Hester
Holt	Horn	Husak	Hutchins
Jensen	Kinley	Lind	Miller, A.V.
Miller, C.P.	Murphy	Nystrom	Palmer
Peterson	Priebe	Readinger	Rensink
Rife	Schwengels	Scott	Soorholtz
Taylor	Tieden	Vande Hoef	Varn
Wells	Welsh		

Nays, 6:

Boswell	Hannon	Holden	Lloyd-Jones
Mann	Riordan		

Absent or not voting, 2:

Hultman	Sturgeon
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IMMEDIATLY MESSAGED

Senator Hutchins asked and received unanimous consent that **Senate File 519** and **House File 567** be immediately messaged to the House.

HOUSE AMENDMENT TO SENATE AMENDMENT CONSIDERED

House File 600

Senator Gronstal called up for consideration House File 600, a bill for an act relating to elections and political activity and subjecting violators to a penalty, amended by the Senate, further amended by the House and moved that the Senate concur in House amendment S—4035 to Senate amendment H—3904 filed May 7, 1987.

A non record roll call was requested.

The ayes were 27, nays 19.

The motion prevailed and the Senate concurred in the House amendment to the Senate amendment.

Senator Gronstal moved that the bill as amended by the Senate, further amended by the House and concurred in by the Senate, be read the last time now and placed upon its passage, which motion prevailed by a voice vote and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 600) the vote was:

Ayes, 38:

Bruner	Carr	Coleman	Deluhery
Dieleman	Doyle	Drake	Fraise
Gentleman	Gettings	Gronstal	Hall
Hannon	Hester	Holt	Husak
Jensen	Kinley	Lind	Lloyd-Jones
Mann	Miller, A.V.	Murphy	Palmer
Peterson	Priebe	Readinger	Rensink
Rife	Riordan	Schwengels	Scott
Soorholtz	Sturgeon	Tieden	Vande Hoef
Varn	Welsh		

Nays, 10:

Corning
Horn
Taylor

Fuhrman
Hultman
Wells

Goodwin
Miller, C.P.

Holden
Nystrom

Absent or not voting, 2:

Boswell

Hutchins

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

The Senate stood at ease until the fall of the gavel for the purpose of a party caucus.

The Senate resumed session, President Zimmerman presiding.

QUORUM CALL

Senator Husak requested a non record roll call to determine that a quorum was present.

The vote revealed 34 present, 16 absent and a quorum present.

The Senate stood at ease until the fall of the gavel.

The Senate resumed session, President Zimmerman presiding.

RECESS

On motion of Senator Husak, the Senate recessed at 12:12 p.m., until 1:30 p.m.

APPENDIX

REPORT OF COMMITTEE MEETING

STATE GOVERNMENT

Convened: May 6, 1987, 3:55 p.m.

Members Present: Carr, Chair; Dieleman, Vice Chair; Nystrom, Ranking Member; Bruner, Coleman, Drake, Gentleman, Gronstal, Horn, Lloyd-Jones, C. Miller, Rife, Schwengels, Soorholtz and Welsh.

Members Absent: none.

Committee Business: Recommended passage of House File 468.

Adjourned: 4:15 p.m.

BILLS SIGNED BY THE GOVERNOR

Communications were received announcing that on May 6, 1987, the Governor approved and transmitted to the Secretary of State the following bills:

SENATE FILE 179 — To provide that a single person may claim a homestead exempt from judicial sale.

SENATE FILE 290 — Relating to the requirement for foster parent training, confidentiality requirements for foster care review boards, and incorporating a penalty.

SENATE FILE 469 — a bill for an act relating to the confinement and treatment of persons convicted of a violation of operating a motor vehicle while intoxicated by requiring counties to provide temporary confinement for offenders under the supervision of the department of corrections who violate the conditions of treatment programs, by providing that a work release program may include out-of-state work or treatment placement, by specifying that an offender committing a third offense shall serve the minimum thirty-day term in the county jail, and may be sentenced to up to one year in the county jail, by providing that a person convicted of a second or subsequent offense shall be ordered to undergo a substance abuse evaluation, by providing that a person convicted of a third or subsequent offense or an offender whose substance abuse evaluation recommended treatment may be sentenced to the custody of the department of corrections who shall assign the person to a facility pursuant to section 246.513 or to treatment in the community under supervision of the department, by requiring judicial district departments of correctional services to provide programs for offenders under chapter 321J, by providing that a requirement for a mandatory minimum sentence for repeat

offenders shall not apply to offenders under chapter 321J, and by providing that an offender under chapter 321J who is under the supervision of the department of corrections shall receive a clothing allowance and expense money allotted to inmates when the offender is assigned to a community-based corrections program.

MOTION TO RECONSIDER

MADAM PRESIDENT: I move to reconsider the vote by which House File 600 passed the Senate on May 7, 1987.

JULIA GENTLEMAN

PRESENTATION OF VISITORS

The Chair welcomed the following visitors who were present in the Senate gallery:

Forty-two sixth grade students from Woodward-Granger Middle School, Granger, Iowa, accompanied by Gloria Knolmayer. Senator Riordan and President Zimmerman.

AMENDMENTS FILED

S-4030	S.F.	17	House amendment
S-4031	S.F.	513	House amendment
S-4032	S.F.	351	Jack Rife
S-4033	H.F.	617	Jack Rife
S-4034	S.F.	517	House amendment
S-4035	H.F.	600	House amendment
S-4036	H.F.	676	Michael E. Gronstal
S-4037	S.F.	520	Calvin O. Hultman Don Gettings John Soorholtz Joy Corning Alvin V. Miller
S-4038	H.F.	468	William W. Dieleman
S-4039	S.F.	17	James Riordan
S-4040	S.F.	17	James Riordan
S-4041	S.F.	520	Joy Corning Jim Lind Calvin O. Hultman Donald Gettings

AFTERNOON SESSION

The Senate reconvened at 1:53 p.m., President Zimmerman presiding.

HOUSE MESSAGE RECEIVED

The following message was received from the Chief Clerk of the House:

MADAM PRESIDENT: I am directed to inform your honorable body that the House has, on May 7, 1987, **insisted on** its amendment to **Senate File 510**, a bill for an act relating to the conducting of classified research at institutions under the state board of regents; and the members of the **conference committee**, on the part of the House, are: The Representative from Marion, Mr. Schrader, Chair; the Representative from Polk, Mr. Hatch, the Representative from Polk, Mrs. Buhr, the Representative from Mills, Mr. Harbor, and the Representative from Clinton, Mr. Stueland.

INTRODUCTION OF BILL

Senate File 521, by committee on Ways and Means, a bill for an act to increase the rate of excise taxes on motor fuel and special fuel to replace federal aid highway funds including the allocation of fuel tax revenues.

Read first time and **placed on the Ways and Means Calendar**.

The Senate stood at ease until the fall of the gavel.

The Senate resumed session, President Zimmerman presiding.

QUORUM CALL

Senator Husak requested a non record roll call to determine that a quorum was present.

The vote revealed 34 present, 16 absent and a quorum present.

HOUSE AMENDMENTS CONSIDERED

Senate File 517

Senator Welsh called up for consideration Senate File 517, a bill for an act appropriating petroleum overcharge funds, amended

by the House and moved that the Senate concur in House amendment S—4034 filed May 7, 1987.

The motion prevailed by a voice vote and the Senate concurred in the House amendment.

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

On the question "Shall the bill pass?" (S.F. 517) the vote was:

Ayes, 43:

Boswell	Bruner	Carr	Coleman
Corning	Dieleman	Doyle	Fraise
Fuhrman	Gentleman	Gettings	Goodwin
Gronstal	Hall	Hannon	Hester
Holden	Holt	Horn	Husak
Hutchins	Jensen	Kinley	Lind
Lloyd-Jones	Mann	Miller, A.V.	Miller, C.P.
Nystrom	Palmer	Peterson	Readinger
Rensink	Riordan	Schwengels	Scott
Soorholtz	Sturgeon	Taylor	Vande Hoef
Varn	Wells	Welsh	

Nays, 1:

Tieden

Absent or not voting, 6:

Deluhery	Drake	Hultman	Murphy
Priebe	Rife		

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

Senate File 513

Senator Welsh called up for consideration Senate File 513, a bill for an act appropriating federal funds made available from federal block grants, allocating portions of federal block grants, and providing procedures if federal funds are more or less than anticipated or if federal block grants are more or less than

anticipated or if categorical grants are consolidated into new or existing block grants, amended by the House and moved that the Senate concur in House amendment S—4031 filed May 7, 1987.

The motion lost by a voice vote and the Senate **refused to concur** in the House amendment.

UNFINISHED BUSINESS (Deferred April 16, 1987)

House File 591

The Senate resumed consideration of House File 591, a bill for an act relating to domestic abuse, assaults involving an act of domestic abuse, and court orders issued and enforced pursuant to the domestic abuse law, and providing penalties, deferred April 16, 1987.

Senator Mann offered amendment S—3514 filed by the committee on Judiciary on April 10, 1987, to pages 1 through 5 of the bill.

Senator Mann offered amendment S—3703 filed by him on April 21, 1987, to amendment S—3514 and moved its adoption.

Amendment S—3703 was adopted by a voice vote.

With the adoption of amendment S—3703 to amendment S—3514, the Chair ruled amendment S—3622 filed by Senator Coleman on April 15, 1987, to amendment S—3514, out of order.

Senator Mann moved the adoption of amendment S—3514 as amended, which motion prevailed by a voice vote.

With the adoption of amendment S—3514 as amended, the Chair ruled amendment S—3621 filed by Senator Coleman on April 15, 1987, to page 4 of the bill, out of order.

Senator Mann moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question “Shall the bill pass?” (H.F. 591) the vote was:

Ayes, 46:

Boswell	Bruner	Carr	Coleman
Corning	Deluhery	Dieleman	Doyle
Drake	Fuhrman	Gentleman	Gettings
Goodwin	Gronstal	Hall	Hannon
Hester	Holden	Holt	Horn
Hultman	Husak	Hutchins	Jensen
Kinley	Lind	Lloyd-Jones	Mann
Miller, A.V.	Miller, C.P.	Nystrom	Palmer
Peterson	Priebe	Rensink	Rife
Riordan	Scott	Soorholtz	Sturgeon
Taylor	Tieden	Vande Hoef	Varn
Wells	Welsh		

Nays, none.

Absent or not voting, 4:

Fraise	Murphy	Readerger	Schwengels
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The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

MOTION TO RECONSIDER WITHDRAWN

House File 377

Senator Hutchins withdrew the motion to reconsider House File 377, a bill for an act relating to public financing of political campaigns, appropriating funds, and providing penalties and providing effective dates, filed by him on May 5, 1987, and found on page 1713 of the Senate Journal.

Senator Hutchins asked and received unanimous consent that **House File 377 be immediately messaged** to the House.

HOUSE AMENDMENT CONSIDERED

Senate File 17

Senator Riordan called up for consideration Senate File 17, a bill for an act relating to the penalty for cruelty to animals, amended by the House in House amendment S—4030 filed May 7, 1987.

Senator Riordan withdrew amendments S—4039 and S—4040 filed by him from the floor to House amendment S—4030.

Senator Riordan moved that the Senate concur in House amendment S—4030, which motion lost by a voice vote and the Senate **refused to concur** in the House amendment.

SENATE INSISTS

House File 500

Senator Mann called up for consideration House File 500, a bill for an act relating to the state civil rights law and the civil rights commission, amended by the Senate, and moved that the Senate insists on its amendment.

A non record roll call was requested.

The ayes were 27, nays 20.

The motion prevailed and the Senate **insisted on** its amendment.

APPOINTMENT OF CONFERENCE COMMITTEE

The Chair announced the following conference committee on **Senate File 510** on the part of the Senate: Senators Varn, Chair; Wells, Riordan, Holt and Readinger.

BILLS ASSIGNED TO COMMITTEE

President Zimmerman announced the assignment of the following bills to committee:

H.F.	684	Appropriations
S. C.R.	38	Rules and Administration

SENATE INSISTS

Senate File 504

Senator Welsh called up for consideration Senate File 504, a bill for an act relating to the compensation and benefits for public officials and employees by specifying salary rates and ranges, by

providing adjustments for salaries, by providing coverage and adjustments for health, life, disability and dental insurance, by changing retirement benefits received by certain members of the Iowa public employees' retirement system, by creating a county compensation board and specifying its duties, by making coordinating amendments to the Code, and by providing effective dates, amended by the House, further amended by the Senate and moved that the Senate insists on its amendment.

A non record roll call was requested.

The ayes were 25, nays 15.

The motion prevailed and the Senate **insisted on** its amendment.

UNFINISHED BUSINESS (Deferred April 22, 1987)

House File 79

The Senate resumed consideration of House File 79, a bill for an act prohibiting smoking in certain public places and providing a penalty, and amendment S—3723 by Senators Welsh, et al., to page 2 of the bill, deferred on April 22, 1987.

President pro tempore Kinley took the chair at 4:00 p.m.

Senator Horn asked and received unanimous consent that action on amendment S—3723 be deferred.

Senator Welsh offered amendment S—3803 filed by him on April 24, 1987, to page 4 of the bill and moved its adoption.

Amendment S—3803 was adopted by a voice vote.

Senator Welsh withdrew amendment S—3740 filed by him on April 22, 1987, to page 4 of the bill.

Senator Welsh filed the following motion to reconsider from the floor and moved its adoption:

MADAM PRESIDENT: I move to reconsider the vote by which division S—3348A to House File 79 failed to be adopted by the Senate on April 22, 1987.

The motion prevailed by a voice vote and division S—3348A was taken up for reconsideration.

Senator Hall asked and received unanimous consent that action on division S—3348A be deferred.

Senator Welsh asked and received unanimous consent to withdraw amendment S—3723, previously deferred.

Senator Welsh moved the adoption of division S—3348A, previously deferred.

On the question “Shall division S—3348A be adopted?” (H.F. 79) the vote was:

Ayes, 29:

Boswell	Coleman	Deluhery	Doyle
Drake	Fraise	Fuhrman	Gentleman
Gettings	Goodwin	Holden	Horn
Hultman	Husak	Hutchins	Jensen
Kinley	Miller, A. V.	Miller, C.P.	Murphy
Palmer	Peterson	Priebe	Readinger
Rife	Schwengels	Soorholtz	Tieden
Welsh			

Nays, 21:

Bruner	Carr	Corning	Dieleman
Gronstal	Hall	Hannon	Hester
Holt	Lind	Lloyd-Jones	Mann
Nystrom	Rensink	Riordan	Scott
Sturgeon	Taylor	Vande Hoef	Varn
Wells			

Division S—3348A was adopted.

Senator Welsh filed the following motion to reconsider from the floor and moved its adoption:

MADAM PRESIDENT: I move to reconsider the vote by which division S—3348B as amended to House File 79 was adopted by the Senate on April 22, 1987.

The motion prevailed by a voice vote and division S—3348B as amended was taken up for reconsideration.

Senator Carr asked and received unanimous consent to withdraw division S—3348B as amended.

Senator Lloyd-Jones moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 79) the vote was:

Ayes, 45:

Boswell	Bruner	Carr	Deluhery
Dieleman	Doyle	Drake	Fraise
Fuhrman	Gettings	Goodwin	Gronstal
Hall	Hester	Holden	Holt
Horn	Hultman	Husak	Hutchins
Jensen	Kinley	Lind	Lloyd-Jones
Mann	Miller, A.V.	Miller, C.P.	Murphy
Nystrom	Palmer	Peterson	Priebe
Readinger	Rensink	Riordan	Schwengels
Scott	Soorholtz	Sturgeon	Taylor
Tieden	Vande Hoef	Varn	Wells
Welsh			

Nays, 5:

Coleman	Corning	Gentleman	Hannon
Rife			

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

APPOINTMENT OF CONFERENCE COMMITTEE

The Chair announced the following conference committee on **Senate File 504** on the part of the Senate: Senators Carr, Chair; Horn, Gronstal, Nystrom and Jensen.

The Senate stood at ease until the fall of the gavel.

The Senate resumed session, Senator Husak presiding.

QUORUM CALL

Senator Hutchins requested a non record roll call to determine that a quorum was present.

The vote revealed 42 present, 8 absent and a quorum present.

COMMITTEE REPORTS

RULES AND ADMINISTRATION

Final Bill Action: SENATE RESOLUTION 14, a resolution relating to daily operations of the Senate.

Recommendation: APPROVED COMMITTEE RESOLUTION.

Final Vote: Ayes, 4: Hutchins, Gronstal, Jensen and Gettings. Nays, none. Absent or not voting, 2: Kinley and Hultman.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: SENATE CONCURRENT RESOLUTION 33, a resolution relating to the reform of the welfare system.

Recommendation: DO PASS.

Final Vote: Ayes, 4: Hutchins, Gronstal, Jensen and Gettings. Nays, none. Absent or not voting, 2: Hultman and Kinley.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: SENATE CONCURRENT RESOLUTION 40, a resolution to provide for adjournment sine die.

Recommendation: APPROVED COMMITTEE RESOLUTION.

Final Vote: Ayes, 4: Hutchins, Gronstal, Jensen and Gettings. Nays, none. Absent or not voting, 2: Kinley and Hultman.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

WAYS AND MEANS

Final Bill Action: SENATE FILE 521 (SSB 251), a bill for an act to increase the rate in excise taxes on motor fuel and special fuel to replace federal aid highway funds.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 8: Bruner, Gronstal, Mann, Murphy, Drake, Holt, Readinger and Soorholtz. Nays, 7: Husak, Boswell, Dieleman, Palmer, Riordan, Holden and Hester.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: HOUSE FILE 675, a bill for an act relating to the determination, for purposes of the state sales, services, and use tax, of gross receipts and purchase price when tangible personal property is traded to the retailer as part of the transaction subject to the tax.

Recommendation: DO PASS.

Final Vote: Ayes, 10: Bruner, Husak, Dieleman, Gronstal, Mann, Riordan, Holden, Drake, Hester and Holt. Nays, none. Absent or not voting, 5: Boswell, Murphy, Readinger, Soorholtz and Palmer.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: HOUSE FILE 683, a bill for an act relating to energy assistance to low income households by requiring budget billing for certain utility bills for individuals receiving assistance under the low income home energy assistance program, by requiring each gas and electric public utility to create a utility shutoff fund with certain exceptions, by providing for the implementation of pilot projects of an affordable utility payment plan and affordable heating payment plan, making civil penalties applicable, providing a penalty, and providing for a sales tax refund for certain participating gas and electric public utilities and heating fuel supplier.

Recommendation: AMEND AND DO PASS AS PROVIDED IN AMENDMENT S—4042.

Final Vote: Ayes, 9: Bruner, Husak, Boswell, Dieleman, Gronstal, Mann, Murphy, Riordan and Soorholtz. Nays, 4: Holden, Hester, Holt and Readinger. Absent or not voting, 1: Drake.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ADOPTION OF RESOLUTION (Regular Calendar)

Senator Hutchins asked and received unanimous consent to take up for consideration Senate Concurrent Resolution 33.

Senate Concurrent Resolution 33

On motion of Senator Gronstal, Senate Concurrent Resolution 33, a resolution relating to the reform of the welfare system, with report of committee recommending passage, was taken up for consideration.

Senator Gronstal moved the adoption of Senate Concurrent Resolution 33, which motion prevailed by a voice vote.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senators Soorholtz and Schwengels for the remainder of the day on request of Senator Hultman.

CONSIDERATION OF BILL (Ways and Means Calendar)

Senator Hutchins asked and received unanimous consent to take up for consideration Senate File 521.

Senate File 521

On motion of Senator Drake, Senate File 521, a bill for an act to increase the rate in excise taxes on motor fuel and special fuel to replace federal aid highway funds, was taken up for consideration.

Senator Welsh took the chair at 6:04 p.m.

Senator Gronstal offered amendment S—4047 filed by him from the floor to pages 1 and 2 of the bill and moved its adoption.

A non record roll call was requested.

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

The ayes were 24, nays 22.

Amendment S—4047 was adopted.

With the adoption of amendment S—4047, the Chair ruled amendment S—4054 filed by Senators Scott, et al., from the floor to pages 1 and 2 of the bill, out of order.

President Zimmerman took the chair at 6:21 p.m.

Senator Boswell offered amendment S—4061 filed by Senators Boswell, et al., from the floor to pages 3 and 4 of the bill and moved its adoption.

A non record roll call was requested.

The ayes were 22, nays 19.

Amendment S—4061 was adopted.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **Senate Files 17 and 513, Senate Concurrent Resolution 33 and House File 79** be **immediately messaged** to the House.

APPOINTMENT OF CONFERENCE COMMITTEE

The Chair announced the following conference committee on **House File 500** on the part of the Senate: Senators Mann, Chair; Carr, Sturgeon, Fuhrman and Taylor.

HOUSE MESSAGES RECEIVED AND CONSIDERED

The following messages were received from the Chief Clerk of the House:

MADAM PRESIDENT: I am directed to inform your honorable body that the House has on May 7, 1987, passed the following bill in which the concurrence of the Senate is asked:

House File 682, a bill for an act relating to exemption certificates under the state sales, services, and use tax and providing an effective date.

This bill was read first time and **passed on file**.

ALSO: That the House has on May 7, 1987, amended and passed the following bill in which the concurrence of the Senate is asked:

Senate File 518, a bill for an act relating to and making appropriations to state agencies whose responsibilities relate to public defense, public safety, transportation, and enforcement, and including allocation of moneys from the road use tax fund and providing effective dates (S—4062).

ALSO: That the House has on May 7, 1987, amended the Senate amendment, concurred in the Senate amendment as amended, and passed the following bill in which the concurrence of the Senate is asked:

House File 316, a bill for an act relating to park user permits and providing a penalty and an effective date (S—4060 to H—4112).

ALSO: That the House has on May 7, 1987, **refused to concur** in the Senate amendment to the House amendment to the following concurrent resolution in which the concurrence of the House was asked:

Senate Concurrent Resolution 35, a concurrent resolution relating to the board of regents ten-year building program.

BUSINESS PENDING

Senate File 521

The Senate resumed consideration of Senate File 521.

Senator Drake offered amendment S—4043 filed by Senators Drake and Hutchins from the floor to page 4 of the bill and moved its adoption.

Amendment S—4043 was adopted by a voice vote.

Senator Holden offered amendment S—4044 filed by him from the floor to page 4 of the bill and moved its adoption.

Amendment S—4044 was adopted by a voice vote.

Senator Riordan filed the following motion to reconsider from the floor and moved its adoption:

MADAM PRESIDENT: I move to reconsider the vote by which amendment S—4047 to Senate File 521 was adopted by the Senate on May 7, 1987.

The motion prevailed by a voice vote and amendment S—4047 to pages 1 and 2 of the bill was taken up for reconsideration.

Senator Gronstal asked and received unanimous consent that action on amendment S—4047 be deferred.

With the reconsideration of amendment S—4047, the Chair announced that amendment S—4054, previously ruled out of order, was now in order.

Senator Scott moved the adoption of amendment S—4054 to pages 1 and 2 of the bill.

A record roll call was requested.

On the question “Shall amendment S—4054 be adopted?” (S.F. 521) the vote was:

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

Ayes, 24:

Boswell	Coleman	Dieleman	Doyle
Fraise	Fuhrman	Hall	Hannon
Hester	Husak	Hutchins	Jensen
Miller, A.V.	Miller, C.P.	Murphy	Peterson
Priebe	Rensink	Rife	Riordan
Scott	Tieden	Vande Hoef	Varn

Nays, 23:

Bruner	Carr	Corning	Deluhery
Drake	Gentleman	Gettings	Goodwin
Gronstal	Holden	Holt	Horn
Hultman	Lind	Lloyd-Jones	Mann
Nystrom	Palmer	Readinger	Sturgeon
Taylor	Wells	Welsh	

Absent or not voting, 3:

Kinley	Schwengels	Soorholtz
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Amendment S—4054 was adopted.

Senator Hutchins asked and received unanimous consent that action on **Senate File 521** be deferred.

**HOUSE AMENDMENT TO
SENATE AMENDMENT CONSIDERED**

House File 316

Senator Husak called up for consideration House File 316, a bill for an act relating to park user permits and providing a penalty and an effective date, amended by the House and moved that the Senate concur in House amendment S—4060 to Senate amendment H—4112, filed May 7, 1987.

The motion prevailed by a voice vote and the Senate concurred in the House amendment to the Senate amendment.

Senator Husak moved that the bill as amended by the Senate, further amended by the House and concurred in by the Senate, be read the last time now and placed upon its passage, which motion prevailed by a voice vote and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 316) the vote was:

Ayes, 28:

Boswell	Bruner	Carr	Deluhery
Fuhrman	Goodwin	Gronstal	Hall
Hannon	Hester	Horn	Hultman
Husak	Hutchins	Jensen	Lloyd-Jones
Mann	Murphy	Peterson	Readinger
Rensink	Riordan	Sturgeon	Tieden
Vande Hoef	Varn	Wells	Welsh

Nays, 19:

Coleman	Corning	Dieleman	Doyle
Drake	Fraise	Gentleman	Gettings
Holden	Holt	Lind	Miller, A. V.
Miller, C.P.	Nystrom	Palmer	Priebe
Rife	Scott	Taylor	

Absent or not voting, 3:

Kinley	Schwengels	Soorholtz
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The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

Senator Hutchins asked and received unanimous consent that **House File 316** be immediately messaged to the House.

HOUSE MESSAGE RECEIVED AND CONSIDERED

The following message was received from the Chief Clerk of the House:

MADAM PRESIDENT: I am directed to inform your honorable body that the House has on May 7, 1987, amended and passed the following bill in which the concurrence of the Senate is asked:

Senate File 515, a bill for an act relating to the allocations and appropriations of lottery revenues and the programs for which the revenues may be used (S—4066).

INTRODUCTION OF RESOLUTIONS

Senate Resolution 14, by committee on Rules and Administration, a resolution relating to daily operations of the Senate.

Read first time and placed on calendar.

Senate Concurrent Resolution 39, by Mann, a concurrent resolution relating to the joint rules.

Read first time and passed on file.

Senate Concurrent Resolution 40, by committee on Rules and Administration, a concurrent resolution to provide for adjournment sine die.

Read first time and placed on calendar.

Senate Concurrent Resolution 41, by committee on Appropriations, a concurrent resolution relating to the establishment of an interim study committee on titling and registration of salvage vehicles and motor vehicle investigative units.

Read first time and placed on Appropriations Calendar.

SENATE INSISTS

Senate Concurrent Resolution 35

Senator Varn called up for consideration Senate Concurrent Resolution 35, a concurrent resolution relating to the board of regents ten-year building program, amended by the House, further amended by the Senate and moved that the Senate insists on its amendment.

The motion prevailed by a voice vote and the Senate **insisted on** its amendment.

APPOINTMENT OF CONFERENCE COMMITTEE

The Chair announced the following conference committee on **Senate Concurrent Resolution 35** on the part of the Senate: Senators Horn, Chair; Varn, Dieleman, Jensen and Holt.

HOUSE MESSAGE RECEIVED

The following message was received from the Chief Clerk of the House:

MADAM PRESIDENT: I am directed to inform your honorable body that the members of the **conference committee**, appointed May 7, 1987, on **Senate File 504**, a bill for an act relating to the compensation and benefits for public officials and employees by specifying salary rates and ranges, by providing adjustments for salaries, by providing coverage and adjustments for health, life, disability and dental insurance, by changing retirement benefits received by certain members of the Iowa public employees' retirement system, by creating a county compensation board and specifying its duties, by making coordinating amendments to the Code, and by providing effective dates, on the part of the House, are: The Representative from Dubuque, Mr. Jochum, Chair; the Representative from Carroll, Mr. Peterson, the Representative from Marshall, Mr. Swartz, the Representative from Clayton, Mr. Halvorson, and the Representative from Clinton, Mr. Stueland.

QUORUM CALL

Senator Hutchins requested a non record roll call to determine that a quorum was present.

The vote revealed 41 present, 9 absent and a quorum present.

The Senate stood at ease until the fall of the gavel.

The Senate resumed session, Senator Murphy presiding.

HOUSE MESSAGES RECEIVED AND CONSIDERED

The following messages were received from the Chief Clerk of the House:

MADAM PRESIDENT: I am directed to inform your honorable body that the House has on May 6, 1987, concurred in the Senate amendments and passed the following bills in which the concurrence of the House was asked:

House File 210, a bill for an act relating to certain admissions to health care facilities.

House File 518, a bill for an act relating to powers and duties of sanitary districts in relation to their operational procedures and financial arrangements, and providing an effective date.

House File 574, a bill for an act relating to the crime of forgery and related fraudulent criminal acts, and providing penalties.

House File 575, a bill for an act relating to the acquisition, development, promotion, and management of land for recreation trails.

House File 603, a bill for an act establishing and appropriating from a housing trust fund and appropriating its funds.

House File 620, a bill for an act relating to the acquisition and protection of significant elements of the state's natural open space heritage.

ALSO: That the House has on May 6, 1987, concurred in the Senate amendment to the House amendment and passed the following bill in which the concurrence of the House was asked:

Senate File 480, a bill for an act relating to things of value given to and received by public employees, officials, members of the general assembly, other persons serving in a public capacity, and candidates, subjecting violators to penalties, and providing an effective date.

ALSO: That the House has on May 7, 1987, amended the Senate amendment, concurred in the Senate amendment as amended, and passed the following bill in which the concurrence of the Senate is asked:

House File 658, a bill for an act relating to the allocation of the state ceiling on private activity bonds for tax-exempt purposes and providing an effective date (S—4069 to H—3906).

ALSO: That the House has on May 7, 1987, concurred in the Senate amendment and passed the following bill in which the concurrence of the House was asked:

House File 493, a bill for an act to provide office space and other physical facilities for the district court administrator.

ALSO: That the House has on May 7, 1987, concurred in the Senate amendment to the House amendment and passed the following bill in which the concurrence of the House was asked:

Senate File 148, a bill for an act relating to gender balance in the appointment and election of judicial nominating commissioners.

ALSO: That the members of the **conference committee**, appointed May 7, 1987, on **Senate Concurrent Resolution 35**, a concurrent resolution relating to the board of regents ten-year building program, on the part of the House, are: The Representative from Polk, Mr. Hatch, Chair; the Representative from Black Hawk, Ms. Harper, the Representative from Black Hawk, Mrs. Teaford, the Representative from Winnebago, Mr. Branstad, the Representative from Jones, Mr. McKean.

ALSO: That the members of the **conference committee**, appointed May 7, 1987, on **House File 500**, a bill for an act relating to the state civil rights law and the civil rights commission, on the part of the House, are: The Representative from Polk, Mrs. Buhr, Chair; the Representative from Warren, Mrs. Beatty, the Representative from Greene, Mr. Blanshan, the Representative from Clayton, Mr. Halvorson, and the Representative from Linn, Mrs. Lundby.

ALSO: That the House has, on May 7, 1987, adopted the conference committee report and passed **House File 167**, a bill for an act relating to fees for and duration of motor vehicle licenses and requiring motor vehicle licenses and nonoperator's identification cards issued to persons under twenty-one years of age to contain a profile photograph and providing an effective date and conditional repeal and reenactment.

ALSO: That the House has on May 6, 1987, passed the following bill in which the concurrence of the Senate is asked:

House File 678, a bill for an act authorizing the establishment of a benefited recreational lake district and its dissolution, the election of trustees, the levy of a tax, and the contract of indebtedness.

This bill was read first time and **passed on file**.

INTRODUCTION OF BILL

Senate File 522, by committee on Appropriations, a bill for an act relating to juveniles, regarding children in need of services, the detention of juveniles in adult detention facilities, and penalties for violations of certain misdemeanors and ordinances.

Read first time and **placed on Appropriations Calendar**.

APPENDIX

COMMITTEE REPORTS

APPROPRIATIONS

Final Bill Action: SENATE CONCURRENT RESOLUTION 41, a concurrent resolution relating to the establishment of an interim study committee on titling and registration of salvage vehicles and motor vehicle investigative units.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 17: Welsh, Husak, Tieden, Boswell, Corning, Dieleman, Fraise, Gettings, Holt, Jensen, Lind, Lloyd-Jones, Peterson, Readinger, Riordan, Sturgeon and Varn. Nays, none. Absent or not voting, 1: Schwengels.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: SENATE FILE 522, a bill for an act relating to juveniles, regarding children in need of services, the detention of juveniles in adult detention facilities, and penalties for violations of certain misdemeanors and ordinances.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 16: Welsh, Husak, Tieden, Boswell, Corning, Dieleman, Fraise, Gettings, Holt, Jensen, Lind, Lloyd-Jones, Readinger, Riordan, Sturgeon and Varn. Nays, none. Absent or not voting, 2: Peterson and Schwengels.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: HOUSE FILE 684, a bill for an act relating to the county juvenile justice base costs.

Recommendation: DO PASS.

Final Vote: Ayes, 17: Welsh, Husak, Tieden, Boswell, Corning, Dieleman, Fraise, Gettings, Holt, Jensen, Lind, Lloyd-Jones, Peterson, Readinger, Riordan, Sturgeon and Varn. Nays, none. Absent or not voting, 1: Schwengels.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

MOTIONS TO RECONSIDER

MADAM PRESIDENT: I move to reconsider the vote by which Senate File 517 passed the Senate on May 7, 1987.

JOY CORNING

MADAM PRESIDENT: I move to reconsider the vote by which the Senate concurred in House amendment S—4034 to Senate File 517 on May 7, 1987.

JOY CORNING

MADAM PRESIDENT: I move to reconsider the vote by which amendment S—4061 to Senate File 521 was adopted by the Senate on May 7, 1987.

JIM LIND

MADAM PRESIDENT: I move to reconsider the vote by which House File 591 passed the Senate on May 7, 1987.

WALLY E. HORN

SUBCOMMITTEE ASSIGNMENTS

Senate Resolution 13

EDUCATION: Lloyd-Jones, Chair; Lind and Hannon.

Senate Concurrent Resolution 37

RULES AND ADMINISTRATION: Gronstal, Chair; Jensen and Gettings

Senate Concurrent Resolution 38

RULES AND ADMINISTRATION: Gronstal, Chair; Jensen and Gettings

REPORT OF THE SECRETARY OF THE SENATE

MADAM PRESIDENT: Pursuant to Senate Rule 21, I report that in preparing Senate amendment S—3514 to House File 591, the following corrections were made:

1. Page 1, line 20 was corrected to remove the underscoring.
2. Page 1, line 27, the words "if any" were changed to the words "if any,".

JOHN F. DWYER
Secretary of the Senate

CONFERENCE COMMITTEE REPORT RECEIVED
(House File 167)

A conference committee report signed by the following Senate and House members was filed May 7, 1987, on House File 167, a bill for an act relating to fees for and duration of motor vehicle licenses and requiring motor vehicle licenses and nonoperator's identification cards issued to persons under twenty-one years of age to contain a profile photograph and providing an effective date and conditional repeal and reenactment:

On the Part of the Senate:

KENNETH SCOTT, Chair
JEAN LLOYD-JONES
C. JOSEPH COLEMAN
RICHARD F. DRAKE
NORMAN J. GOODWIN

On the Part of the House:

DANIEL P. FOGARTY, Chair
TOM FEY
JAMES J. COOPER
JACK BEAMAN
DONALD R. PLATT

REPORT OF COMMITTEE MEETING

RULES AND ADMINISTRATION

Convened: May 6, 1987, 12:20 p.m.

Members Present: Hutchins, Chair; Gronstal, Vice Chair; Jensen and Gettings.

Members Absent: Hultman, Ranking Member and Kinley.

Committee Business: Recommended passage of Senate Concurrent Resolution 33; approved proposed committee resolutions relating to daily operations of the Senate and providing for adjournment sine die.

Adjourned: 12:25 p.m.

BILL RETURNED TO CALENDAR
(House File 468)

Pursuant to Senate Rule 13 and unanimous consent received by Senator Hutchins on May 6, 1987, on Senate Journal page 1749, **House File 468** was returned to the Senate Regular Calendar

from the committee on Ways and Means at 3:00 p.m., Thursday, May 7, 1987, without committee recommendation for passage.

BILL SIGNED BY THE GOVERNOR

A communication was received announcing that on May 7, 1987, the Governor approved and transmitted to the Secretary of State the following bill:

SENATE FILE 216 — Allowing therapeutically certified optometrists to employ and supply certain pharmaceutical agents and to treat certain conditions.

AMENDMENTS FILED

S—4042	H.F.	683	Ways and Means
S—4043	S.F.	521	Richard F. Drake Bill Hutchins
S—4044	S.F.	521	Edgar H. Holden
S—4045	H.F.	468	Edgar H. Holden
S—4046	H.F.	468	Ways and Means
S—4047	S.F.	521	Michael E. Gronstal
S—4048	H.F.	468	William Dieleman
S—4049	H.F.	468	William Dieleman
S—4050	H.F.	468	William Dieleman
S—4051	H.F.	468	William Dieleman
S—4052	H.F.	468	William Dieleman
S—4053	H.F.	468	William Dieleman
S—4054	S.F.	521	Kenneth Scott Alvin Miller Berl Priebe Hurley Hall Dale Tieden John Jensen Jack Hester Richard Vande Hoef John Peterson John Soorholtz Wilmer Rensink Emil Husak
S—4055	H.F.	468	Tom Mann, Jr.
S—4056	H.F.	468	Ray Taylor

S—4057	H.F.	468	Ray Taylor
S—4058	H.F.	468	Ray Taylor
S—4059	H.F.	683	Edgar H. Holden
S—4060	H.F.	316	House amendment
S—4061	S.F.	521	Leonard Boswell John A. Peterson Eugene Fraise Don Gettings
S—4062	S.F.	518	House amendment
S—4063	S.F.	517	Joy Corning
S—4064	S.F.	521	Richard Vande Hoef Wilmer Rensink Jack Hester Linn Fuhrman Kenneth Scott Hurley Hall Berl Priebe
S—4065	H.F.	683	Edgar H. Holden
S—4066	S.F.	515	House amendment
S—4067	H.F.	683	Larry Murphy
S—4068	H.F.	683	Hurley W. Hall
S—4069	H.F.	658	House amendment

ADJOURNMENT

On motion of Senator Hutchins, the Senate adjourned at 9:25 p.m., until 9:00 a.m., Friday, May 8, 1987.

JOURNAL OF THE SENATE

ONE HUNDRED SEVENTEENTH CALENDAR DAY
SEVENTY-SEVENTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Friday, May 8, 1987

The Senate met in regular session at 9:06 a.m., President Zimmerman presiding.

Prayer was offered by the Honorable Jack Hester, member of the Senate from Pottawattamie County, Honey Creek, Iowa, who vocally performed "May The Good Lord Bless You And Keep You."

The Journal of Thursday, May 7, 1987, was approved.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Schwengels for a portion of the day on request of Senator Hultman.

The Senate stood at ease until the fall of the gavel.

The Senate resumed session, President Zimmerman presiding.

RECESS

On motion of Senator Hutchins, the Senate recessed at 11:40 a.m., until 1:30 p.m.

APPENDIX

REPORTS OF COMMITTEE MEETINGS

APPROPRIATIONS

Convened: May 7, 1987, 5:10 p.m.

Members Present: Welsh, Chair; Husak, Vice Chair; Tieden, Ranking Member; Boswell, Corning, Dieleman, Fraise, Gettings, Holt, Jensen, Lind, Lloyd-Jones, Peterson, Readinger, Riordan, Sturgeon and Varn.

Members Absent: Schwengels.

Committee Business: Approved LSB 4156 as a committee bill; approved LSB 6124 as a committee concurrent resolution; recommended passage of House File 684.

Adjourned: 5:40 p.m.

APPROPRIATIONS SUBCOMMITTEE ON CLAIMS

Convened: May 7, 1987, 4:15 p.m.

Members Present: C. Miller, Chair; Kinley, Vice Chair; Drake, Ranking Member; Hultman and Welsh.

Members Absent: none.

Committee Business: Reviewed claims and agreed to deny same.

Adjourned: 5:10 p.m.

WAYS AND MEANS

Convened: May 7, 1987, 11:00 a.m.

Members Present: Bruner, Chair; Husak, Vice Chair; Holden, Ranking Member; Boswell, Dieleman, Gronstal, Mann, Murphy, Palmer, Riordan, Drake, Hester, Holt, Readinger and Soorholtz.

Members Absent: none.

Committee Business: Final recommendation for passage of House File 675; final approval of SSB 251 as a committee bill; recommended passage of House File 683 as amended.

Adjourned: 12:08 p.m.

REPORT OF THE SECRETARY OF THE SENATE

MADAM PRESIDENT: Pursuant to Senate Rule 21, I report that in enrolling Senate File 499, the following correction was made:

1. Page 1, line 34, the word "lowincome" was changed to the word "low-income".

JOHN F. DWYER
Secretary of the Senate

CONFERENCE COMMITTEE REPORT RECEIVED
(House File 407)

A conference committee report signed by the following Senate and House members was filed May 8, 1987, on House File 407, a bill for an act relating to violations of 321J.2 and retention of records of motor vehicle violations:

On the Part of the Senate:

DONALD V. DOYLE, Chair
HURLEY HALL
JEAN LLOYD-JONES
JOHN W. JENSEN
RICHARD F. DRAKE

On the Part of the House:

DANIEL J. JAY, Chair
MIKE CONNOLLY
LOUIS J. MUHLBAUER
WILLIAM H. HARBOR
BILL ROYER

AMENDMENTS FILED

S—4070	H.F.	468	Michael E. Gronstal
S—4071	H.F.	468	William W. Dieleman
S—4072	H.F.	468	William W. Dieleman

AFTERNOON SESSION

The Senate reconvened at 2:30 p.m., Senator Coleman presiding.

QUORUM CALL

Senator Hutchins requested a non record roll call to determine that a quorum was present.

The vote revealed 45 present, 5 absent and a quorum present.

BILLS REFERRED TO COMMITTEE

Senator Hutchins asked and received unanimous consent that **Senate File 522** be referred from the Appropriations Calendar to the committee on **Judiciary** and returned to the Senate Appropriations Calendar by 6:00 p.m., Friday, May 8, 1987.

Senator Hutchins asked and received unanimous consent that **Senate Concurrent Resolution 41** be referred from the Appropriations Calendar to the committee on **Rules and Administration**.

HOUSE AMENDMENT TO
SENATE AMENDMENT CONSIDERED**House File 658**

Senator Peterson called up for consideration House File 658, a bill for an act relating to the allocation of the state ceiling on private activity bonds for tax-exempt purposes and providing an effective date, amended by the Senate, further amended by the House in House amendment S—4069 to Senate amendment H—3906, filed on May 7, 1987.

President pro tempore Kinley took the chair at 2:47 p.m.

Senator Palmer asked and received unanimous consent that action on House amendment S—4069 to Senate amendment H—3906 and **House File 658** be deferred.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Rensink for the remainder of the session on request of Senator Hultman.

President Zimmerman took the chair at 2:50 p.m.

CONFERENCE COMMITTEE REPORT CONSIDERED

House File 167

Senator Scott called up the conference committee report on House File 167, a bill for an act relating to fees for and duration of motor vehicle licenses and requiring motor vehicle licenses and nonoperator's identification cards issued to persons under twenty-one years of age to contain a profile photograph and providing an effective date and conditional repeal and reenactment, filed May 7, 1987, and moved its adoption.

The motion prevailed by a voice vote and the conference committee report and the recommendations and amendments contained therein was adopted.

Senator Scott moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 167) the vote was:

Ayes, 31:

Bruner	Carr	Coleman	Corning
Deluhery	Dieleman	Drake	Fuhrman
Gentleman	Goodwin	Hall	Hester
Holden	Holt	Horn	Hultman
Husak	Kinley	Lind	Lloyd-Jones
Miller, A.V.	Miller, C.P.	Nystrom	Peterson
Riordan	Scott	Soorholtz	Tieden
Varn	Wells	Welsh	

Nays, 15:

Boswell	Doyle	Gettings	Gronstal
Hutchins	Jensen	Mann	Murphy
Palmer	Priebe	Readinger	Rife
Sturgeon	Taylor	Vande Hoef	

Absent or not voting, 4:

Fraise	Hannon	Rensink	Schwengels
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The bill having received a constitutional majority was declared to have passed the Senate and the title as amended was agreed to.

MOTION TO RECONSIDER ADOPTED

Senator Corning called up the motion to reconsider Senate File 517 filed by her on May 7, 1987, found on page 1782 of the Senate Journal and moved its adoption.

On the question "Shall the motion to reconsider be adopted?" (S.F. 517) the vote was:

Ayes, 39:

Boswell	Bruner	Carr	Coleman
Corning	Deluhery	Dieleman	Doyle
Drake	Fuhrman	Gentleman	Gettings
Goodwin	Gronstal	Hall	Hannon
Hester	Holden	Holt	Horn
Husak	Hutchins	Jensen	Kinley
Lind	Lloyd-Jones	Miller, A.V.	Miller, C.P.
Murphy	Nystrom	Palmer	Readinger
Riordan	Scott	Soorholtz	Sturgeon
Taylor	Vande Hoef	Wells	

Nays, 2:

Priebe	Tieden
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Absent or not voting, 9:

Fraise	Hultman	Mann	Peterson
Rensink	Rife	Schwengels	Varn
Welsh			

The motion prevailed.

Senator Corning moved to reconsider the vote by which Senate File 517 went to its last reading, which motion prevailed by a voice vote.

Senate File 517

On motion of Senator Corning, Senate File 517, a bill appropriating petroleum overcharge funds, was taken up for reconsideration.

Senator Corning called up the motion to reconsider the vote by which the Senate concurred in House amendment S—4034, filed by her on May 7, 1987, found on page 1782 of the Senate Journal and moved its adoption.

The motion prevailed by a voice vote.

Senator Corning offered amendment S—4063 filed by her on May 7, 1987, to pages 2 and 3 of House amendment S—4034 and moved its adoption.

Amendment S—4063 was adopted by a voice vote.

Senator Hutchins asked and received unanimous consent that action on House amendment S—4034 as amended and **Senate File 517 be deferred.**

The Senate stood at ease until the fall of the gavel for the purpose of a party caucus.

The Senate resumed session, President Zimmerman presiding.

QUORUM CALL

Senator Hutchins requested a non record roll call to determine that a quorum was present.

The vote revealed 39 present, 11 absent and a quorum present.

MOTION TO RECONSIDER ADOPTED

Senator Gentleman called up the motion to reconsider House File 600 filed by her on May 7, 1987, found on page 1760 of the Senate Journal and moved its adoption.

On the question "Shall the motion to reconsider be adopted?" (H.F. 600) the vote was:

Ayes, 39:

Boswell	Bruner	Carr	Coleman
Corning	Doyle	Drake	Fraise
Fuhrman	Gentleman	Gettings	Goodwin
Gronstal	Hall	Hannon	Hester
Holden	Horn	Hultman	Husak
Hutchins	Jensen	Kinley	Lind

Lloyd-Jones	Mann	Miller, A.V.	Miller, C.P.
Palmer	Peterson	Priebe	Rife
Scott	Soorholtz	Sturgeon	Taylor
Varn	Wells	Welsh	

Nays, 7:

Dieleman	Holt	Murphy	Nystrom
Riordan	Tieden	Vande Hoef	

Absent or not voting, 4:

Deluhery	Readerger	Rensink	Schwengels
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The motion prevailed.

Senator Gentleman moved to reconsider the vote by which House File 600 went to its last reading, which motion prevailed by a voice vote.

House File 600

On motion of Senator Gronstal, House File 600, a bill for an act relating to elections and political activity and subjecting violators to a penalty, was taken up for reconsideration.

Senator Corning filed the following motion to reconsider from the floor and moved its adoption:

MADAM PRESIDENT: I move to reconsider the vote by which the Senate concurred in House amendment S—4035 to Senate amendment H—3904 to House File 600 on May 7, 1987.

The motion prevailed by a voice vote and House amendment S—4035 to Senate amendment H—3904, was taken up for reconsideration.

Senator Gronstal moved that the Senate concur in House amendment S—4035 to Senate amendment H—3904.

The motion lost by a voice vote and the Senate **refused to concur** in the House amendment to the Senate amendment.

CONSIDERATION OF BILL
(Ways and Means Calendar)

Senator Hutchins asked and received unanimous consent to take up for consideration House File 675.

House File 675

On motion of Senator Bruner, House File 675, a bill for an act relating to the determination, for purposes of the state sales, services, and use tax, of gross receipts and purchase price when tangible personal property is traded to the retailer as part of the transaction subject to the tax, with report of committee recommending passage, was taken up for consideration.

Senator Sturgeon offered amendment S—4077 filed by him from the floor to page 1 and the title page of the bill and moved its adoption.

Amendment S—4077 was adopted by a voice vote.

Senator Hutchins asked and received unanimous consent that action on **House File 675** be deferred.

HOUSE MESSAGES RECEIVED

The following messages were received from the Chief Clerk of the House:

MADAM PRESIDENT: I am directed to inform your honorable body that the House has, on May 8, 1987, adopted the conference committee report and passed House File 407, a bill for an act relating to violations of 321J.2 and retention of records of motor vehicle violations.

ALSO: That the House has, on May 8, 1987, **insisted on** its amendment to **Senate File 17**, a bill for an act relating to the penalty for cruelty to animals, and the members of the **conference committee**, on the part of the House, are: The Representative from Jackson, Mr. Tabor, Chair; the Representative from Story, Mrs. Hammond, the Representative from Woodbury, Mr. Hansen, the Representative from Cerro Gordo, Mrs. Clark, and the Representative from Buchanan, Mr. Kremer.

INTRODUCTION OF RESOLUTIONS

Senate Concurrent Resolution 42, by Nystrom, a concurrent resolution requesting an interim study of new state programs.

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

Senate Concurrent Resolution 43, by Dieleman, a concurrent resolution to accept a bronze memorial to commemorate the bicentennial of the Constitution of the United States.

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

BILLS ASSIGNED TO COMMITTEE

President Zimmerman announced the assignment of the following bills to committee:

H.F.	678	Ways and Means
H.F.	682	Ways and Means
S. C.R.	39	Rules and Administration
S. C.R.	42	Rules and Administration
S. C.R.	43	Rules and Administration

UNFINISHED BUSINESS

(Deferred May 7, 1987)

Senate File 521

The Senate resumed consideration of Senate File 521, a bill for an act to increase the rate of excise taxes on motor fuel and special fuel to replace federal aid highway funds including the allocation of fuel tax revenues, deferred May 7, 1987.

Senator Vande Hoef offered amendment S—4064 filed by Senators Vande Hoef, et al., on May 7, 1987, to page 3 of the bill and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S—4064 be adopted?" (S.F. 521) the vote was:

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

Ayes, 26:

Boswell	Coleman	Dieleman	Doyle
Fraise	Fuhrman	Gettings	Hall
Hannon	Hester	Husak	Hutchins
Jensen	Miller, A.V.	Peterson	Priebe
Rife	Riordan	Scott	Soorholtz
Taylor	Tieden	Vande Hoef	Varn
Wells	Welsh		

Nays, 22:

Bruner	Carr	Corning	Deluhery
Drake	Gentleman	Goodwin	Gronstal
Holden	Holt	Horn	Hultman
Kinley	Lind	Lloyd-Jones	Mann
Miller, C.P.	Murphy	Nystrom	Palmer
Readinger	Sturgeon		

Absent or not voting, 2:

Rensink	Schwengels
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Amendment S—4064 was adopted.

Senator Lind called up the motion to reconsider the vote by which amendment S—4061 was adopted by the Senate on May 7, 1987, filed by him on May 7, 1987, found on page 1782 of the Senate Journal and moved its adoption.

A record roll call was requested.

On the question "Shall the motion to reconsider be adopted?" (S.F. 521) the vote was:

Ayes, 23:

Bruner	Carr	Corning	Drake
Fuhrman	Gentleman	Goodwin	Gronstal
Holden	Holt	Horn	Hultman
Kinley	Lind	Nystrom	Palmer
Readinger	Rife	Schwengels	Sturgeon
Taylor	Wells	Welsh	

Nays, 26:

Boswell	Coleman	Deluhery	Dieleman
Doyle	Fraise	Gettings	Hall
Hannon	Hester	Husak	Hutchins
Jensen	Lloyd-Jones	Mann	Miller, A.V.
Miller, C.P.	Murphy	Peterson	Priebe
Riordan	Scott	Soorholtz	Tieden
Vande Hoef	Varn		

Absent or not voting, 1:

Rensink

The motion lost.

Senator Murphy filed the following motion to reconsider from the floor and moved its adoption:

MADAM PRESIDENT: I move to reconsider the vote by which amendment S—4054 to Senate File 521 was adopted by the Senate on May 7, 1987.

A non record roll call was requested.

The ayes were 26, nays 22.

The motion prevailed and amendment S—4054 by Senators Scott, et al., to pages 1 and 2 of the bill was taken up for reconsideration.

Senator Scott moved the adoption of amendment S—4054.

A record roll call was requested.

On the question "Shall amendment S—4054 be adopted?" (S.F. 521) the vote was:

Ayes, 23:

Boswell	Coleman	Dieleman	Doyle
Fraise	Goodwin	Hall	Hannon
Hester	Husak	Jensen	Miller, A.V.
Palmer	Peterson	Priebe	Rife
Riordan	Schwengels	Scott	Soorholtz
Tieden	Vande Hoef	Varn	

Nays, 25:

Bruner	Carr	Corning	Deluhery
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Drake	Fuhrman	Gentleman	Gettings
Gronstal	Holden	Holt	Horn
Hultman	Hutchins	Kinley	Lind
Lloyd-Jones	Miller, C.P.	Murphy	Nystrom
Readinger	Sturgeon	Taylor	Wells
Welsh			

Absent or not voting, 2:

Mann Rensink

Amendment S—4054 lost.

IMMEDIATELY MESSAGED

Senator Hutchins asked and received unanimous consent that **House File 600** be immediately messaged to the House.

APPOINTMENT OF CONFERENCE COMMITTEE

The Chair announced the following conference committee on **Senate File 17** on the part of the Senate: Senators Riordan, Chair; Fraise, Doyle, Gentleman and Hester.

BUSINESS PENDING

Senate File 521

The Senate resumed consideration of Senate File 521.

Senator Gronstal offered amendment S—4079 filed by Senators Gronstal, et al., from the floor to page 5 of the bill.

Senator Husak raised the point of order that amendment S—4079 was not germane to the bill.

The Chair ruled the point well taken and amendment S—4079 out of order.

Senator Gronstal moved the adoption of amendment S—4047 by Senator Gronstal to pages 1 and 2 of the bill, deferred on May 7, 1987.

A non record roll call was requested.

The ayes were 25, nays 21.

Amendment S—4047 was adopted.

Senator Drake moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 521) the vote was:

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

Ayes, 24:

Bruner	Carr	Coleman	Corning
Deluhery	Drake	Fuhrman	Gentleman
Gronstal	Holt	Horn	Hutchins
Kinley	Lind	Lloyd-Jones	Mann
Miller, C.P.	Nystrom	Readinger	Riordan
Schwengels	Scott	Wells	Welsh

Nays, 25:

Boswell	Dieleman	Doyle	Fraise
Gettings	Goodwin	Hall	Hannon
Hester	Holden	Hultman	Husak
Jensen	Miller, A.V.	Murphy	Palmer
Peterson	Priebe	Rife	Soorholtz
Sturgeon	Taylor	Tieden	Vande Hoef
Varn			

Absent or not voting, 1:

Rensink

The bill not having received a constitutional majority was declared to have **failed to pass** the Senate.

CONFERENCE COMMITTEE REPORT RECEIVED (Senate File 481)

A conference committee report signed by the following Senate and House members was filed May 8, 1987, on Senate File 481, a bill for an act relating to state tax revenues and expenditures by altering the individual income tax rates, withholding, standard deductions, and personal exemptions and credits; increasing the state sales, services, and use tax and providing for refunds for certain contractors as a result of that increase; adjusting the

allowable growth under the school foundation formula; and providing effective dates:

On the Part of the Senate:

CHARLES BRUNER, Chair
EMIL J. HUSAK
GEORGE R. KINLEY

On the Part of the House:

MINNETTE DODERER, Chair
PHIL BRAMMER
DOROTHY F. CARPENTER
DAVID OSTERBERG
HUGO SCKNEKLOTH

Senator Coleman took the chair at 7:25 p.m.

CONFERENCE COMMITTEE REPORT LOST

Senate File 481

Senator Bruner called up the conference committee report on Senate File 481, a bill for an act relating to state tax revenues and expenditures by altering the individual income tax rates, withholding, standard deductions, and personal exemptions and credits; increasing the state sales, services, and use tax and providing for refunds for certain contractors as a result of that increase; adjusting the allowable growth under the school foundation formula; and providing effective dates, filed May 8, 1987, moved its adoption and requested a record roll call.

On the question "Shall the conference committee report be adopted?" (S.F. 481) the vote was:

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

Ayes, 2:

Gentleman Nystrom

Nays, 47:

Boswell	Bruner	Carr	Coleman
Corning	Deluhery	Dieleman	Doyle
Drake	Fraise	Fuhrman	Gettings
Goodwin	Gronstal	Hall	Hannon
Hester	Holden	Holt	Horn
Hultman	Husak	Hutchins	Jensen
Kinley	Lind	Lloyd-Jones	Mann

Miller, A.V.	Miller, C.P.	Murphy	Palmer
Peterson	Priebe	Readinger	Rife
Riordan	Schwengels	Scott	Soorholtz
Sturgeon	Taylor	Tieden	Vande Hoef
Varn	Wells	Welsh	

Absent or not voting, 1:

Rensink

The motion lost.

HOUSE MESSAGES RECEIVED AND CONSIDERED

The following messages were received from the Chief Clerk of the House:

MADAM PRESIDENT: I am directed to inform your honorable body that the House has, on May 8, 1987, adopted the conference committee report and passed House File 500, a bill for an act relating to the state civil rights law and the civil rights commission.

ALSO: That the House has, on May 8, 1987, adopted the conference committee report and passed House File 631, a bill for an act relating to public health and safety by establishing measures to improve and protect groundwater quality and to manage substances which pose health and safety hazards, by establishing goals, policies, funding mechanisms, including taxes and fees, and administrative provisions for the measures, by establishing programs relating to the management of agricultural activities, solid waste disposal, household hazardous wastes, storage tanks, fertilizers, pesticides, landfills, and watersheds, by providing penalties, establishing effective dates, and by providing for other properly related matters.

ALSO: That the House has on May 8, 1987, concurred in the Senate amendment and passed the following bill in which the concurrence of the House was asked:

House File 79, a bill for an act prohibiting smoking in certain public places and providing a penalty.

ALSO: That the House has on May 8, 1987, concurred in the Senate amendment to the House amendment and passed the following bill in which the concurrence of the House was asked:

Senate File 55, a bill for an act to remove the requirement that a gambling license cannot be issued for a period of two years for a location for which a gambling license was revoked, and removing the prohibition against conducting games of skill, games of chance, and raffles on the premises of a liquor control licensee

or beer permittee, and relating to the age of individuals allowed to be present at a bingo occasion.

ALSO: That the House has on May 8, 1987, passed the following bill in which the concurrence of the Senate is asked:

House File 686, a bill for an act relating to statutory corrections which adjust language to improve consistency and accuracy.

This bill was read first time and **passed on file**.

INTRODUCTION OF RESOLUTION

Senate Concurrent Resolution 44, by Husak, a concurrent resolution requesting an interim study of the issue of imposing and collecting excise taxes on Indian lands.

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

The Senate stood at ease until the fall of the gavel.

The Senate resumed session, Senator Husak presiding.

APPOINTMENT OF CONFERENCE COMMITTEE

The Chair announced the following second conference committee on **Senate File 481** on the part of the Senate: Senators Bruner, Chair; Murphy, Kinley, Readinger and Hester.

HOUSE MESSAGES RECEIVED AND CONSIDERED

The following messages were received from the Chief Clerk of the House:

MADAM PRESIDENT: I am directed to inform your honorable body that the House has, on May 8, 1987, **insisted on** its amendment to **House File 600**, a bill for an act relating to elections and political activity and subjecting violators to a penalty, and the members of the **conference committee**, on the part of the House, are: The Representative from Linn, Mr. Running, Chair; the Representative from Greene, Mr. Blanshan, the Representative from Webster, Mr. Halvorson, the Representative from Delaware, Mr. Hanson, and the Representative from Woodbury, Mr. Shoning.

ALSO: That the House has on May 8, 1987, amended and passed the following bill in which the concurrence of the Senate is asked:

Senate File 162, a bill for an act to provide for the establishment of the Iowa corporation for public telecommunications to plan, establish and operate educational radio and television facilities and other educational telecommunications systems and services including narrowcast and broadcast systems to serve the educational needs of the state and to provide an effective date (S—4083).

ALSO: That the House has on May 8, 1987, concurred in the Senate amendment and passed the following bill in which the concurrence of the House was asked:

House File 377, a bill for an act relating to public financing of political campaigns, appropriating funds, and providing penalties and providing effective dates.

ALSO: That the House has on May 8, 1987, passed the following bill in which the concurrence of the House was asked:

Senate File 519, a bill for an act relating to the time for claiming urban revitalization tax exemptions.

ALSO: That the House has, on May 8, 1987, appointed the members of the **second conference committee** on **Senate File 481**, a bill for an act relating to state tax revenues and expenditures by altering the individual income tax rates, withholding, standard deductions, and personal exemptions and credits; increasing the state sales, services, and use tax and providing for refunds for certain contractors as a result of that increase; adjusting the allowable growth under the school foundation formula; and providing effective dates, on the part of the House, are: The Representative from Johnson, Mrs. Doderer, Chair, the Representative from Linn, Mr. Brammer, the Representative from Linn, Mr. Osterberg, the Representative from Ida, Mr. Bennett, and the Representative from Polk, Mrs. Metcalf.

ALSO: That the House has on May 8, 1987, passed the following bill in which the concurrence of the Senate is asked:

House File 687, a bill for an act relating to the state individual income tax by altering the tax brackets and rates, standard deduction, personal exemptions and credits; disallowing married persons filing separately on combined returns; eliminating the deduction for federal income taxes paid; providing administrative clarifications; and providing effective dates.

This bill was read first time and referred to the committee on **Ways and Means**.

APPOINTMENT OF CONFERENCE COMMITTEE

The Chair announced the following conference committee on **House File 600** on the part of the Senate: Senators Gronstal, Chair; Carr, Dieleman, Gentleman and Corning.

APPENDIX

BILLS ENROLLED, SIGNED AND SENT TO GOVERNOR

The Secretary of the Senate submitted the following report:

MADAM PRESIDENT: The Secretary of the Senate respectfully reports that the following bills have been enrolled, signed by the President of the Senate and the Speaker of the House, and presented to the Governor for his approval on this 8th day of May, 1987:

Senate Files 146, 399, 458 and 499.

JOHN F. DWYER
Secretary of the Senate

CERTIFICATES OF RECOGNITION

The Secretary of the Senate issued certificates of recognition as follows:

John Shumaker and Martie Olson— For participating in the International Peace Walk from Moscow to Leningrad June 13 to July 6, 1987. Senator Lind (May 8, 1987).

COMMITTEE REPORT

SMALL BUSINESS AND ECONOMIC DEVELOPMENT

Final Bill Action: HOUSE CONCURRENT RESOLUTION 35, a resolution suggesting that "Quality and Productivity" be made a theme for the marketing of the state.

Recommendation: DO PASS.

Final Vote: Ayes, 11: Boswell, Peterson, Deluhery, Hannon, A. Miller, Riordan, Scott, Rife, Fuhrman, Holt and Vande Hoef. Nays, none. Absent or not voting, 1: Rensink.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

BILL RETURNED TO CALENDAR

Pursuant to Senate Rule 13 and unanimous consent received by Senator Hutchins on May 8, 1987, on Senate Journal page 1789,

Senate File 522, was returned to the Senate Appropriations Calendar from the committee on Judiciary at 6:00 p.m., Thursday, May 8, 1987, without committee recommendation for passage.

MOTION TO RECONSIDER

MADAM PRESIDENT: I move to reconsider the vote by which Senate File 521 failed to pass the Senate on May 8, 1987.

RAY TAYLOR

CONFERENCE COMMITTEE REPORT RECEIVED
(Senate Concurrent Resolution 35)

A conference committee report signed by the following Senate and House members was filed May 8, 1987, on Senate Concurrent Resolution 35, a concurrent resolution relating to the board of regents ten-year building program:

On the Part of the Senate:

WALLY E. HORN, Chair
RICHARD VARN
WILLIAM W. DIELEMAN
JOHN W. JENSEN
LEE HOLT

On the Part of the House:

JACK HATCH, Chair
PATRICIA HARPER
JANE TEAFORD
CLIFFORD O. BRANSTAD

CONFERENCE COMMITTEE REPORT RECEIVED
(Senate File 17)

A conference committee report signed by the following Senate and House members was filed May 8, 1987, on Senate File 17, a bill for an act relating to the penalty for cruelty to animals:

On the Part of the Senate:

JAMES RIORDAN, Chair
EUGENE FRAISE
DONALD V. DOYLE
JULIA GENTLEMAN
JACK W. HESTER

On the Part of the House:

DAVID TABOR, Chair
JOHNIE HAMMOND
STEVE D. HANSEN
BETTY JEAN CLARK
JOSEPH M. KREMER

CONFERENCE COMMITTEE REPORT RECEIVED
(House File 500)

A conference committee report signed by the following Senate and House members was filed May 8, 1987, on House File 500, a bill for an act relating to the state civil rights law and the civil rights commission:

On the Part of the Senate:

TOM MANN, JR., Chair
BOB CARR
AL STURGEON

On the Part of the House:

FLORENCE D. BUHR, Chair
LINDA L. BEATTY
GENE BLANSHAN

CONFERENCE COMMITTEE REPORT RECEIVED
(House File 631)

A conference committee report signed by the following Senate and House members was filed May 8, 1987, on House File 631, a bill for an act relating to public health and safety by establishing measures to improve and protect groundwater quality and to manage substances which pose health and safety hazards, by establishing goals, policies, funding mechanisms, including taxes and fees, and administrative provisions for the measures, by establishing programs relating to the management of agricultural activities, solid waste disposal, household hazardous wastes, storage tanks, fertilizers, pesticides, landfills, and watersheds, by providing penalties, establishing effective dates, and by providing for other properly related matters:

On the Part of the Senate:

PATRICK J. DELUHERY, Chair
BERL E. PRIEBE
LARRY MURPHY
DALE L. TIEDEN

On the Part of the House:

RALPH ROSENBERG, Chair
PAUL W. JOHNSON
SUE MULLINS
DON SHOULTZ

AMENDMENTS FILED

S—4073

H.F.

468

John W. Jensen
Richard Vande Hoef

S—4074	H.F.	468	Julia Gentleman Wilmer Rensink Richard Vande Hoef John Jensen Ray Taylor
S—4075	H.F.	468	Richard Vande Hoef
S—4076	H.F.	617	Jack Rife
S—4077	H.F.	675	Al Sturgeon
S—4078	S.F.	515	Leonard Boswell
S—4079	S.F.	521	Michael E. Gronstal Jim Lind Donald E. Gettings David M. Readinger
S—4080	H.F.	680	Al Sturgeon
S—4081	H.F.	675	Bill Hutchins
S—4082	H.F.	675	Patrick J. Deluhery Jack Rife Joy C. Corning Jim Lind
S—4083	S.F.	162	House amendment

ADJOURNMENT

On motion of Senator Tieden, the Senate adjourned at 10:10 p.m., until 8:00 a.m., Saturday, May 9, 1987.

JOURNAL OF THE SENATE

ONE HUNDRED EIGHTEENTH CALENDAR DAY
SEVENTY-EIGHTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Saturday, May 9, 1987

The Senate met in regular session at 8:05 a.m., President Zimmerman presiding.

Prayer was offered by the Honorable Leonard L. Boswell, member of the Senate from Decatur County, Davis City, Iowa.

The Journal of Friday, May 8, 1987, was approved.

QUORUM CALL

Senator Hutchins requested a non record roll call to determine that a quorum was present.

The vote revealed 34 present, 16 absent and a quorum present.

MOTION TO RECONSIDER WITHDRAWN

House File 591

Senator Horn withdrew the motion to reconsider House File 591, a bill for an act relating to domestic abuse, assaults involving an act of domestic abuse, and court orders issued and enforced pursuant to the domestic abuse law, and providing penalties, filed by him on May 7, 1987, and found on page 1782 of the Senate Journal.

Senator Horn asked and received unanimous consent that **House File 591** be **immediately messaged** to the House.

CONFERENCE COMMITTEE REPORT ADOPTED

Senate File 17

Senator Riordan called up the conference committee report on Senate File 17, a bill for an act relating to the penalty for cruelty to animals, filed May 8, 1987, and moved its adoption.

The motion prevailed by a voice vote and the conference committee report and the recommendations and amendments contained therein was adopted.

Senator Riordan moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 17) the vote was:

Ayes, 40:

Boswell	Bruner	Carr	Coleman
Corning	Deluhery	Dieleman	Doyle
Fraise	Gentleman	Gettings	Goodwin
Gronstal	Hall	Hannon	Hester
Holt	Horn	Hultman	Husak
Hutchins	Jensen	Lind	Lloyd-Jones
Miller, A. V.	Murphy	Nystrom	Palmer
Priebe	Rife	Riordan	Schwengels
Scott	Soorholtz	Sturgeon	Taylor
Vande Hoef	Varn	Wells	Welsh

Nays, 2:

Peterson	Tieden
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Absent or not voting, 8:

Drake	Fuhrman	Holden	Kinley
Mann	Miller, C.P.	Readinger	Rensink

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

Senator Horn asked and received unanimous consent that **Senate File 17 be immediately messaged** to the House.

BILL REFERRED TO COMMITTEE

Senator Horn asked and received unanimous consent that **House File 209** be referred from the Unfinished Business Calendar to the committee on **Judiciary**.

ADOPTION OF RESOLUTION (Regular Calendar)

Senate Resolution 14

On motion of Senator Hultman, Senate Resolution 14, a resolution relating to daily operations of the Senate, was taken up for consideration.

Senator Hultman moved the adoption of Senate Resolution 14, which motion prevailed by a voice vote.

CONFERENCE COMMITTEE REPORT ADOPTED

Senate Concurrent Resolution 35

Senator Varn called up the conference committee report on Senate Concurrent Resolution 35, a concurrent resolution relating to the board of regents ten-year building program, filed May 8, 1987, and moved its adoption.

The motion prevailed by a voice vote and the conference committee report and the recommendations and amendments contained therein was adopted.

Senator Varn moved the adoption of Senate Concurrent Resolution 35.

On the question "Shall the resolution be adopted?" (S.C.R. 35) the vote was:

Ayes, 28:

Boswell	Bruner	Carr	Coleman
Deluhery	Dieleman	Fraise	Fuhrman
Gettings	Gronstal	Hester	Holt
Horn	Hultman	Husak	Hutchins
Jensen	Lind	Lloyd-Jones	Miller, A.V.
Nystrom	Priebe	Schwengels	Scott
Soorholtz	Varn	Wells	Welsh

Nays, 16:

Corning	Doyle	Drake	Gentleman
Hall	Hannon	Holden	Mann
Murphy	Palmer	Peterson	Rife
Riordan	Sturgeon	Taylor	Vande Hoef

Absent or not voting, 6:

Goodwin	Kinley	Miller, C.P.	Readerger
Rensink	Tieden		

The resolution having received a constitutional majority was declared to have been adopted by the Senate.

Senator Horn asked and received unanimous consent that **Senate Concurrent Resolution 35** be **immediately messaged** to the House.

HOUSE AMENDMENTS CONSIDERED

Senate File 333

Senator Riordan called up for consideration Senate File 333, a bill for an act relating to the use of telecommunications systems and services for educational instructional purposes and providing an effective date, amended by the House, and moved that the Senate concur in House amendment S—3811 filed April 24, 1987.

The motion prevailed by a voice vote and the Senate concurred in the House amendment.

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

On the question "Shall the bill pass?" (S.F. 333) the vote was:

Ayes, 44:

Boswell	Bruner	Carr	Coleman
Corning	Deluhery	Dieleman	Doyle
Drake	Fraise	Fuhrman	Gentleman
Gettings	Goodwin	Gronstal	Hall

Holden	Holt	Horn	Hultman
Husak	Hutchins	Jensen	Lind
Lloyd-Jones	Mann	Miller, A. V.	Murphy
Nystrom	Palmer	Peterson	Priebe
Readinger	Rife	Riordan	Schwengels
Scott	Soorholtz	Sturgeon	Tieden
Vande Hoef	Varn	Wells	Welsh

Nays, none.

Absent or not voting, 6:

Hannon	Hester	Kinley	Miller, C.P.
Rensink	Taylor		

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

Senate File 162

Senator Drake called up for consideration Senate File 162, a bill for an act relating to the establishment of the Iowa corporation for public telecommunications to plan, establish and operate educational radio and television facilities and other educational telecommunications systems and services including narrowcast and broadcast systems to serve the educational needs of the state and to provide an effective date, amended by the House and moved that the Senate concur in House amendment S—4083, filed May 8, 1987.

The motion prevailed by a voice vote and the Senate concurred in the House amendment.

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

On the question "Shall the bill pass?" (S.F. 162) the vote was:

Ayes, 37:

Boswell	Bruner	Carr	Coleman
Corning	Deluhery	Doyle	Drake
Fraise	Fuhrman	Gentleman	Gettings
Gronstal	Hall	Hannon	Horn
Hultman	Husak	Hutchins	Lind

Lloyd-Jones	Mann	Miller, A.V.	Miller, C.P.
Murphy	Nystrom	Priebe	Readinger
Riordan	Schwengels	Scott	Soorholtz
Sturgeon	Taylor	Tieden	Varn
Wells			

Nays, 11:

Dieleman	Goodwin	Hester	Holden
Holt	Jensen	Palmer	Peterson
Rife	Vande Hoef	Welsh	

Absent or not voting, 2:

Kinley	Rensink
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The bill having received a constitutional majority was declared to have passed the Senate and the title as amended was agreed to.

UNFINISHED BUSINESS

(Deferred May 8, 1987)

House File 675

The Senate resumed consideration of House File 675, a bill for an act relating to the determination, for purposes of the state sales, services, and use tax, of gross receipts and purchase price when tangible personal property is traded to the retailer as part of the transaction subject to the tax, deferred May 8, 1987.

Senator Hutchins offered amendment S—4081 filed by him on May 8, 1987, to page 1 and the title page of the bill and moved its adoption.

Amendment S—4081 was adopted by a voice vote.

Senator Deluhery offered amendment S—4082 filed by Senators Deluhery, et al., on May 8, 1987, to page 1 of the bill and moved its adoption.

Amendment S—4082 was adopted by a voice vote.

Senator Bruner moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 675) the vote was:

Ayes, 44:

Boswell	Bruner	Carr	Coleman
Corning	Deluhery	Dieleman	Doyle
Drake	Fraise	Fuhrman	Gentleman
Gettings	Goodwin	Gronstal	Hall
Hannon	Holden	Holt	Horn
Husak	Hutchins	Jensen	Kinley
Lind	Lloyd-Jones	Mann	Miller, A.V.
Miller, C.P.	Murphy	Priebe	Readinger
Rife	Riordan	Schwengels	Scott
Soorholtz	Sturgeon	Taylor	Tieden
Vande Hoef	Varn	Wells	Welsh

Nays, 2:

Palmer	Peterson
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Absent or not voting, 4:

Hester	Hultman	Nystrom	Rensink
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The bill having received a constitutional majority was declared to have passed the Senate and the title as amended was agreed to.

Senator Horn asked and received unanimous consent that **House File 675** be **immediately messaged** to the House.

CONFERENCE COMMITTEE REPORT ADOPTED

House File 407

Senator Hall called up the conference committee report on House File 407, a bill for an act relating to violations of 321J.2 and retention of records of motor vehicle violations, filed May 8, 1987, and moved its adoption.

The motion prevailed by a voice vote and the conference committee report and the recommendations and amendments contained therein was adopted.

Senator Hall moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 407) the vote was:

Ayes, 47:

Boswell	Bruner	Carr	Coleman
Corning	Deluhery	Dieleman	Doyle
Drake	Fraise	Fuhrman	Gentleman
Gettings	Goodwin	Gronstal	Hall
Hannon	Hester	Holt	Horn
Hultman	Husak	Hutchins	Jensen
Kinley	Lind	Lloyd-Jones	Mann
Miller, A.V.	Miller, C.P.	Murphy	Palmer
Peterson	Priebe	Readinger	Rife
Riordan	Schwengels	Scott	Soorholtz
Sturgeon	Taylor	Tieden	Vande Hoef
Varn	Wells	Welsh	

Nays, none.

Absent or not voting, 3:

Holden	Nystrom	Rensink
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The bill having received a constitutional majority was declared to have passed the Senate and the title as amended was agreed to.

GOVERNOR'S VETO MESSAGE

May 8, 1987

The Honorable Jo Ann Zimmerman
Lieutenant Governor
State Capitol
L O C A L

Dear Governor Zimmerman:

Senate File 219, "An Act providing for public grants and public education relating to adolescent pregnancy prevention and services by establishing a task force on adolescent pregnancy prevention and services, providing for pilot project grants relating to adolescent pregnancy prevention and services, and establishing a local advisory committee to public school boards regarding the inclusion or

exclusion of human growth and development instruction in the school curriculum" is hereby transmitted to you in accordance with Article III, Section 16, of the Constitution of the State of Iowa.

Senate File 219 establishes a task force to be appointed by the legislative council to study the need for the availability of adolescent pregnancy prevention and services programs in the state. It also requires that the task force make recommendations on such programs to the next General Assembly.

In addition, Senate File 219 establishes an adolescent pregnancy prevention and services grant program. Also, public school boards would establish local advisory committees to make recommendations on human growth and development instruction and the state Department of Education would develop a model curriculum for that purpose.

The recent well-publicized cases of unmarried adolescent pregnancies, teen suicides, and adolescent substance abuse are all evidence of the problems faced by many teens in Iowa and throughout the country today. Public policy makers must address this program and it is quite clear that the focus of the solution should be on education and the preservation of the family unit. The deterioration of the family and the lack of the sense of self-worth and esteem by many teens have been determined by many experts to be among the major reasons for the rash of teen problems that our country is experiencing today.

As a result, I understand why the General Assembly took action to attempt to address the teen pregnancy issue. However, I believe that Senate File 219 approaches this problem in a narrow and inappropriate way.

For the following reasons, I therefore, must disapprove Senate File 219.

The task force established in the bill is flawed. First of all, any effort to address teen pregnancy must be broad-based and encompass both executive and legislative branches of government as well as the wide range of individuals and views involved in this issue. The task force established in this bill is totally controlled and appointed by the legislative council -- with even the few executive branch representatives appointed by the legislative council. In addition, I am concerned that such a task force would have a narrow representation and not include representatives from organizations who are opposed to abortion and the use of contraceptives to prevent teen pregnancies.

This task force charge is too narrow. Teen pregnancy is not the only problem that teens are facing -- substance abuse and teen suicide are also all too frequent reminders of the problems faced by adolescents in our society today. I believe that the task force should focus on all of these issues. Therefore, I believe that the task force mission should be broadened to include an analysis of the symptoms and the causes for teen problems today.

Finally, I find this bill objectionable because it would not prohibit the use of grants to fund abortion and other proposed solutions to the teenage pregnancy problems which could encourage promiscuity. I believe the focus to the problem must be on the preservation of the family unit, on improving the education of our adolescents and on increasing their sense of self-worth and esteem. I will review the appropriation to be provided for the grants with these priorities in mind.

Because of the serious adolescent problems faced by youth in Iowa and across the nation today, I plan to establish, by Executive Order, a broad-based task force including representation from the legislature and the diverse organizations involved in this issue. I will ask that task force to study teen suicide, pregnancy, and substance abuse problems facing us today and develop a consensus on solutions for consideration by myself and the General Assembly in 1988. We will invite wide participation and public comment on this task force so that we can develop a set of recommendations that I find acceptable and that will appropriately address the problems faced by Iowa teens today.

Sincerely,
Terry D. Branstad
Governor

MOTION TO OVERRIDE GOVERNOR'S VETO
(Senate File 219)

I move that the Senate, on reconsideration, agree to pass Senate File 219, the objections of the Governor to the contrary notwithstanding.

Beverly A. Hannon

MOTION TO OVERRIDE GOVERNOR'S VETO LOST
(Senate File 219)

Senator Hannon called up the motion to reconsider filed by her on May 9, 1987, on Senate File 219, a bill for an act providing for public grants and public education relating to adolescent pregnancy prevention and services by establishing a task force on adolescent pregnancy prevention and services, providing for pilot project grants relating to adolescent pregnancy prevention and services, and establishing a local advisory committee to public school boards regarding the inclusion or exclusion of human growth and development instruction in the school curriculum, as vetoed by the Governor on May 8, 1987.

Senator Hannon moved that the Senate, on reconsideration, agree to pass Senate File 219, the objections of the Governor to the contrary notwithstanding.

On the question "Shall the Senate, on reconsideration, pass the bill, the objections of the Governor to the contrary notwithstanding?" (S.F. 219) the vote was:

Ayes, 30:

Boswell	Bruner	Carr	Coleman
Corning	Deluhery	Fraise	Fuhrman
Gentleman	Gettings	Gronstal	Hannon
Horn	Husak	Hutchins	Lloyd-Jones
Mann	Miller, A.V.	Miller, C.P.	Murphy
Palmer	Peterson	Readinger	Rife
Riordan	Soorholtz	Sturgeon	Varn
Wells	Welsh		

Nays, 17:

Dieleman	Goodwin	Hall	Hester
Holden	Holt	Hultman	Jensen
Kinley	Lind	Nystrom	Priebe
Schwengels	Scott	Taylor	Tieden
Vande Hoef			

Absent or not voting, 3:

Doyle	Drake	Rensink
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The motion having **failed to receive** a two-thirds majority, was declared to have lost and the Governor's veto was sustained.

IMMEDIATELY MESSAGED

Senator Horn asked and received unanimous consent that **House File 407** be immediately messaged to the House.

The Senate stood at ease until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session, President Zimmerman presiding.

BILLS INDEFINITELY POSTPONED

Senator Hutchins asked and received unanimous consent that **Senate File 19** and **Senate Concurrent Resolution 4** be indefinitely postponed and that the bills be removed from the Veto Messages from the Governor Calendar.

The Senate stood at ease until the fall of the gavel.

The Senate resumed session, President pro tempore Kinley presiding.

QUORUM CALL

Senator Hutchins requested a non record roll call to determine that a quorum was present.

The vote revealed 41 present, 9 absent and a quorum present.

President Zimmerman took the Chair at 10:44 a.m.

CONFERENCE COMMITTEE REPORT DEFERRED

House File 631

Senator Deluhery called up the conference committee report on House File 631, a bill for an act relating to public health and safety by establishing measures to improve and protect groundwater quality and to manage substances which pose health and safety hazards, by establishing goals, policies, funding mechanisms, including taxes and fees, and administrative provisions for the measures, by establishing programs relating to the management of agricultural activities, solid waste disposal, household hazardous wastes, storage tanks, fertilizers, pesticides, landfills, and watersheds, by providing penalties, establishing effective dates, and by providing for other properly related matters, filed May 8, 1987.

Senator Hutchins asked and received unanimous consent that action on the conference committee report and **House File 631** be **deferred**.

CONFERENCE COMMITTEE REPORT RECEIVED
(Senate File 504)

A conference committee report signed by the following Senate and House members was filed May 9, 1987, on Senate File 504, a bill for an act relating to the compensation and benefits for public officials and employees by specifying salary rates and ranges, by providing adjustments for salaries, by providing coverage and adjustments for health, life, disability and dental insurance, by changing retirement benefits received by certain members of the Iowa public employees' retirement system, by creating a county compensation board and specifying its duties, by making coordinating amendments to the Code, and by providing effective dates:

On the Part of the Senate:

BOB CARR, Chair
WALLY E. HORN
MICHAEL E. GRONSTAL
JACK HESTER
JOHN W. JENSEN

On the Part of the House:

THOMAS J. JOCHUM, Chair
MICHAEL K. PETERSON
TOM SWARTZ
ROGER A. HALVORSON

CONFERENCE COMMITTEE REPORT ADOPTED

Senate File 504

Senator Carr called up the conference committee report on Senate File 504, a bill for an act relating to the compensation and benefits for public officials and employees by specifying salary rates and ranges, by providing adjustments for salaries, by providing coverage and adjustments for health, life, disability and dental insurance, by changing retirement benefits received by certain members of the Iowa public employees' retirement system, by creating a county compensation board and specifying its duties, by making coordinating amendments to the Code, and by providing effective dates, filed May 9, 1987, and moved its adoption.

The motion prevailed by a voice vote and the conference committee report and the recommendations and amendments contained therein was adopted.

Senator Carr moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 504) the vote was:

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

Ayes, 27:

Boswell	Bruner	Carr	Deluhery
Dieleman	Doyle	Drake	Fraise
Fuhrman	Gettings	Gronstal	Hester
Holt	Horn	Hutchins	Lloyd-Jones
Mann	Miller, A.V.	Miller, C.P.	Murphy
Nystrom	Peterson	Readinger	Riordan
Varn	Wells	Welsh	

Nays, 22:

Coleman	Corning	Gentleman	Goodwin
Hall	Hannon	Holden	Hultman
Husak	Jensen	Kinley	Lind
Palmer	Priebe	Rife	Schwengels
Scott	Soorholtz	Sturgeon	Taylor
Tieden	Vande Hoef		

Absent or not voting, 1:

Rensink

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

MOTION TO RECONSIDER ADOPTED

Senator Taylor called up the motion to reconsider Senate File 521 filed by him on May 8, 1987, found on page 1806 of the Senate Journal and moved its adoption.

On the question "Shall the motion to reconsider be adopted?" (S.F. 521) the vote was:

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

Ayes, 26:

Bruner	Carr	Corning	Deluhery
Drake	Fuhrman	Gentleman	Gettings
Goodwin	Gronstal	Holden	Holt
Horn	Hutchins	Kinley	Lind
Lloyd-Jones	Mann	Miller, C.P.	Murphy
Nystrom	Readinger	Taylor	Varn
Wells	Welsh		

Nays, 23:

Boswell	Coleman	Dieleman	Doyle
Fraise	Hall	Hannon	Hester
Hultman	Husak	Jensen	Miller, A.V.
Palmer	Peterson	Priebe	Rife
Riordan	Schwengels	Scott	Soorholtz
Sturgeon	Tieden	Vande Hoef	

Absent or not voting, 1:

Rensink

The motion prevailed.

Senator Taylor moved to reconsider the vote by which Senate File 521 went to its last reading, which motion prevailed by a voice vote.

Senate File 521

On motion of Senator Taylor, Senate File 521, a bill for an act to increase the rate of excise taxes on motor fuel and special fuel to replace federal aid highway funds including the allocation of fuel tax revenues, was taken up for reconsideration.

Senator Priebe asked and received unanimous consent that action on **Senate File 521** be **deferred**.

COMMITTEE REPORTS

WAYS AND MEANS

Final Bill Action: HOUSE FILE 682, a bill for an act relating to exemption certificates under the state sales, services, and use tax and providing an effective date.

Recommendation: AMEND AND DO PASS AS PROVIDED IN AMENDMENT S—4090.

Final Vote: Ayes, 15: Bruner, Holden, Husak, Holt, Hester, Soorholtz, Boswell, Readinger, Drake, Mann, Riordan, Dieleman, Gronstal, Palmer and Murphy. Nays, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: HOUSE FILE 687, a bill for an act relating to the state individual income tax by altering the tax brackets and rates, standard deduction, personal exemptions and credits; disallowing married persons filing separately on combined returns; eliminating the deduction for federal income taxes paid; providing administrative clarifications; and providing effective dates.

Recommendation: AMEND AND DO PASS AS PROVIDED IN AMENDMENT S—4088.

Final Vote: Ayes, 10: Bruner, Husak, Boswell, Dieleman, Murphy, Holden, Gronstal, Mann, Hester and Riordan. Nays, 2: Palmer and Holt. Absent or not voting, 3: Drake, Readinger and Soorholtz.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

CONSIDERATION OF BILL (Ways and Means Calendar)

Senator Hutchins asked and received unanimous consent to take up for consideration House File 687.

House File 687

On motion of Senator Bruner, House File 687, a bill for an act relating to the state individual income tax by altering the tax brackets and rates, standard deduction, personal exemptions and credits; disallowing married persons filing separately on combined returns; eliminating the deduction for federal income taxes paid; providing administrative clarifications; and providing effective dates, with report of committee recommending amendment and passage, was taken up for consideration.

Senator Bruner offered amendment S—4088 filed by the committee on Ways and Means from the floor to pages 3 and 4 of the bill and moved its adoption.

Amendment S—4088 was adopted by a voice vote.

Senator Bruner moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question “Shall the bill pass?” (H.F. 687) the vote was:

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

Ayes, 16:

Carr	Deluhery	Dieleman	Fraise
Gronstal	Hannon	Horn	Hutchins
Kinley	Lloyd-Jones	Mann	Miller, C.P.
Murphy	Riordan	Sturgeon	Welsh

Nays, 33:

Boswell	Bruner	Coleman	Corning
Doyle	Drake	Fuhrman	Gentleman
Gettings	Goodwin	Hall	Hester
Holden	Holt	Hultman	Husak
Jensen	Lind	Miller, A.V.	Nystrom
Palmer	Peterson	Priebe	Readinger
Rife	Schwengels	Scott	Soorholtz
Taylor	Tieden	Vande Hoef	Varn
Wells			

Absent or not voting, 1:

Rensink

The bill not having received a constitutional majority was declared to have **failed to pass** the Senate.

RESOLUTION ASSIGNED TO COMMITTEE

President Zimmerman announced the assignment of **Senate Concurrent Resolution 44** to the committee on **Rules and Administration**.

MOTION TO RECONSIDER LOST

Senate File 504

Senator Boswell filed the following motion to reconsider from the floor to Senate File 504, a bill for an act a bill for an act relating to the compensation and benefits for public officials and employees by specifying salary rates and ranges, by providing adjustments for salaries, by providing coverage and adjustments for health, life, disability and dental insurance, by changing retirement benefits received by certain members of the Iowa public employees' retirement system, by creating a county compensation board and specifying its duties, by making coordinating amendments to the Code, and by providing effective dates:

MADAM PRESIDENT: I move to reconsider the vote by which Senate File 504 passed the Senate on May 9, 1987.

Senator Boswell moved the adoption of the motion to reconsider.

On the question "Shall the motion to reconsider be adopted?" (S.F. 504) the vote was:

Ayes, 11:

Boswell	Deluhery	Dieleman	Gentleman
Hultman	Husak	Kinley	Lind
Miller, A.V.	Palmer	Peterson	

Nays, 35:

Bruner	Carr	Coleman	Doyle
Drake	Fuhrman	Gettings	Goodwin
Gronstal	Hall	Hannon	Hester
Holden	Horn	Hutchins	Jensen
Lloyd-Jones	Mann	Miller, C.P.	Murphy
Nystrom	Priebe	Readinger	Rife
Riordan	Schwengels	Scott	Soorholtz
Sturgeon	Taylor	Tieden	Vande Hoef
Varn	Wells	Welsh	

Absent or not voting, 4:

Corning	Fraise	Holt	Rensink
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The motion lost.

Senator Hutchins asked and received unanimous consent that **Senate File 504** be **immediately messaged** to the House.

HOUSE AMENDMENT ADOPTED
(Deferred May 8, 1987)

House File 658

The Senate resumed consideration of House File 658, a bill for an act relating to the allocation of the state ceiling on private activity bonds for tax-exempt purposes and providing an effective date, and House amendment S—4069 to Senate amendment H—3906, deferred May 8, 1987.

Senator Peterson moved that the Senate concur in House amendment S—4069 to Senate amendment H—3906.

A non record roll call was requested.

The ayes were 32, nays 16.

The motion prevailed and the Senate concurred in the House amendment to the Senate amendment.

Senator Peterson moved that the bill as amended by the Senate, further amended by the House and concurred in by the Senate, be read the last time now and placed upon its passage, which motion prevailed by a voice vote and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 658) the vote was:

Ayes, 41:

Boswell	Bruner	Carr	Coleman
Corning	Deluhery	Dieleman	Doyle
Drake	Fraise	Fuhrman	Gentleman
Goodwin	Gronstal	Hall	Hannon
Hester	Holt	Hultman	Husak
Hutchins	Jensen	Lind	Lloyd-Jones
Mann	Miller, A.V.	Murphy	Nystrom
Peterson	Priebe	Readinger	Rife
Riordan	Scott	Sturgeon	Taylor
Tieden	Vande Hoef	Varn	Wells
Welsh			

Nays, 7:

Gettings	Holden	Horn	Kinley
Palmer	Schwengels	Soorholtz	

Absent or not voting, 2:

Miller, C.P.	Rensink
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The bill having received a constitutional majority was declared to have passed the Senate and the title as amended was agreed to.

Senator Hutchins asked and received unanimous consent that **House File 658** be **immediately messaged** to the House.

CONFERENCE COMMITTEE REPORT CONSIDERED

House File 500

Senator Mann called up the conference committee report on House File 500, a bill for an act relating to the state civil rights law and civil rights commission, filed May 8, 1987, and moved its adoption.

A non record roll call was requested.

The ayes were 27, nays 16.

The motion prevailed and the conference committee report and the recommendations and amendments contained therein was adopted.

Senator Mann moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 500) the vote was:

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

Ayes, 27:

Boswell	Bruner	Carr	Coleman
Corning	Deluhery	Doyle	Fraise
Fuhrman	Gettings	Gronstal	Hannon
Horn	Husak	Hutchins	Lind
Lloyd-Jones	Mann	Miller, A.V.	Miller, C.P.

Murphy	Peterson	Riordan	Sturgeon
Varn	Wells	Welsh	

Nays, 16:

Dieleman	Drake	Gentleman	Goodwin
Hall	Hester	Holden	Holt
Jensen	Priebe	Readinger	Schwengels
Scott	Taylor	Tieden	Vande Hoef

Absent or not voting, 7:

Hultman	Kinley	Nystrom	Palmer
Rensink	Rife	Soorholtz	

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

Senator Hutchins called up the following motion to reconsider filed from the floor and moved its adoption:

MADAM PRESIDENT: I move to reconsider the vote by which House File 500 passed the Senate on May 9, 1987.

JACK RIFE

On the question "Shall the motion to reconsider be adopted?" (H.F. 500) the vote was:

Ayes, 15:

Corning	Dieleman	Fuhrman	Gentleman
Goodwin	Hester	Holden	Holt
Jensen	Priebe	Readinger	Schwengels
Taylor	Tieden	Vande Hoef	

Nays, 24:

Boswell	Carr	Deluhery	Doyle
Fraise	Gettings	Gronstal	Hannon
Horn	Husak	Hutchins	Lind
Lloyd-Jones	Mann	Miller, A.V.	Miller, C.P.
Murphy	Peterson	Riordan	Scott
Sturgeon	Varn	Wells	Welsh

Absent or not voting, 11:

Bruner	Coleman	Drake	Hall
Hultman	Kinley	Nystrom	Palmer
Rensink	Rife	Soorholtz	

The motion lost.

The following motion to reconsider filed by Senator Fuhrman from the floor was out of order:

MADAM PRESIDENT: I move to reconsider the vote by which the Senate adopted the conference committee report to House File 500 on May 9, 1987.

RECESS

On motion of Senator Hutchins, the Senate recessed at 1:05 p.m., until 1:30 p.m.

APPENDIX

MOTION TO RECONSIDER

MADAM PRESIDENT: I move to reconsider the vote by which House File 687 failed to pass the Senate on May 9, 1987.

CHARLES BRUNER

CERTIFICATES OF RECOGNITION

The Secretary of the Senate issued certificates of recognition as follows:

Peg Burke and Jane Magers — For participating in the International Peace Walk from Moscow to Leningrad, June 13 to July 6, 1987. Senator Lloyd-Jones (May 8, 1987).

REPORT OF COMMITTEE MEETING

WAYS AND MEANS

Convened: May 9, 1987, 10:25 a.m.

Members Present: Bruner, Chair; Husak, Vice Chair; Holden, Ranking Member; Gronstal, Mann, Riordan, Dieleman, Palmer, Murphy, Boswell, Drake, Soorholtz, Hester, Holt and Readinger.

Members Absent: none.

Committee Business: Recommended passage of House Files 682 and 687 as amended.

Adjourned: 10:40 a.m.

SECOND CONFERENCE COMMITTEE REPORT RECEIVED (Senate File 481)

A second conference committee report signed by the following Senate and House members was filed May 9, 1987, on Senate File 481, a bill for an act relating to state tax revenues and expenditures by altering the individual income tax rates, withholding, standard deductions, and personal exemptions and credits; increasing the

state sales, services, and use tax and providing for refunds for certain contractors as a result of that increase; adjusting the allowable growth under the school foundation formula; and providing effective dates:

On the Part of the Senate:

CHARLES BRUNER, Chair
LARRY MURPHY
GEORGE R. KINLEY
DAVID M. READINGER
JACK W. HESTER

On the Part of the House:

MINNETTE DODERER, Chair
PHIL BRAMMER
DAVID OSTERBERG
WAYNE BENNETT
JANET METCALF

CONFERENCE COMMITTEE REPORT RECEIVED (House File 600)

A conference committee report signed by the following Senate and House members was filed May 9, 1987, on House File 600, a bill for an act relating to elections and political activity and subjecting violators to a penalty:

On the Part of the Senate:

MICHAEL E. GRONSTAL, Chair
BOB CARR
JULIA GENTLEMAN
JOY CORNING

On the Part of the House:

RICHARD RUNNING, Chair
GENE BLANSHAN
DARRELL HANSON
DON SHONING

AMENDMENTS FILED

S-4084	H.F.	468	Eugene Fraise Bob Carr Donald E. Gettings William W. Dieleman John W. Jensen Wally E. Horn
S-4085	H.F.	633	Al Sturgeon
S-4086	H.F.	626	House amendment
S-4087	S.F.	507	House amendment
S-4088	H.F.	687	Ways and Means

S—4089	S. F.	518	Joe J. Welsh Donald E. Gettings
S—4090	H. F.	682	Ways and Means
S—4091	S. F.	521	John W. Jensen
S—4092	S. F.	340	House amendment
S—4093	S. F.	396	House amendment
S—4094	S. F.	509	House amendment

AFTERNOON SESSION

The Senate reconvened at 2:00 p.m., Senator Husak presiding.

QUORUM CALL

Senator Hutchins requested a non record roll call to determine that a quorum was present.

The vote revealed 30 present, 20 absent and a quorum present.

HOUSE MESSAGES RECEIVED AND CONSIDERED

The following messages were received from the Chief Clerk of the House:

MADAM PRESIDENT: I am directed to inform your honorable body that the House has on May 6, 1987, amended the Senate amendment, concurred in the Senate amendment as amended, and passed the following bill in which the concurrence of the Senate is asked:

House File 626, a bill for an act relating to the agricultural development authority, by expanding certain definitions, providing requirements for certain farmers to participate in certain programs, providing programs to assist eligible beef cattle producers, making appropriations, and providing an effective date (S—4086 to H—3835).

ALSO: That the House has on May 8, 1987, amended and passed the following bill in which the concurrence of the Senate is asked:

Senate File 507, a bill for an act relating to the adoption of a benefit ratio unemployment compensation contribution array system and providing for the Act's applicability (S—4087).

ALSO: That the House has on May 9, 1987, concurred in the Senate amendment to the House amendment and passed the following bill in which the concurrence of the House was asked:

Senate File 461, a bill for an act relating to electronic funds transfers by providing for limiting liability of financial institutions for unauthorized electronic funds transfers involving the customer's account, altering restrictions on the establishment, location, and use of satellite terminals, adding definitions, and

requiring that all satellite terminals in this state or their data processing centers be directly connected to a central routing unit.

ALSO: That the House has on May 9, 1987, concurred in the Senate amendment and passed the following bill in which the concurrence of the House was asked:

House File 153, a bill for an act relating to the state's conforming its income, franchise, and death taxes with the new federal tax provisions by updating references to the Internal Revenue Code, rewriting the state minimum taxes to conform with the federal alternative minimum taxes, rewriting the state generation skipping transfer tax to conform with the federal provisions, striking obsolete and repealed items, clarifying the taxation of regulated investment company dividends and shares, extending the statute of limitations for certain refund claims, providing for waiver of penalty for underpayment of estimated tax, and providing effective dates.

ALSO: That the House has, on May 9, 1987, adopted the conference committee report and passed Senate File 17, a bill for an act relating to the penalty for cruelty to animals.

ALSO: That the House has, on May 9, 1987, adopted the conference committee report and passed Senate File 311, a bill for an act increasing the speed limit to sixty-five miles per hour on fully controlled-access, divided, multilaned highways including the interstate highway system, and providing a conditional effective date.

ALSO: That the House has, on May 9, 1987, adopted the conference committee report and passed Senate File 504, a bill for an act relating to the compensation and benefits for public officials and employees by specifying salary rates and ranges, by providing adjustments for salaries, by providing coverage and adjustments for health, life, disability and dental insurance, by changing retirement benefits received by certain members of the Iowa public employees' retirement system, by creating a county compensation board and specifying its duties, by making coordinating amendments to the Code, and by providing effective dates.

ALSO: That the House has, on May 9, 1987, adopted the conference committee report and passed House File 600, a bill for an act relating to elections and political activity and subjecting violators to a penalty.

ALSO: That the House has on May 9, 1987, adopted the following concurrent resolutions in which the concurrence of the House was asked:

Senate Concurrent Resolution 18, a concurrent resolution emphasizing the importance of the arts in a complete education.

Senate Concurrent Resolution 30, a concurrent resolution relating to the establishment of occupational therapy programs.

Senate Concurrent Resolution 32, a concurrent resolution urging the Congress of the United States to amend the Interstate Commerce Act to allow states to collect sales or use taxes from outstate sellers.

Senate Concurrent Resolution 33, a concurrent resolution relating to the reform of the welfare system.

ALSO: That the House has on May 9, 1987, receded from its amendment and passed the following bill in which the concurrence of the House was asked:

Senate File 513, a bill for an act appropriating federal funds made available from federal block grants, allocating portions of federal block grants, and providing procedures if federal funds are more or less than anticipated or if federal block grants are more or less than anticipated or if categorical grants are consolidated into new or existing block grants.

ALSO: That the House has on May 9, 1987, adopted the following concurrent resolutions in which the concurrence of the Senate is asked:

House Concurrent Resolution 10, a concurrent resolution recognizing the Public Library of Des Moines for hosting an exhibition in celebration of the Bicentennial of the Constitution of the United States.

This resolution was read first time and **passed on file**.

House Concurrent Resolution 34, a concurrent resolution concerning the Midwestern Legislative Conference of the Council of State Governments.

This resolution was read first time and **passed on file**.

House Concurrent Resolution 43, a concurrent resolution relating to the use of soybean oil as a dust suppressant in grain storage facilities.

This resolution was read first time and **passed on file**.

ALSO: That the House has on May 9, 1987, amended and passed the following bills in which the concurrence of the Senate is asked:

Senate File 340, a bill for an act relating to the testing of blood or other bodily specimens of persons committed to an institution under the control of the Iowa department of corrections or a jail under the charge of a sheriff or other person, and providing penalties (S—4092).

Senate File 396, a bill for an act relating to the creation of a waste management authority within the environmental protection division of the department of natural resources (S—4093).

Senate File 501, a bill for an act relating to the organization and procedures of state government, by making modifications to the authority for and procedures relating to governmental budget and finance administration, by making modifications in the authority for and procedures relating to state personnel administration, by making modifications to the powers, procedures, and structure of certain state governmental agencies, by making adjustments to the 1986 legislation reorganizing state government, by making other related adjustments and modifications, and by providing an effective date (S—4095).

Senate File 509, a bill for an act making an appropriation for the support of the engineering and land surveying examining board and revising certain statutory provisions relating to engineering and land surveying services (S—4094).

INTRODUCTION OF RESOLUTION

Senate Concurrent Resolution 45, by Dieleman, a concurrent resolution requesting the legislative council to authorize an interim study committee to study the cost savings and operational efficiencies that could result in consolidating the highway safety functions of the Iowa highway safety patrol and the communications division of the department of public safety into the state department of transportation.

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

President Zimmerman took the chair at 2:11 p.m.

**SECOND CONFERENCE COMMITTEE
REPORT CONSIDERED**

Senate File 481

Senator Bruner called up the conference committee report on Senate File 481, a bill for an act relating to state tax revenues and expenditures by altering the individual income tax rates, withholding, standard deductions, and personal exemptions and credits; increasing the state sales, services, and use tax and providing for refunds for certain contractors as a result of that increase; adjusting the allowable growth under the school foundation formula; and providing effective dates, filed May 9, 1987, and moved its adoption.

The motion prevailed by a voice vote and the conference committee report and the recommendations and amendments contained therein was adopted.

Senator Bruner moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 481) the vote was:

Ayes, 42:

Bruner	Carr	Coleman	Corning
Deluhery	Dieleman	Doyle	Drake
Fraise	Fuhrman	Gentleman	Gettings
Goodwin	Gronstal	Hall	Hannon
Hester	Holden	Holt	Horn
Hultman	Husak	Hutchins	Kinley
Lind	Mann	Miller, A.V.	Nystrom
Palmer	Peterson	Priebe	Readinger
Rife	Scott	Soorholtz	Sturgeon
Taylor	Tieden	Vande Hoef	Varn
Wells	Welsh		

Nays, none.

Absent or not voting, 8:

Boswell	Jensen	Lloyd-Jones	Miller, C.P.
Murphy	Rensink	Riordan	Schwengels

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

HOUSE AMENDMENT CONSIDERED

Senate File 515

Senator Boswell called up for consideration Senate File 515, a bill for an act relating to the allocations and appropriations of lottery revenues and the programs for which the revenues may be used, amended by the House in House amendment S—4066 filed May 7, 1987.

Senator Boswell offered amendment S—4078 filed by him on May 8, 1987, to pages 2 and 3 of House amendment S—4066 and moved its adoption.

Amendment S—4078 was adopted by a voice vote.

Senator Boswell moved that the Senate concur in House amendment S—4066 as amended, which motion prevailed by a voice vote.

Senator Boswell moved that the bill as amended by the House, further amended and concurred in by the Senate, be read the last time now and placed upon its passage, which motion prevailed by a voice vote and the bill was read the last time.

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

Ayes, 32:

Boswell	Bruner	Carr	Coleman
Corning	Deluhery	Dieleman	Fraise
Gentleman	Gettings	Gronstal	Hall
Hannon	Horn	Husak	Hutchins
Kinley	Lind	Mann	Miller, A.V.
Nystrom	Palmer	Peterson	Priebe
Readerger	Rife	Scott	Soorholtz
Sturgeon	Varn	Wells	Welsh

Nays, 12:

Doyle	Drake	Fuhrman	Goodwin
Holden	Holt	Hultman	Jensen
Schwengels	Taylor	Tieden	Vande Hoef

Absent or not voting, 6:

Hester	Lloyd-Jones	Miller, C.P.	Murphy
Rensink	Riordan		

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

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Lloyd-Jones for the remainder of the day on request of Senator Hutchins.

ADOPTION OF RESOLUTION (Regular Calendar)

Senator Hutchins asked and received unanimous consent to take up for consideration House Concurrent Resolution 35.

House Concurrent Resolution 35

On motion of Senator Boswell, House Concurrent Resolution 35, a concurrent resolution suggesting that "Quality and Productivity" be made a theme for the marketing of the state, with report of committee recommending passage, was taken up for consideration.

Senator Boswell moved the adoption of House Concurrent Resolution 35, which motion prevailed by a voice vote.

IMMEDIATELY MESSAGED

Senator Hutchins asked and received unanimous consent that **Senate Files 481, 515 and House Concurrent Resolution 35** be **immediately messaged** to the House.

MOTION TO RECONSIDER ADOPTED

Senator Husak called up the motion to reconsider House File 633 filed by him on April 30, 1987, found on page 1641 of the Senate Journal and moved its adoption.

On the question "Shall the motion to reconsider be adopted?" (H.F. 633) the vote was:

Ayes, 30:

Boswell	Bruner	Carr	Coleman
Deluhery	Dieleman	Doyle	Drake
Fraise	Gettings	Gronstal	Hall
Hannon	Horn	Husak	Hutchins
Kinley	Mann	Miller, A.V.	Nystrom
Palmer	Peterson	Priebe	Readinger
Scott	Soorholtz	Sturgeon	Varn
Wells	Welsh		

Nays, 12:

Corning	Gentleman	Goodwin	Hester
Holden	Holt	Hultman	Jensen
Schwengels	Taylor	Tieden	Vande Hoef

Absent or not voting, 8:

Fuhrman	Lind	Lloyd-Jones	Miller, C.P.
Murphy	Rensink	Rife	Riordan

The motion prevailed.

Senator Husak moved to reconsider the vote by which House File 633 went to its last reading, which motion prevailed by a voice vote.

House File 633

On motion of Senator Husak, House File 633, a bill for an act relating to restrictions on the number of acres of agricultural land that authorized farm corporations or authorized trusts may acquire or otherwise obtain or lease, restricting persons from being shareholders or beneficiaries in more than a certain number of authorized farm corporations or authorized trusts, and providing penalties, was taken up for reconsideration.

Senator Husak filed the following motion to reconsider from the floor and moved its adoption:

MADAM PRESIDENT: I move to reconsider the vote by which amendment S—3712 to House File 633 was adopted by the Senate on April 22, 1987.

The motion prevailed by a voice vote and amendment S—3712 by Senator Sturgeon to page 1 of the bill was taken up for reconsideration.

Senator Sturgeon offered amendment S—4085 filed by him from the floor to amendment S—3712 and moved its adoption.

Amendment S—4085 was adopted by a voice vote.

Senator Sturgeon moved the adoption of amendment S—3712 as amended, which motion prevailed by a voice vote.

Senator Husak moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question “Shall the bill pass?” (H.F. 633) the vote was:

Ayes, 33:

Boswell	Bruner	Carr	Coleman
Deluhery	Dieleman	Doyle	Drake
Fraise	Gettings	Gronstal	Hall
Hannon	Hester	Horn	Husak
Hutchins	Kinley	Mann	Miller, A.V.
Murphy	Nystrom	Palmer	Peterson
Priebe	Schwengels	Scott	Soorholtz
Sturgeon	Tieden	Varn	Wells
Welsh			

Nays, 12:

Corning	Fuhrman	Gentleman	Goodwin
Holden	Holt	Hultman	Jensen
Lind	Readinger	Taylor	Vande Hoef

Absent or not voting, 5:

Lloyd-Jones	Miller, C.P.	Rensink	Rife
Riordan			

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

The motions to reconsider the vote by which House File 633 was adopted by the Senate on April 30, 1987, filed by Senators Vande Hoef and Priebe on April 30, 1987, and found on page 1641 of the Senate Journal, were out of order.

HOUSE AMENDMENT CONSIDERED

Senate File 518

Senator Gettings called up for consideration Senate File 518, a bill for an act relating to and making appropriations to state agencies whose responsibilities relate to public defense, public safety, transportation, and enforcement, and including allocation of moneys from the road use tax fund and providing effective dates, amended by the House in House amendment S—4062 filed May 7, 1987.

Senator Welsh offered amendment S—4089 filed by Senators Welsh and Gettings from the floor to pages 1 through 4 of House amendment S—4062 and called for a division:

Division S—4089A: Page 1, lines 4 through 50; page 2, lines 1 through 5 and lines 7 through 14.

Division S—4089B: Page 2, line 6.

Senator Welsh asked and received unanimous consent to withdraw division S—4089B.

Senator Welsh moved the adoption of division S—4089A, which motion prevailed by a voice vote.

Senator Gettings moved that the Senate concur in House amendment S—4062 as amended, which motion prevailed by a voice vote.

Senator Gettings moved that the bill as amended by the House, further amended and concurred in by the Senate, be read the last time now and placed upon its passage, which motion prevailed by a voice vote and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 518) the vote was:

Ayes, 40:

Boswell	Bruner	Carr	Coleman
Corning	Deluhery	Dieleman	Doyle
Drake	Fraise	Fuhrman	Gettings
Goodwin	Gronstal	Hall	Hester
Holden	Holt	Horn	Hultman
Husak	Hutchins	Kinley	Lind
Mann	Miller, A.V.	Miller, C.P.	Murphy
Nystrom	Peterson	Priebe	Readinger
Scott	Soorholtz	Sturgeon	Taylor
Tieden	Varn	Wells	Welsh

Nays, 1:

Gentleman

Absent or not voting, 9:

Hannon	Jensen	Lloyd-Jones	Palmer
Rensink	Rife	Riordan	Schwengels
Vande Hoef			

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

BUSINESS PENDING

House File 631

The Senate resumed consideration of House File 631, a bill for an act relating to public health and safety by establishing measures to improve and protect groundwater quality and to manage substances which pose health and safety hazards, by establishing goals, policies, funding mechanisms, including taxes and fees, and administrative provisions for the measures, by establishing programs relating to the management of agricultural activities, solid waste disposal, household hazardous wastes, storage tanks, fertilizers, pesticides, landfills, and watersheds, by providing penalties, establishing effective dates, and by providing for other properly related matters, and the conference committee report, previously deferred.

Senator Deluhery moved the adoption of the conference committee report.

The motion prevailed by a voice vote and the conference committee report and the recommendations and amendments contained therein was adopted.

Senator Deluhery moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 631) the vote was:

Ayes, 34:

Boswell	Bruner	Carr	Corning
Deluhery	Dieleman	Doyle	Drake
Gentleman	Gettings	Gronstal	Hall
Hester	Horn	Husak	Hutchins
Lind	Mann	Miller, A.V.	Miller, C.P.
Murphy	Nystrom	Palmer	Priebe
Readinger	Schwengels	Scott	Soorholtz
Sturgeon	Taylor	Tieden	Varn
Wells	Welsh		

Nays, 11:

Coleman	Fraise	Fuhrman	Goodwin
Holden	Holt	Hultman	Kinley
Peterson	Rife	Vande Hoef	

Absent or not voting, 5:

Hannon	Jensen	Lloyd-Jones	Rensink
Riordan			

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

IMMEDIATELY MESSAGED

Senator Hutchins asked and received unanimous consent that **Senate File 518** and **House Files 631** and **633** be immediately messaged to the House.

HOUSE AMENDMENT CONSIDERED

Senate File 507

Senator Hultman called up for consideration Senate File 507, a bill for an act relating to the adoption of a benefit ratio unemployment compensation contribution array system and providing for the Act's applicability, amended by the House and moved that the Senate concur in House amendment S—4087 filed May 9, 1987.

The motion prevailed by a voice vote and the Senate concurred in the House amendment.

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

On the question "Shall the bill pass?" (S.F. 507) the vote was:

Ayes, 43:

Boswell	Bruner	Carr	Coleman
Corning	Deluhery	Dieleman	Doyle
Drake	Fraise	Fuhrman	Gentleman
Gettings	Goodwin	Gronstal	Hall
Hester	Holden	Holt	Hultman
Husak	Hutchins	Kinley	Lind
Mann	Miller, A.V.	Miller, C.P.	Murphy
Nystrom	Peterson	Priebe	Readinger
Rife	Schwengels	Scott	Soorholtz
Sturgeon	Taylor	Tieden	Vande Hoef
Varn	Wells	Welsh	

Nays, none.

Absent or not voting, 7:

Hannon	Horn	Jensen	Lloyd-Jones
Palmer	Rensink	Riordan	

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

HOUSE AMENDMENT CONSIDERED
(Deferred May 8, 1987)

Senate File 517

The Senate resumed consideration of Senate File 517, a bill for an act appropriating petroleum overcharge funds, and House amendment S—4034 as amended, deferred May 8, 1987.

Senator Welsh moved that the Senate concur in House amendment S—4034, as amended, which motion prevailed by a voice vote.

Senator Welsh moved that the bill as amended by the House, further amended and concurred in by the Senate, be read the last time now and placed upon its passage, which motion prevailed by a voice vote and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 517) the vote was:

Ayes, 45:

Boswell	Bruner	Carr	Coleman
Corning	Deluhery	Dieleman	Doyle
Drake	Fraise	Fuhrman	Gentleman
Gettings	Goodwin	Gronstal	Hannon
Hester	Holden	Holt	Horn
Hultman	Husak	Hutchins	Jensen
Kinley	Lind	Mann	Miller, A.V.
Miller, C.P.	Murphy	Nystrom	Palmer
Peterson	Priebe	Readinger	Rife
Scott	Soorholtz	Sturgeon	Taylor
Tieden	Vande Hoef	Varn	Wells
Welsh			

Nays, none.

Absent or not voting, 5:

Hall	Lloyd-Jones	Rensink	Riordan
Schwengels			

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

HOUSE AMENDMENT CONSIDERED

Senate File 471

Senator Palmer called up for consideration Senate File 471, a bill for an act relating to indemnification and limitation on liability of directors and officers and to liability of persons who volunteer services to the state or a municipality or a nonprofit organization, amended by the House in House amendment S—3798 filed April 24, 1987.

Senator Mann offered amendment S—3916 filed by him on April 30, 1987, to House amendment S—3798, moved its adoption, and requested a non record roll call.

The ayes were 9, nays 32.

Amendment S—3916 lost.

Senator Palmer withdrew amendment S—3967 filed by him on May 4, 1987, to House amendment S—3798.

Senator Palmer moved that the Senate concur in House amendment S—3798, which motion prevailed by a voice vote.

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

On the question "Shall the bill pass?" (S.F. 471) the vote was:

Ayes, 45:

Boswell	Bruner	Carr	Coleman
Corning	Deluhery	Dieleman	Doyle
Drake	Fraise	Fuhrman	Gentleman
Gettings	Goodwin	Gronstal	Hall
Hannon	Hester	Holden	Horn
Hultman	Husak	Jensen	Kinley
Lind	Miller, A.V.	Miller, C.P.	Murphy
Nystrom	Palmer	Peterson	Priebe
Readinger	Rife	Riordan	Schwengels
Scott	Soorholtz	Sturgeon	Taylor
Tieden	Vande Hoef	Varn	Wells
Welsh			

Nays, 1:

Mann

Absent or not voting, 4:

Holt

Hutchins

Lloyd-Jones

Rensink

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

CONSIDERATION OF BILLS (Ways and Means Calendar)

Senator Hutchins asked and received unanimous consent to take up out of order House File 676.

House File 676

On motion of Senator Gronstal, House File 676, a bill for an act relating to the imposition and repeal of a local option sales and services tax and providing effective dates, with report of committee recommending passage, was taken up for consideration.

Senator Gronstal offered amendment S—4036 filed by him on May 7, 1987, to page 1 of the bill and moved its adoption.

Amendment S—4036 was adopted by a voice vote.

Senator Gronstal moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 676) the vote was:

Ayes, 40:

Boswell	Bruner	Carr	Coleman
Corning	Deluhery	Dieleman	Doyle
Drake	Fraise	Fuhrman	Gentleman
Gettings	Goodwin	Gronstal	Holden
Horn	Hultman	Husak	Jensen
Kinley	Lind	Mann	Miller, A.V.
Miller, C.P.	Murphy	Nystrom	Palmer
Peterson	Priebe	Readinger	Schwengels
Scott	Soorholtz	Sturgeon	Tieden
Vande Hoef	Varn	Wells	Welsh

Nays, 3:

Rife Riordan Taylor

Absent or not voting, 7:

Hall Hannon Hester Holt
Hutchins Lloyd-Jones Rensink

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

IMMEDIATELY MESSAGED

Senator Husak asked and received unanimous consent that **Senate File 517** and **House File 676** be immediately messaged to the House.

CONSIDERATION OF BILL (Ways and Means Calendar)

Senator Hutchins asked and received unanimous consent to take up for consideration House File 682.

House File 682

On motion of Senator Gronstal, House File 682, a bill for an act relating to exemption certificates under the state sales, services, and use tax and providing an effective date, with report of committee recommending amendment and passage, was taken up for consideration.

Senator Gronstal offered amendment S—4090 filed by the committee on Ways and Means from the floor to page 1 and the title page of the bill and moved its adoption.

Amendment S—4090 was adopted by a voice vote.

Senator Gronstal moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 682) the vote was:

Ayes, 45:

Boswell	Bruner	Carr	Coleman
Corning	Deluhery	Dieleman	Doyle
Drake	Fraise	Fuhrman	Gentleman
Gettings	Goodwin	Gronstal	Hall
Hannon	Hester	Holden	Horn
Hultman	Husak	Jensen	Kinley
Lind	Mann	Miller, A. V.	Miller, C.P.
Murphy	Nystrom	Palmer	Peterson
Priebe	Readinger	Rife	Riordan
Schwengels	Scott	Soorholtz	Sturgeon
Taylor	Tieden	Varn	Wells
Welsh			

Nays, none.

Absent or not voting, 5:

Holt	Hutchins	Lloyd-Jones	Rensink
Vande Hoef			

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

BILLS ASSIGNED TO COMMITTEE

President Zimmerman announced the assignment of the following bills to committee:

S. C. R.	45	Rules and Administration
H. C. R.	10	Education
H. C. R.	34	Rules and Administration
H. C. R.	43	Agriculture
H. F.	686	Judiciary

IMMEDIATELY MESSAGED

Senator Husak asked and received unanimous consent that **House File 682** be immediately messaged to the House.

HOUSE MESSAGES RECEIVED

The following messages were received from the Chief Clerk of the House:

MADAM PRESIDENT: I am directed to inform your honorable body that the House has on May 9, 1987, concurred in the Senate amendment and passed the following bills in which the concurrence of the House was asked:

House File 588, a bill for an act relating to child in need of assistance proceedings.

House File 599, a bill for an act relating to mortgage foreclosures by establishing an alternative mortgage foreclosure proceedings with final judicial sale and rights in lieu of redemption, and establishing nonjudicial foreclosure proceedings upon waiver of deficiency judgments.

HOUSE AMENDMENT TO SENATE AMENDMENT CONSIDERED

House File 626

Senator Husak called up for consideration House File 626, a bill for an act relating to the agricultural development authority, by expanding certain definitions, providing requirements for certain farmers to participate in certain programs, providing programs to assist eligible beef cattle producers, making appropriations, and providing an effective date, amended by the House and moved that the Senate concur in House amendment S—4086 to Senate amendment H—3835 filed May 9, 1987.

The motion prevailed by a voice vote and the Senate concurred in the House amendment to the Senate amendment.

Senator Husak moved that the bill as amended by the Senate, further amended by the House and concurred in by the Senate, be read the last time now and placed upon its passage, which motion prevailed by a voice vote and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 626) the vote was:

Ayes, 40:

Boswell	Bruner	Carr	Coleman
Deluhery	Dieleman	Doyle	Drake
Fraise	Fuhrman	Gettings	Goodwin
Gronstal	Hall	Hannon	Horn
Hultman	Husak	Hutchins	Jensen
Kinley	Mann	Miller, A.V.	Murphy
Nystrom	Palmer	Priebe	Readinger
Rife	Riordan	Schwengels	Scott
Soorholtz	Sturgeon	Taylor	Tieden
Vande Hoef	Varn	Wells	Welsh

Nays, 3:

Gentleman	Holden	Peterson
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Absent or not voting, 7:

Corning	Hester	Holt	Lind
Lloyd-Jones	Miller, C.P.	Rensink	

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

HOUSE AMENDMENT CONSIDERED

Senate File 482

Senator Mann called up for consideration Senate File 482, a bill for an act relating to the civil process and procedure for awarding interest on civil judgments and decrees, determining whether a sufficient burden of proof has been met for the awarding of punitive damages, and for allowing the consideration for previous payments for medical damages, and providing an effective date, amended by the House, and moved that the Senate concur in House amendment S—3933 filed May 1, 1987.

A non record roll call was requested.

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

The ayes were 26, nays 21.

The motion prevailed and the Senate concurred in the House amendment.

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

On the question "Shall the bill pass?" (S.F. 482) the vote was:

Ayes, 35:

Boswell	Bruner	Carr	Coleman
Corning	Deluhery	Dieleman	Doyle
Fraise	Gettings	Gronstal	Hall
Hannon	Horn	Hultman	Husak
Hutchins	Kinley	Mann	Miller, A.V.
Murphy	Nystrom	Palmer	Peterson
Priebe	Readinger	Riordan	Scott
Soorholtz	Sturgeon	Taylor	Tieden
Varn	Wells	Welsh	

Nays, 10:

Drake	Fuhrman	Gentleman	Hester
Holden	Jensen	Lind	Rife
Schwengels	Vande Hoef		

Absent or not voting, 5:

Goodwin	Holt	Lloyd-Jones	Miller, C.P.
Rensink			

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

IMMEDIATELY MESSAGED

Senator Husak asked and received unanimous consent that **House File 626** be immediately messaged to the House.

CONFERENCE COMMITTEE REPORT CONSIDERED

House File 600

Senator Gronstal called up the conference committee report on House File 600, a bill for an act relating to elections and political

activity and subjecting violators to a penalty, filed May 8, 1987, and moved its adoption.

The motion prevailed by a voice vote and the conference committee report and the recommendations and amendments contained therein was adopted.

Senator Gronstal moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 600) the vote was:

Ayes, 35:

Boswell	Bruner	Carr	Coleman
Corning	Deluhery	Dieleman	Doyle
Fraise	Fuhrman	Gettings	Gronstal
Hall	Hannon	Hester	Horn
Hultman	Husak	Hutchins	Jensen
Kinley	Mann	Miller, A.V.	Murphy
Palmer	Peterson	Priebe	Readinger
Riordan	Scott	Soorholtz	Sturgeon
Varn	Wells	Welsh	

Nays, 9:

Drake	Gentleman	Holden	Nystrom
Rife	Schwengels	Taylor	Tieden
Vande Hoef			

Absent or not voting, 6:

Goodwin	Holt	Lind	Lloyd-Jones
Miller, C.P.	Rensink		

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

HOUSE AMENDMENT CONSIDERED

Senate File 340

Senator Fraise called up for consideration Senate File 340, a bill for an act relating to the testing of blood or other bodily specimens of persons committed to an institution under the control of the Iowa department of corrections or a jail under the charge

of a sheriff or other person, and providing penalties, amended by the House and moved that the Senate concur in House amendment S—4092 filed May 9, 1987.

The motion prevailed by a voice vote and the Senate concurred in the House amendment.

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

On the question "Shall the bill pass?" (S.F. 340) the vote was:

Ayes, 44:

Boswell	Bruner	Carr	Coleman
Corning	Deluhery	Dieleman	Doyle
Drake	Fraise	Fuhrman	Gentleman
Gettings	Goodwin	Gronstal	Hall
Hannon	Hester	Holden	Horn
Hultman	Husak	Hutchins	Jensen
Kinley	Lind	Mann	Miller, A.V.
Murphy	Palmer	Peterson	Priebe
Readinger	Riordan	Schwengels	Scott
Soorholtz	Sturgeon	Taylor	Tieden
Vande Hoef	Varn	Wells	Welsh

Nays, none.

Absent or not voting, 6:

Holt	Lloyd-Jones	Miller, C.P.	Nystrom
Rensink	Rife		

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

CONSIDERATION OF BILL (Regular Calendar)

House File 669

On motion of Senator Hannon, House File 669, a bill for an act relating to intermediate care facilities for the mentally ill, with report of committee recommending amendment and passage, was taken up for consideration.

Senator Hannon offered amendment S—3931 filed by the committee on Human Resources on April 30, 1987, to page 1 of the bill.

Senator Hannon offered amendment S—3975 filed by Senators Hannon, Carr and Doyle on May 4, 1987, to amendment S—3931 and moved its adoption.

Amendment S—3975 was adopted by a voice vote.

Senator Hannon moved the adoption of amendment S—3931 as amended, which motion prevailed by a voice vote.

Senator Hannon moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question “Shall the bill pass?” (H.F. 669) the vote was:

Ayes, 39:

Boswell	Bruner	Carr	Coleman
Corning	Deluhery	Dieleman	Doyle
Drake	Fraise	Fuhrman	Gentleman
Gettings	Gronstal	Hall	Hannon
Hester	Horn	Husak	Hutchins
Jensen	Kinley	Mann	Miller, A.V.
Murphy	Nystrom	Palmer	Peterson
Readinger	Rife	Riordan	Schwengels
Soorholtz	Sturgeon	Taylor	Tieden
Varn	Wells	Welsh	

Nays, 2:

Lind	Vande Hoef
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Absent or not voting, 9:

Goodwin	Holden	Holt	Hultman
Lloyd-Jones	Miller, C.P.	Priebe	Rensink
Scott			

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

IMMEDIATELY MESSAGED

Senator Husak asked and received unanimous consent that **House Files 600 and 669** be immediately messaged to the House.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senator Riordan for the remainder of the day on request of Senator Gronstal and Senator Holt for the remainder of the day on request of Senator Hultman.

HOUSE AMENDMENT CONSIDERED

Senate File 396

Senator Deluhery called up for consideration Senate File 396, a bill for an act relating to the creation of a waste management authority within the environmental protection division of the department of natural resources, amended by the House in House amendment S—4093 filed May 9, 1987.

Senator Rife asked and received unanimous consent that action on **Senate File 396** be deferred.

HOUSE MESSAGES RECEIVED

The following messages were received from the Chief Clerk of the House:

MADAM PRESIDENT: I am directed to inform your honorable body that the House has on May 9, 1987, amended and passed the following bill in which the concurrence of the Senate is asked:

Senate File 187, a bill for an act relating to the purchase of sacramental wine (S—4099).

ALSO: That the House has on May 9, 1987, amended the Senate amendment, concurred in the Senate amendment as amended, and passed the following bill in which the concurrence of the Senate is asked:

House File 164, a bill for an act relating to the discretion of a notary public in performing notarial services, and limiting that discretion (S—4097 to H—4244).

BUSINESS PENDING

Senate File 521

The Senate resumed consideration of Senate File 521, a bill for an act to increase the rate of excise taxes on motor fuel and special fuel to replace federal aid highway funds including the allocation of fuel tax revenues, previously deferred.

Senator Jensen offered amendment S—4091 filed by him from the floor to page 2 of the bill.

Senator Jensen asked and received unanimous consent that action on amendment S—4091 and **Senate File 521** be **deferred**.

HOUSE AMENDMENT CONSIDERED

Senate File 509

Senator Welsh called up for consideration Senate File 509, a bill for an act making an appropriation for the support of the engineering and land surveying examining board and revising certain statutory provisions relating to engineering and land surveying services, amended by the House and moved that the Senate concur in House amendment S—4094 filed May 9, 1987.

The motion prevailed by a voice vote and the Senate concurred in the House amendment.

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

On the question “Shall the bill pass?” (S.F. 509) the vote was:

Ayes, 39:

Boswell	Bruner	Carr	Coleman
Corning	Deluhery	Dieleman	Doyle
Drake	Fraise	Fuhrman	Gentleman
Gettings	Goodwin	Gronstal	Hall
Hannon	Hester	Horn	Husak
Jensen	Kinley	Lind	Mann
Miller, A.V.	Miller, C.P.	Murphy	Nystrom

Palmer
Schwengels
Varn

Peterson
Scott
Wells

Priebe
Soorholtz
Welsh

Readinger
Vande Hoef

Nays, 3:

Holden

Taylor

Tieden

Absent or not voting, 8:

Holt
Rensink

Hultman
Rife

Hutchins
Riordan

Lloyd-Jones
Sturgeon

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

CONFERENCE COMMITTEE REPORT RECEIVED (Senate File 510)

A conference committee report signed by the following Senate and House members was filed May 9, 1987, on Senate File 510, a bill for an act relating to the conducting of classified research at institutions under the state board of regents:

On the Part of the Senate:

RICHARD VARN, Chair
JAMES D. WELLS
JAMES RIORDAN
DAVID M. READINGER

On the Part of the House:

DAVID SCHRADER, Chair
JACK HATCH
FLORENCE D. BUHR

CONFERENCE COMMITTEE REPORT CONSIDERED

Senate File 510

Senator Varn called up the conference committee report on Senate File 510, a bill for an act relating to the conducting of classified research at institutions under the state board of regents, filed May 9, 1987, and moved its adoption.

The motion prevailed by a voice vote and the conference committee report and the recommendations and amendments contained therein was adopted.

Senator Varn moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 510) the vote was:

Ayes, 20:

Boswell	Bruner	Carr	Corning
Deluhery	Fraise	Gronstal	Hannon
Horn	Husak	Mann	Miller, A.V.
Murphy	Priebe	Readinger	Schwengels
Scott	Sturgeon	Wells	Welsh

Nays, 23:

Coleman	Dieleman	Doyle	Drake
Fuhrman	Gentleman	Gettings	Goodwin
Hall	Hester	Holden	Jensen
Kinley	Lind	Nystrom	Palmer
Peterson	Rife	Soorholtz	Taylor
Tieden	Vande Hoef	Varn	

Absent or not voting, 7:

Holt	Hultman	Hutchins	Lloyd-Jones
Miller, C.P.	Rensink	Riordan	

The bill not having received a constitutional majority was declared to have **failed to pass** the Senate.

The Senate stood at ease until the fall of the gavel.

The Senate resumed session, President Zimmerman presiding.

QUORUM CALL

Senator Husak requested a non record roll call to determine that a quorum was present.

The vote revealed 36 present, 14 absent and a quorum present.

REQUEST TO CONSIDER BILL WITHDRAWN

Senator Husak asked unanimous consent to take up Senate File 522.

Objection was raised by Senator Doyle that Senate File 522 could not be considered by the Senate because it violated Senate Rule 37, paragraph 3.

Senator Husak withdrew his request.

BUSINESS PENDING

Senate File 396

The Senate resumed consideration of Senate File 396, a bill for an act relating to the creation of a waste management authority within the environmental protection division of the department of natural resources, and House amendment S—4093, previously deferred.

Senator Deluhery moved that the Senate concur in the House amendment, which motion prevailed by a voice vote.

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

On the question "Shall the bill pass?" (S.F. 396) the vote was:

Ayes, 29:

Bruner	Carr	Coleman	Corning
Deluhery	Doyle	Gettings	Gronstal
Hall	Hester	Horn	Husak
Kinley	Lind	Mann	Miller, A.V.
Murphy	Nystrom	Palmer	Peterson
Priebe	Readinger	Rife	Scott
Soorholtz	Tieden	Varn	Wells
Welsh			

Nays, 12:

Boswell	Dieleman	Drake	Fraise
Fuhrman	Gentleman	Goodwin	Holden
Hultman	Jensen	Taylor	Vande Hoef

Absent or not voting, 9:

Hannon	Holt	Hutchins	Lloyd-Jones
Miller, C.P.	Rensink	Riordan	Schwengels
Sturgeon			

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

CONSIDERATION OF BILL
(Appropriations Calendar)

Senator Husak asked and received unanimous consent to take up out of order House File 684.

House File 684

On motion of Senator Welsh, House File 684, a bill for an act relating to the county juvenile justice base costs, with report of committee recommending passage, was taken up for consideration.

Senator Welsh moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 684) the vote was:

Ayes, 43:

Boswell	Bruner	Carr	Coleman
Corning	Deluhery	Dieleman	Doyle
Drake	Fraise	Fuhrman	Gentleman
Gettings	Goodwin	Gronstal	Hall
Hester	Holden	Horn	Hultman
Husak	Hutchins	Jensen	Kinley
Lind	Mann	Miller, A.V.	Miller, C.P.
Murphy	Nystrom	Palmer	Peterson
Priebe	Readinger	Rife	Scott
Soorholtz	Taylor	Tieden	Vande Hoef
Varn	Wells	Welsh	

Nays, none.

Absent or not voting, 7:

Hannon	Holt	Lloyd-Jones	Rensink
Riordan	Schwengels	Sturgeon	

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

HOUSE MESSAGES RECEIVED

The following messages were received from the Chief Clerk of the House:

MADAM PRESIDENT: I am directed to inform your honorable body that the House has on May 9, 1987, adopted the conference committee report and passed **Senate File 481**, a bill for an act relating to state tax revenues and expenditures by altering the individual income tax rates, withholding, standard deductions, and personal exemptions and credits; increasing the state sales, services, and use tax and providing for refunds for certain contractors as a result of that increase; adjusting the allowable growth under the school foundation formula; and providing effective dates.

ALSO: That the House has on May 9, 1987, concurred in the Senate amendment to the House amendment and passed the following bill in which the concurrence of the House was asked:

Senate File 515, a bill for an act relating to the allocations and appropriations of lottery revenues and the programs for which the revenues may be used.

ALSO: That the House has on May 9, 1987, amended and passed the following bill in which the concurrence of the Senate is asked:

Senate File 516, a bill for an act relating to the mentally retarded, developmentally disabled, and chronically mentally ill by creating a regional delivery system, and specifying duties, memberships, services, funding, and effective dates (S—4100).

COMMITTEE REPORT

RULES AND ADMINISTRATION

Final Bill Action: Senate Concurrent Resolution 43, a concurrent resolution to accept a bronze memorial to commemorate the bicentennial of the Constitution of the United States.

Recommendation: DO PASS.

Final Vote: Ayes, 6: Hutchins, Hultman, Gronstal, Gettings, Jensen and Kinley. Nays, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

**ADOPTION OF RESOLUTION
(Regular Calendar)**

Senate Concurrent Resolution 43

On motion of Senator Dieleman, Senate Concurrent Resolution 43, a concurrent resolution to accept a bronze memorial to commemorate the bicentennial of the Constitution of the United States, with report of committee recommending passage, was taken up for consideration.

Senator Dieleman moved the adoption of Senate Concurrent Resolution 43, which motion prevailed by a voice vote.

Senator Husak asked and received unanimous consent that **Senate Concurrent Resolution 43** be **immediately messaged** to the House.

COMMITTEE REPORT

AGRICULTURE

Final Bill Action: HOUSE CONCURRENT RESOLUTION 43, a resolution relating to the use of soybean oil as a dust suppressant in grain storage facilities.

Recommendation: DO PASS.

Final Vote: Ayes, 13: Priebe, A. Miller, Hester, Boswell, Fuhrman, Fraise, Goodwin, Hall, Husak, Peterson, Scott, Soorholtz and Vande Hoef. Nays, none. Absent or not voting, 1: Rensink.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

**ADOPTION OF RESOLUTION
(Regular Calendar)**

House Concurrent Resolution 43

On motion of Senator Priebe, House Concurrent Resolution 43, a concurrent resolution relating to the use of soybean oil as a dust suppressant in grain storage facilities, with report of committee recommending passage, was taken up for consideration.

Senator Priebe moved the adoption of House Concurrent Resolution 43, which motion prevailed by a voice vote.

HOUSE AMENDMENTS CONSIDERED

Senate File 516

Senator Sturgeon called up for consideration Senate File 516, a bill for an act relating to the mentally retarded, developmentally disabled, and chronically mentally ill by creating a regional delivery system, and specifying duties, memberships, services, funding, and effective dates, amended by the House and moved that the Senate concur in House amendment S—4100 filed May 9, 1987.

The motion prevailed by a voice vote and the Senate concurred in the House amendment.

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

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

Ayes, 39:

Boswell	Bruner	Carr	Coleman
Corning	Deluhery	Doyle	Drake
Fraise	Gettings	Goodwin	Gronstal
Hall	Hester	Horn	Hultman
Husak	Hutchins	Jensen	Kinley
Lind	Mann	Miller, A.V.	Miller, C.P.
Murphy	Nystrom	Palmer	Peterson
Priebe	Rife	Scott	Soorholtz
Sturgeon	Taylor	Tieden	Vande Hoef
Varn	Wells	Welsh	

Nays, 5:

Fuhrman	Gentleman	Hannon	Holden
Readinger			

Absent or not voting, 6:

Dieleman	Holt	Lloyd-Jones	Rensink
Riordan	Schwengels		

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

Senate File 501

Senator Carr called up for consideration Senate File 501, a bill for an act relating to the organization and procedures of state government, by making modifications to the authority for and procedures relating to governmental budget and finance administration, by making modifications in the authority for and procedures relating to state personnel administration, by making modifications to the powers, procedures, and structure of certain state governmental agencies, by making adjustments to the 1986 legislation reorganizing state government, by making other related adjustments and modifications, and by providing an effective date, amended by the House in House amendment S—4095 filed May 9, 1987.

Senator Carr offered amendment S—4102 filed by him from the floor to House amendment S—4095 and moved its adoption.

Amendment S—4102 was adopted by a voice vote.

Senator Kinley offered amendment S—4096 filed by Senators Kinley, Soorholtz and Rife from the floor to House amendment S—4095, moved its adoption and requested a record roll call.

On the question “Shall amendment S—4096 to House amendment S—4095 be adopted?” (S.F. 501) the vote was:

Ayes, 29:

Boswell	Coleman	Dieleman	Doyle
Drake	Fraise	Gentleman	Gettings
Hall	Hester	Holden	Horn
Husak	Jensen	Kinley	Lind
Mann	Miller, A.V.	Miller, C.P.	Murphy
Nystrom	Palmer	Peterson	Priebe
Rife	Scott	Soorholtz	Varn
Wells			

Nays, 16:

Bruner	Carr	Corning	Deluhery
Fuhrman	Goodwin	Gronstal	Hannon
Hultman	Hutchins	Readinger	Schwengels
Sturgeon	Taylor	Tieden	Welsh

Absent or not voting, 5:

Holt	Lloyd-Jones	Rensink	Riordan
Vande Hoef			

Amendment S—4096 was adopted.

Senator Doyle offered amendment S—4098 filed by him from the floor to House amendment S—4095 and moved its adoption.

Amendment S—4098 was adopted by a voice vote.

Senator Carr moved that the Senate concur in House amendment S—4095 as amended, which motion prevailed by a voice vote.

Senator Carr moved that the bill as amended by the House, further amended and concurred in by the Senate, be read the last time now and placed upon its passage, which motion prevailed by a voice vote and the bill was read the last time.

On the question “Shall the bill pass?” (S.F. 501) the vote was:

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

Ayes, 28:

Bruner	Carr	Coleman	Deluhery
Dieleman	Doyle	Fraise	Gettings
Gronstal	Hall	Hester	Horn
Husak	Hutchins	Kinley	Mann
Miller, A.V.	Miller, C.P.	Murphy	Palmer
Peterson	Priebe	Rife	Soorholtz
Sturgeon	Varn	Wells	Welsh

Nays, 18:

Boswell	Corning	Drake	Fuhrman
Gentleman	Goodwin	Hannon	Holden
Hultman	Jensen	Lind	Nystrom
Readinger	Schwengels	Scott	Taylor
Tieden	Vande Hoef		

Absent or not voting, 4:

Holt	Lloyd-Jones	Rensink	Riordan
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The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

IMMEDIATELY MESSAGED

Senator Hutchins asked and received unanimous consent that **Senate File 501, House File 684 and House Concurrent Resolution 43** be immediately messaged to the House.

BUSINESS PENDING

Senate File 521

The Senate resumed consideration of Senate File 521, a bill for an act to increase the rate of excise taxes on motor fuel and special fuel to replace federal aid highway funds including the allocation of fuel tax revenues, and amendment S—4091 by Senator Jensen to page 2 of the bill, previously deferred.

Senator Welsh offered amendment S—4101 filed by Senators Welsh, Varn and Drake from the floor to page 2 of the bill and moved its adoption.

A non record roll call was requested.

The ayes were 26, nays 18.

Amendment S—4101 was adopted.

With the adoption of amendment S—4101, the Chair ruled amendment S—4104 filed by Senator Jensen from the floor to page 2 of the bill, out of order.

Senator Hutchins asked and received unanimous consent to call up the following motion to reconsider filed from the floor and moved its adoption:

MADAM PRESIDENT: I move to reconsider the vote by which amendment S—4101 to Senate File 521 was adopted by the Senate on May 9, 1987.

C. JOSEPH COLEMAN

The motion lost by a voice vote.

The following motion to reconsider filed by Senator Welsh from the floor was out of order:

MADAM PRESIDENT: I move to reconsider the vote by which amendment S—4101 to Senate File 521 was adopted by the Senate on May 9, 1987.

Senator Varn offered amendment S—4106 filed by Senators Varn and Welsh from the floor to page 2 of the bill and moved its adoption.

Amendment S—4106 was adopted by a voice vote.

Senator Drake offered amendment S—4105 filed by him from the floor to page 5 of the bill and moved its adoption.

Amendment S—4105 was adopted by a voice vote.

With the adoption of amendment S—4101, the Chair ruled amendment S—4091 by Senator Jensen to page 2 of the bill, previously deferred, out of order.

Senator Drake moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 521) the vote was:

Ayes, 25:

Bruner	Carr	Corning	Deluhery
Drake	Fraise	Fuhrman	Gentleman
Gettings	Goodwin	Gronstal	Horn
Hutchins	Kinley	Lind	Mann
Miller, C.P.	Nystrom	Readinger	Riordan
Schwengels	Taylor	Varn	Wells
Welsh			

Nays, 21:

Boswell	Coleman	Dieleman	Doyle
Hall	Hannon	Hester	Holden
Hultman	Husak	Jensen	Miller, A.V.
Murphy	Palmer	Peterson	Priebe
Rife	Scott	Soorholtz	Sturgeon
Vande Hoef			

Absent or not voting, 4:

Holt	Lloyd-Jones	Rensink	Tieden
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The bill not having received a constitutional majority was declared to **failed to pass** the Senate.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Tieden for the remainder of the session on request of Senator Hultman.

HOUSE MESSAGES RECEIVED AND CONSIDERED

The following messages were received from the Chief Clerk of the House:

MADAM PRESIDENT: I am directed to inform your honorable body that the House has on May 9, 1987, **refused to concur** in the Senate amendment to the House amendment to the following bill in which the concurrence of the House was asked:

Senate File 517, a bill for an act appropriating petroleum overcharge funds.

ALSO: That the House has on May 9, 1987, concurred in the Senate amendment and passed the following bill in which the concurrence of the House was asked:

House File 682, a bill for an act relating to exemption certificates under the state sales, services, and use tax and providing an effective date.

MOTION TO RECONSIDER DEFERRED

Senator Riordan called up the motion to reconsider Senate File 310 filed by him on April 7, 1987, and found on page 1141 of the Senate Journal.

Senator Holden raised the point of order that Senate File 310 was not eligible for consideration under Joint Rule 20.

Senator Hutchins asked and received unanimous consent that action on the motion to reconsider, the point of order by Senator Holden and **Senate File 310** be **deferred**.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Vande Hoef for the remainder of the session on request of Senator Jensen.

RECESS

On motion of Senator Hutchins, the Senate recessed at 6:35 p.m., until 7:30 p.m.

EVENING SESSION

The Senate reconvened at 7:45 p.m., Senator Carr presiding.

QUORUM CALL

Senator Hutchins requested a non record roll call to determine that a quorum was present.

President Zimmerman took the chair at 7:47 p.m.

Senator Husak took the chair at 7:52 p.m.

The vote revealed 37 present, 13 absent and a quorum present.

President Zimmerman took the chair at 8:15 p.m.

SUSPEND SENATE RULE 12
(Senate File 511)

Senator Hutchins asked and received unanimous consent that for the purpose of immediate discussion, Senate Rule 12, paragraph 2, be suspended on the conference committee report to Senate File 511.

The Senate stood at ease until the fall of the gavel.

The Senate resumed session, President Zimmerman presiding.

QUORUM CALL

Senator Hutchins requested a non record roll call to determine that a quorum was present.

The vote revealed 33 present, 17 absent and a quorum present.

HOUSE MESSAGES RECEIVED

The following messages were received from the Chief Clerk of the House:

MADAM PRESIDENT: I am directed to inform your honorable body that the House has on May 9, 1987, **refused to concur** in the Senate amendment to the House amendment to the following bill in which the concurrence of the House was asked:

Senate File 501, a bill for an act relating to the organization and procedures of state government, by making modifications to the authority for and procedures relating to governmental budget and finance administration, by making modifications in the authority for and procedures relating to state personnel administration, by making modifications to the powers, procedures, and structure of certain state governmental agencies, by making adjustments to the 1986 legislation reorganizing state government, by making other related adjustments and modifications, and by providing an effective date.

ALSO: That the House has on May 9, 1987, amended the Senate amendment, concurred in the Senate amendment as amended, and passed the following bill in which the concurrence of the Senate is asked:

House File 675, a bill for an act relating to the determination, for purposes of the state sales, services, and use tax, of gross receipts and purchase price when tangible personal property is traded to the retailer as part of the transaction subject to the tax (S—4109 to H—4353).

ALSO: That the House has on May 9, 1987, concurred in the Senate amendments and passed the following bills in which the concurrence of the House was asked:

House File 633, a bill for an act relating to restrictions on the number of acres of agricultural land that authorized farm corporations or authorized trusts may acquire or otherwise obtain or lease, restricting persons from being shareholders or beneficiaries in more than a certain number of authorized farm corporations or authorized trusts, and providing penalties.

House File 676, a bill for an act relating to the imposition and repeal of a local option sales and services tax and providing effective dates.

SENATE INSISTS

Senate File 501

Senator Carr called up for consideration Senate File 501, a bill for an act relating to the organization and procedures of state government, by making modifications to the authority for and procedures relating to governmental budget and finance administration, by making modifications in the authority for and procedures relating to state personnel administration, by making modifications to the powers, procedures, and structure of certain state governmental agencies, by making adjustments to the 1986 legislation reorganizing state government, by making other related adjustments and modifications, and by providing an effective date, amended by the House, further amended by the Senate and moved that the Senate insists on its amendment.

The motion prevailed by a voice vote and the Senate **insisted** on its amendment.

APPOINTMENT OF CONFERENCE COMMITTEE

The Chair announced the following conference committee on **Senate File 501** on the part of the Senate: Senators Carr, Chair; Kinley, Bruner, Corning and Soorholtz.

HOUSE AMENDMENT TO SENATE AMENDMENT CONSIDERED

House File 675

Senator Bruner called up for consideration House File 675, a bill for an act relating to the determination, for purposes of the state sales, services, and use tax, of gross receipts and purchase price when tangible personal property is traded to the retailer as part of the transaction subject to the tax, amended by the Senate and moved that the Senate concur in House amendment S—4109 to Senate amendment H—4353, filed May 9, 1987.

A record roll call was requested.

On the question "Shall the motion to concur be adopted?" (H.F. 675) the vote was:

Ayes, 26:

Boswell	Bruner	Deluhery	Dieleman
Drake	Fraise	Gettings	Goodwin
Gronstal	Hannon	Holden	Horn
Hultman	Husak	Hutchins	Mann
Miller, A.V.	Miller, C.P.	Nystrom	Priebe
Readinger	Schwengels	Scott	Sturgeon
Varn	Wells		

Nays, 18:

Carr	Corning	Doyle	Fuhrman
Gentleman	Hall	Hester	Jensen
Kinley	Lind	Murphy	Palmer
Peterson	Rife	Riordan	Soorholtz
Taylor	Welsh		

Absent or not voting, 6:

Coleman	Holt	Lloyd-Jones	Rensink
Tieden	Vande Hoef		

The motion prevailed and the Senate concurred in the House amendment to the Senate amendment.

Senator Bruner moved that the bill as amended by the Senate, further amended by the House and concurred in by the Senate, be read the last time now and placed upon its passage, which motion prevailed by a voice vote and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 675) the vote was:

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

Ayes, 27:

Boswell	Bruner	Deluhery	Dieleman
Doyle	Drake	Fraise	Gettings
Goodwin	Gronstal	Hannon	Holden
Horn	Hultman	Husak	Hutchins
Mann	Miller, A.V.	Miller, C.P.	Nystrom
Priebe	Readinger	Schwengels	Scott
Sturgeon	Varn	Wells	

Nays, 17:

Carr	Corning	Fuhrman	Gentleman
Hall	Hester	Jensen	Kinley
Lind	Murphy	Palmer	Peterson
Rife	Riordan	Soorholtz	Taylor
Welsh			

Absent or not voting, 6:

Coleman	Holt	Lloyd-Jones	Rensink
Tieden	Vande Hoef		

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

SENATE INSISTS

Senate File 517

Senator Welsh called up for consideration Senate File 517, a bill for an act appropriating petroleum overcharge funds, amended by the House, further amended by the Senate and moved that the Senate insists on it amendment.

The motion prevailed by a voice vote and the Senate insisted on its amendment.

UNFINISHED BUSINESS

(Deferred April 16, 1987)

House File 649

The Senate resumed consideration of House File 649, a bill for an act relating to exemptions from execution and attachment by revising provisions governing the exemption of insurance policies, proceeds, and benefits, cash, and certain other personal property, and providing other properly related matters, deferred April 16, 1987.

Senator Priebe asked and received unanimous consent to withdraw amendment S—3521 filed by the committee on Agriculture on April 13, 1987, to pages 1 and 2 of the bill.

Senator Priebe offered amendment S—3988 filed by Senators Priebe, et al., on March 4, 1987, to pages 1 and 2 and the title page of the bill.

Senator Priebe offered amendment S—3997 filed by Senators Priebe, Husak and Rife on May 5, 1987, to amendment S—3988 and moved its adoption.

Amendment S—3997 was adopted by a voice vote.

Senator Priebe asked and received unanimous consent to withdraw amendment S—3998 filed by Senators Priebe, Husak and Rife on May 5, 1987, to amendment S—3988.

Senator Priebe moved the adoption of amendment S—3988 as amended, which motion prevailed by a voice vote.

Senator Hutchins asked and received unanimous consent that action on **House File 649** be deferred.

CONFERENCE COMMITTEE REPORT RECEIVED
(Senate File 511)

A conference committee report signed by the following Senate and House members was filed May 9, 1987, on Senate File 511, a bill for an act relating to and making appropriations to agencies, boards, commissions, departments, and programs of state government relating to elected officials, the executive council, management, revenue and finance, personnel, general services, economic development, agriculture, natural resources, and education, providing effective dates, and making certain provisions retroactive:

On the Part of the Senate:

JOE J. WELSH, Chair
EMIL J. HUSAK
RICHARD J. VARN

On the Part of the House:

THOMAS J. JOCHUM, Chair
RUHL MAULSBY
MICHAEL K. PETERSON
TOM SWARTZ

CONFERENCE COMMITTEE REPORT CONSIDERED**Senate File 511**

Senator Welsh called up the conference committee report on Senate File 511, a bill for an act relating to and making appropriations to agencies, boards, commissions, departments, and programs of state government relating to elected officials, the executive council, management, revenue and finance, personnel, general services, economic development, agriculture, natural resources, and education, providing effective dates, and making certain provisions retroactive, filed May 9, 1987.

(Action on Senate File 511 was temporarily deferred.)

APPOINTMENT OF CONFERENCE COMMITTEE

The Chair announced the following conference committee on **Senate File 517** on the part of the Senate: Senators Varn, Chair; Murphy, Dieleman, Lind and Jensen.

IMMEDIATELY MESSAGED

Senator Hutchins asked and received unanimous consent that **Senate File 517** be immediately messaged to the House.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Miller of Des Moines for the remainder of the session on request of Senator Hutchins.

BUSINESS PENDING**Senate File 511**

The Senate resumed consideration of Senate File 511 and the conference committee report.

Senator Welsh moved the adoption of the conference committee report.

The motion prevailed by a voice vote and the conference committee report and the recommendations and amendments contained therein was adopted.

Senator Welsh moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 511) the vote was:

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

Ayes, 28:

Boswell	Bruner	Carr	Deluhery
Dieleman	Doyle	Fraise	Gettings
Gronstal	Hannon	Horn	Husak
Hutchins	Kinley	Mann	Miller, A.V.
Murphy	Nystrom	Palmer	Priebe
Readinger	Riordan	Scott	Soorholtz
Sturgeon	Varn	Wells	Welsh

Nays, 15:

Corning	Drake	Fuhrman	Gentleman
Goodwin	Hall	Hester	Holden
Hultman	Jensen	Lind	Peterson
Rife	Schwengels	Taylor	

Absent or not voting, 7:

Coleman	Holt	Lloyd-Jones	Miller, C.P.
Rensink	Tieden	Vande Hoef	

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

HOUSE MESSAGES RECEIVED

The following messages were received from the Chief Clerk of the House:

MADAM PRESIDENT: I am directed to inform your honorable body that the members of the **conference committee**, appointed May 9, 1987, on **Senate File 501**, a bill for an act relating to the organization and procedures of state government, by making modifications to the authority for and procedures relating to governmental budget and finance administration, by making modifications in the authority for and procedures relating to state personnel administration, by making modifications to the powers, procedures, and structure of certain state governmental agencies, by making adjustments to the 1986 legislation reorganizing state government, by making other related adjustments and modifications, and by providing an effective date, on the part of the House are: The Representative from Greene, Mr. Blanshan, Chair; the Representative from Polk, Mr. Connors, the Representative from Webster, Mr. Halvorson, the Representative from Delaware, Mr. Hanson and the Representative from Woodbury, Mr. Shoning.

ALSO: That the House has on May 9, 1987, concurred in the Senate amendment and passed the following bill in which the concurrence of the House was asked:

House File 669, a bill for an act relating to intermediate care facilities for the mentally ill.

IMMEDIATELY MESSAGED

Senator Hutchins asked and received unanimous consent that **Senate File 511** be immediately messaged to the House.

CONFERENCE COMMITTEE REPORT RECEIVED (Senate File 501)

A conference committee report signed by the following Senate and House members was filed May 9, 1987, on **Senate File 501**, a bill for an act relating to the organization and procedures of state government, by making modifications to the authority for and procedures relating to governmental budget and finance administration, by making modifications in the authority for and procedures relating to state personnel administration, by making modifications to the powers, procedures, and structure of certain state governmental agencies, by making adjustments to the 1986 legislation reorganizing state government, by making other related adjustments and modifications, and by providing an effective date:

On the Part of the Senate:

BOB CARR, Chair
CHARLES BRUNER
JOY CORNING

On the Part of the House:

GENE BLANSHAN, Chair
JOHN CONNORS
ROD HALVORSON

CONFERENCE COMMITTEE REPORT CONSIDERED

Senate File 501

Senator Carr called up for consideration Senate File 501, a bill for an act relating to the organization and procedures of state government, by making modifications to the authority for and procedures relating to governmental budget and finance administration, by making modifications in the authority for and procedures relating to state personnel administration, by making modifications to the powers, procedures, and structure of certain state governmental agencies, by making adjustments to the 1986 legislation reorganizing state government, by making other related adjustments and modifications, and by providing an effective date, filed May 9, 1987, and moved its adoption.

The motion prevailed by a voice vote and the conference committee report and the recommendations and amendments contained therein was adopted.

Senator Carr moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 501) the vote was:

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

Ayes, 22:

Boswell	Bruner	Deluhery	Dieleman
Fraise	Gettings	Gronstal	Hall
Horn	Husak	Hutchins	Mann
Miller, A.V.	Murphy	Priebe	Readinger
Riordan	Scott	Sturgeon	Varn
Wells	Welsh		

Nays, 17:

Carr	Corning	Doyle	Drake
Fuhrman	Gentleman	Goodwin	Hester
Holden	Jensen	Lind	Nystrom
Palmer	Peterson	Rife	Schwengels
Taylor			

Absent or not voting, 11:

Coleman	Hannon	Holt	Hultman
Kinley	Lloyd-Jones	Miller, C.P.	Rensink
Soorholtz	Tieden	Vande Hoef	

The bill not having received a constitutional majority was declared to have **failed to pass** the Senate.

HOUSE MESSAGE RECEIVED

The following message was received from the Chief Clerk of the House:

MADAM PRESIDENT: I am directed to inform your honorable body that the House has, on May 9, 1987, adopted the conference committee report and passed **House File 671**, a bill for an act relating to and making appropriations to agencies, boards, commissions, departments, and programs of state government for health and human rights, human services, the judicial branch, the department of justice, the department of corrections, the board of parole, the auditor of state, campaign finance, employment services, inspections and appeals, employment relations, and commerce, and providing effective dates.

CONFERENCE COMMITTEE REPORT RECEIVED (House File 671)

A conference committee report signed by the following Senate and House members was filed May 9, 1987, on House File 671, a bill for an act relating to and making appropriations to agencies, boards, commissions, departments, and programs of state government for health and human rights, human services, the judicial branch, the department of justice, the department of corrections, the board of parole, the auditor of state, campaign finance, employment services, inspections and appeals, employment relations, and commerce, and providing effective dates:

On the Part of the Senate:

JOE J. WELSH, Chair
EMIL J. HUSAK
RICHARD VARN

On the Part of the House:

THOMAS J. JOCHUM, Chair
MICHAEL K. PETERSON
TOM SWARTZ

CONFERENCE COMMITTEE REPORT ADOPTED

House File 671

Senator Welsh called up the conference committee report on House File 671, a bill for an act relating to and making appropriations to agencies, boards, commissions, departments, and programs of state government for health and human rights, human services, the judicial branch, the department of justice, the department of corrections, the board of parole, the auditor of state, campaign finance, employment services, inspections and appeals, employment relations, and commerce, and providing effective dates, filed May 9, 1987, and moved its adoption.

The motion prevailed by a voice vote and the conference committee report and the recommendations and amendments contained therein was adopted.

Senator Welsh moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 671) the vote was:

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

Ayes, 26:

Boswell	Bruner	Carr	Deluhery
Dieleman	Fraise	Gettings	Gronstal
Hester	Horn	Husak	Hutchins
Jensen	Mann	Miller, A.V.	Murphy
Nystrom	Peterson	Priebe	Readinger
Riordan	Scott	Sturgeon	Varn
Wells	Welsh		

Nays, 11:

Corning	Doyle	Drake	Fuhrman
Gentleman	Goodwin	Hall	Holden
Lind	Schwengels	Taylor	

Absent or not voting, 13:

Coleman	Hannon	Holt	Hultman
Kinley	Lloyd-Jones	Miller, C.P.	Palmer
Rensink	Rife	Soorholtz	Tieden
Vande Hoef			

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

HOUSE MESSAGE RECEIVED

The following message was received from the Chief Clerk of the House:

MADAM PRESIDENT: I am directed to inform your honorable body that the members of the conference committee, appointed May 9, 1987, on Senate File 517, a bill for an act appropriating petroleum overcharge funds, on the part of the House, are: The Representative from Dubuque, Mr. Knapp, Chair; the Representative from Story, Mr. Rosenberg, the Representative from Polk, Mrs. Buhr, the Representative from Scott, Mr. Van Camp, and the Representative from Black Hawk, Mr. Diemer.

BUSINESS PENDING

House File 649

The Senate resumed consideration of House File 649, a bill for an act relating to exemptions from execution and attachment by revising provisions governing the exemption of insurance policies, proceeds, and benefits, cash, and certain other personal property, and providing other properly related matters, previously deferred.

With the adoption of amendment S—3988 as amended, the Chair ruled the following amendments out of order to page 1 of the bill:

S—3687 filed by Senator Lind on April 20, 1987.

S—3851 filed by Senators Scott, et al., on April 27, 1987.

Senator Jensen asked and received unanimous consent to withdraw amendment S—3650 filed by Senators Vande Hoef, et al., on April 16, 1987, to page 2 of the bill.

Senator Jensen asked and received unanimous consent to withdraw amendment S—3701 filed by Senators Jensen, et al., on April 21, 1987, to page 2 of the bill.

The Chair ruled the following amendments to amendment S—3701, out of order:

S—3720 filed by Senators Jensen and Scott on April 21, 1987.

S—3734 filed by Senators Jensen, Scott and Hester on April 22, 1987.

S—3867 filed by Senators Scott and Jensen on April 28, 1987.

Senator Mann offered amendment S—4110 filed by him from the floor to page 2 of the bill and moved its adoption.

Amendment S—4110 was adopted by a voice vote.

Senator Priebe moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 649) the vote was:

Ayes, 31:

Boswell	Bruner	Carr	Deluhery
Dieleman	Doyle	Drake	Fraise
Gettings	Goodwin	Gronstal	Hall
Hester	Horn	Hultman	Husak
Hutchins	Jensen	Lind	Mann
Miller, A.V.	Nystrom	Priebe	Rife
Riordan	Schwengels	Scott	Sturgeon
Varn	Wells	Welsh	

Nays, 6:

Corning	Fuhrman	Gentleman	Holden
Peterson	Readinger		

Absent or not voting, 13:

Coleman	Hannon	Holt	Kinley
Lloyd-Jones	Miller, C.P.	Murphy	Palmer
Rensink	Soorholtz	Taylor	Tieden
Vande Hoef			

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

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Taylor for the remainder of the session on request of Senator Jensen.

WITHDRAWN

Senator Mann asked and received unanimous consent that **Senate File 2** be **withdrawn** from further consideration of the Senate.

CONSIDERATION OF BILL (Appropriations Calendar)

Senate File 522

On motion of Senator Sturgeon, Senate File 522, a bill for an act relating to juveniles, regarding children in need of services, the detention of juveniles in adult detention facilities, and penalties for violations of certain misdemeanors and ordinances, was taken up for consideration.

Senator Gentleman asked and received unanimous consent that action on **Senate File 522** be **deferred**.

The Senate stood at ease until the fall of the gavel

The Senate resumed session, President Zimmerman presiding.

BUSINESS PENDING

Senate File 522

The Senate resumed consideration of Senate File 522.

Senator Gentleman offered amendment S—4112 filed by Senators Gentleman, et al., from the floor to pages 1, 3 through 6 and 8 of the bill and moved its adoption.

A record roll call was requested.

On the question “Shall amendment S—4112 be adopted?” (S.F. 522) the vote was:

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

Ayes, 23:

Bruner	Corning	Deluhery	Doyle
Drake	Fraise	Fuhrman	Gentleman
Gettings	Goodwin	Hall	Hester
Holden	Hultman	Hutchins	Jensen
Mann	Murphy	Nystrom	Rife
Riordan	Scott	Wells	

Nays, 13:

Boswell	Carr	Dieleman	Gronstal
Horn	Husak	Lind	Peterson
Readinger	Schwengels	Sturgeon	Varn
Welsh			

Absent or not voting, 14:

Coleman	Hannon	Holt	Kinley
Lloyd-Jones	Miller, A.V.	Miller, C.P.	Palmer
Priebe	Rensink	Soorholtz	Taylor
Tieden	Vande Hoef		

Amendment S—4112 was adopted.

Senator Sturgeon moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question “Shall the bill pass?” (S.F. 522) the vote was:

Ayes, 37:

Boswell	Bruner	Carr	Corning
Deluhery	Dieleman	Doyle	Drake
Fraise	Fuhrman	Gentleman	Gettings
Goodwin	Gronstal	Hall	Hester

Holden	Horn	Hultman	Husak
Hutchins	Jensen	Lind	Mann
Miller, A.V.	Murphy	Nystrom	Peterson
Readinger	Rife	Riordan	Schwengels
Scott	Sturgeon	Varn	Wells
Welsh			

Nays, none.

Absent or not voting, 13:

Coleman	Hannon	Holt	Kinley
Lloyd-Jones	Miller, C.P.	Palmer	Priebe
Rensink	Soorholtz	Taylor	Tieden
Vande Hoef			

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

SPECIAL PRESENTATION TO SENATE PAGES

The Senate Pages were invited to the well for a special presentation and were thanked by Senators Hutchins and Hultman and President Zimmerman for their service to the Senate.

Certificates of excellence for serving with honor and distinction as a Senate Page during the 1987 Regular Session of the Seventy-second General Assembly and a Page group picture were presented to the following Pages by President Zimmerman:

Rodney Bergren, Lisa Bries, Julianne Casad, Lori Clabaugh, Jolene Finch, John Frajman, Todd Griffith, Christin Hart, Rhonda Klingman, Joan May, Tamara Morrison, Susan Priest, Barbara Ressler, Barry Sackett, Anthony Schau and Alan Vander Ploeg.

CONFERENCE COMMITTEE REPORT RECEIVED (Senate File 517)

A conference committee report signed by the following Senate and House members was filed May 10, 1987, on Senate File 517, a bill for an act appropriating petroleum overcharge funds:

On the Part of the Senate:

RICHARD VARN, Chair
 LARRY MURPHY
 WILLIAM W. DIELEMAN
 JOHN W. JENSEN

On the Part of the House:

DON KNAPP, Chair
 RALPH ROSENBERG
 FLORENCE D. BUHR
 MIKE VAN CAMP
 MARVIN E. DIEMER

CONFERENCE COMMITTEE REPORT CONSIDERED

Senate File 517

Senator Varn called up the conference committee report on Senate File 517, a bill for an act appropriating petroleum overcharge funds, filed May 9, 1987, and moved its adoption.

The motion prevailed by a voice vote and the conference committee report and the recommendations and amendments contained therein was adopted.

Senator Varn moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 517) the vote was:

Ayes, 29:

Boswell	Bruner	Deluhery	Dieleman
Doyle	Fraise	Fuhrman	Gettings
Goodwin	Gronstal	Hall	Hester
Holden	Hultman	Husak	Hutchins
Mann	Miller, A.V.	Murphy	Nystrom
Peterson	Priebe	Readinger	Rife
Riordan	Scott	Varn	Wells
Welsh			

Nays, 6:

Corning	Drake	Gentleman	Jensen
Lind	Schwengels		

Absent or not voting, 15:

Carr	Coleman	Hannon	Holt
Horn	Kinley	Lloyd-Jones	Miller, C.P.
Palmer	Rensink	Soorholtz	Sturgeon
Taylor	Tieden	Vande Hoef	

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

IMMEDIATELY MESSAGED

Senator Hutchins asked and received unanimous consent that **House Files 649 and 675** and **Senate File 517** be immediately messaged to the House.

COMMITTEE REPORT

JUDICIARY

Final Bill Action: HOUSE FILE 686, a bill for an act relating to statutory corrections which adjust language to improve consistency and accuracy.

Recommendation: AMEND AND DO PASS AS PROVIDED IN AMENDMENT S—4103.

Final Vote: Ayes, 11: Doyle, Mann, Carr, Coleman, Deluhery, Fraise, Fuhrman, Gentleman, Hester, Horn and Taylor. Nays, none. Absent or not voting, 3: Holt, Drake and Varn.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

BILLS REFERRED TO COMMITTEE

Senator Hutchins asked and received unanimous consent that the following bills be referred from the Senate Calendar to committee:

S. F.	282	Judiciary
S. F.	351	Commerce
S. F.	465	Small Business & Economic Development
S. F.	505	Ways and Means
S. F.	520	Ways and Means
H. F.	164	State Government
H. F.	221	Natural Resources

H.F.	303	Local Government
H.F.	429	Transportation
H.F.	468	State Government
H.F.	601	Human Resources
H.F.	617	Commerce
H.F.	624	Judiciary
H.F.	642	Human Resources
H.F.	683	Ways and Means
H.F.	686	Judiciary

MOTION TO RECONSIDER WITHDRAWN

Senator Welsh withdrew the following motion to reconsider filed by him from the floor:

MADAM PRESIDENT: I move to reconsider the vote by which Senate File 522 passed the Senate on May 10, 1987.

Senator Hutchins asked and received unanimous consent that **Senate File 522** be **immediately messaged** to the House.

The Senate stood at ease until the fall of the gavel.

The Senate resumed session, President Zimmerman presiding.

ADOPTION OF RESOLUTION (Regular Calendar)

Senate Concurrent Resolution 40

On motion of Senator Hutchins, Senate Concurrent Resolution 40, a resolution to provide for adjournment sine die, was taken up for consideration.

Senator Hutchins offered amendment S—4111 filed by Senators Hutchins and Hultman from the floor to page 1 of the resolution and moved its adoption.

Amendment S—4111 was adopted by a voice vote.

With the adoption of amendment S—4111, the Chair ruled amendment S—4108 filed by Senators Hutchins and Hultman from the floor to page 1 of the resolution, out of order.

Senator Hutchins moved the adoption of Senate Concurrent Resolution 40 as amended, which motion prevailed by a voice vote.

The Senate stood at ease until the fall of the gavel.

The Senate resumed session, President Zimmerman presiding.

MOTION TO RECONSIDER WITHDRAWN

Senate Concurrent Resolution 40

Senator Hutchins withdrew the following motion to reconsider filed by him from the floor:

MADAM PRESIDENT: I move to reconsider the vote by which Senate Concurrent Resolution 40 as amended was adopted by the Senate on May 10, 1987.

Senator Hutchins asked and received unanimous consent that **Senate Concurrent Resolution 40 as amended** be immediately messaged to the House.

APPENDIX

CONFERENCE COMMITTEE REPORT RECEIVED (House File 395)

A conference committee report signed by the following Senate and House members was filed on May 9, 1987, on House File 395, a bill for an act relating to the taking of animals and subjecting violators to penalties:

On the Part of the Senate:

HURLEY W. HALL, Chair
DALE L. TIEDEN
RAY TAYLOR

On the Part of the House:

DENNIS H. BLACK, Chair
MARVIN E. DIEMER
WENDELL C. PELLETT
DAVID SCHRADER

REPORT OF COMMITTEE MEETING

JUDICIARY

Convened: May 9, 1987, 4:10 p.m.

Members Present: Doyle, Chair; Mann, Vice Chair; Carr, Coleman, Deluhery, Fraise, Fuhrman, Gentleman, Hester, Horn and Taylor.

Members Absent: Holt, Ranking Member, Drake and Varn.

Committee Business: Recommended passage of House File 686 as amended.

Adjourned: 4:26 p.m.

ANNOUNCEMENT BY THE MAJORITY LEADER (May 9, 1987)

Please be advised that pursuant to Chapter 17A.8 of the 1987 Code of Iowa, I have made the following appointments to the Administrative Rules Review Committee:

Senator Berl Priebe, four years to expire April 30, 1991.
Senator Donald Doyle, four years to expire April 30, 1991.
Senator Dale Tieden, four years to expire April 30, 1991.

Also: pursuant to Chapter 18A.1 of the 1987 Code of Iowa, I have made the following appointment to the State Capitol Planning Commission:

Senator William Dieleman, four years to expire April 30, 1991.

BILL HUTCHINS
Senate Majority Leader

EXPLANATION OF VOTES

MADAM PRESIDENT: I was necessarily absent from the Senate chamber on May 9, 1987, when the votes were taken on the conference committee to House File 631 and the final vote on House File 626.

Had I been present, I would have voted "aye".

JAMES R. RIORDAN

MADAM PRESIDENT: I was necessarily absent from the Senate chamber on May 9, 1987, when the vote was taken on the conference committee report to House File 631.

Had I been present, I would have voted "aye".

BEVERLY A. HANNON

AMENDMENTS FILED

S—4095	S. F.	501	House amendment
S—4096	S. F.	501	George Kinley John Soorholtz Jack Rife
S—4097	H. F.	164	House amendment
S—4098	S. F.	501	Donald Doyle
S—4099	S. F.	187	House amendment
S—4100	S. F.	516	House amendment
S—4101	S. F.	521	Joe Welsh Richard Varn Richard Drake
S—4102	S. F.	501	Bob Carr
S—4103	H. F.	686	Judiciary
S—4104	S. F.	521	John Jensen
S—4105	S. F.	521	Richard Drake

S—4106	S. F.	521	Richard Varn Joe Welsh
S—4107	H.F.	221	Emil J. Husak
S—4108	S. C.R.	40	Bill Hutchins Calvin Hultman
S—4109	H.F.	675	House amendment
S—4110	H.F.	649	Tom Mann, Jr.
S—4111	S. C.R.	40	Bill Hutchins Calvin O. Hultman
S—4112	S. F.	522	Julia Gentleman Donald V. Doyle C. Joseph Coleman Eugene Fraise Tom Mann, Jr.

On motion by Senator Hutchins, the Senate stood at ease until the fall of the gavel at 3:35 a.m.

The Senate resumed session, President Zimmerman presiding.

HOUSE MESSAGES RECEIVED

The following messages were received from the Chief Clerk of the House:

MADAM PRESIDENT: I am directed to inform your honorable body that the House has on March 16, 1987, passed the following bill in which the concurrence of the Senate is asked:

House File 471, a bill for an act to require cities that have established pension systems for police and firefighters to comply with the applicable provisions of the federal Fair Labor Standards Act as they apply to employees eligible for a pension.

ALSO: That the House has on March 27, 1987, passed the following bill in which the concurrence of the Senate is asked:

House File 438, a bill for an act relating to the definition of a snowmobile.

ALSO: That the House has on April 22, 1987, amended and passed the following bill in which the concurrence of the House was asked:

Senate File 201, a bill for an act related to the senate's review and confirmation of gubernatorial appointments, and providing an effective date (S—4113).

ALSO: That the House has on May 9, 1987, passed the following bill in which the concurrence of the House was asked:

Senate File 29, a bill for an act relating to the movement of certain vehicles on the public highways of the state by authorizing the movement of motor homes with an outside width up to eight feet six inches and the movement of mobile homes by transporters.

ALSO: That the House has on May 9, 1987, concurred in the Senate amendment and passed the following bill in which the concurrence of the House was asked:

House File 591, a bill for an act relating to domestic abuse, assaults involving an act of domestic abuse, and court orders issued or enforced pursuant to the domestic abuse law, and providing penalties.

ALSO: That the House has, on May 9, 1987, adopted the conference committee report and passed Senate Concurrent Resolution 35, a concurrent resolution relating to the board of regents ten-year building program.

ALSO: That the House has on May 9, 1987, concurred in the Senate amendment to the House amendment and passed the following bill in which the concurrence of the House was asked:

Senate File 518, a bill for an relating to and making appropriations to state agencies whose responsibilities relate to public defense, public safety, transportation, and enforcement, and including allocation of moneys from the road use tax fund and providing effective dates.

ALSO: That the House has on May 10, 1987, passed the following bill in which the concurrence of the House was asked:

Senate File 522, a bill for an act relating to juveniles, regarding children in need of services, the detention of juveniles in adult detention facilities, and penalties for violations of certain misdemeanors and ordinances.

ALSO: That the House has on May 10, 1987, adopted the following concurrent resolution in which the concurrence of the House was asked:

Senate Concurrent Resolution 40, a resolution to provide for adjournment sine die.

ALSO: That the House has on May 10, 1987, adopted the conference committee reports and passed the following bills:

Senate File 511, a bill for an act relating to and making appropriations to agencies, boards, commissions, departments, and programs of state government relating to elected officials, the executive council, management, revenue and finance, personnel, general services, economic development, agriculture, natural resources, and education, providing effective dates, and making certain provisions retroactive.

Senate File 517, a bill for an act appropriating petroleum overcharge funds.

FINAL DISPOSITION OF MOTIONS TO RECONSIDER

Pursuant to Senate Rule 24, the following motions to reconsider which remained on the Senate calendar upon the adjournment of the 1987 Regular Session of the Seventy-second General Assembly, will be considered to have **failed**:

SENATE FILE 310, a bill for an act relating to organic food, by providing for standards, the enforcement of the standards, and penalties (Senate amended and failed to pass April 7, 1987). Motion filed by Senator Riordan on April 7, 1987.

SENATE FILE 323, a bill for an act to provide a procedure for parents or guardians to enroll their children in the public schools of contiguous school districts without cost to the parents or guardians and to provide an effective date (Senate amended and passed March 25, 1987). Motions filed by Senators Corning and Murphy on March 25, 1987.

SENATE FILE 356, a bill for an act relating to the exemptions from regulation of a home used to prepare food for a cafe (Senate passed April 2, 1987). Motions filed by Senators Peterson and Murphy on April 2, 1987.

SENATE FILE 492, a bill for an act relating to motor fuel and special fuel marketing and distribution and security deposits required of dealers (Senate amended and failed to pass April 7, 1987). Motions to reconsider filed by Senators Hannon and Dieleman on April 7, 1987.

HOUSE FILE 469, a bill for an act to regulate the circumstance and procedure under which an employer may request a drug test of an employee or an applicant for employment and providing a penalty (Senate concurred in the House amendment to the Senate amendment and passed May 6, 1987). Motion to reconsider filed by Senator Mann on May 6, 1987).

HOUSE FILE 687, a bill for an act relating to the state individual income tax by altering the tax brackets and rates, standard deduction, personal exemptions and credits; disallowing married persons filing separately on combined returns; eliminating the deduction for federal income taxes paid; providing administrative clarifications; and providing effective dates (Senate amended and failed to pass on May 9, 1987). Motion to reconsider filed by Senator Bruner on May 9, 1987.

REPORT OF THE SECRETARY OF THE SENATE

MADAM PRESIDENT: Pursuant to Senate Rule 21, I report that in enrolling Senate File 311, the following corrections were made to the conference committee report:

1. Page 1, Section 777, the word "subsections" was changed to the word "subsection".

2. Page 2, Section 780, the words "equal to or limit greater" were changed to the words "equal to or greater".

3. Page 2, Section 781, the word "Section 778" was changed to the word "Section 6".

4. Page 2, Operation #6, the numbers "777, 778, 779, 780, 781" were changed to "5, 6, 7, 8, 9".

Corrections to House amendment S—3721:

1. Page 2, line 21, the numbers "710, 711 and 712" were changed to the numbers "1, 4 and 10".

JOHN F. DWYER
Secretary of the Senate

BILLS ENROLLED, SIGNED AND SENT TO GOVERNOR

The Secretary of the Senate submitted the following report:

MADAM PRESIDENT: The Secretary of the Senate respectfully reports that the following bills and resolution have been enrolled, signed by the President of the Senate and the Speaker of the House, and presented to the Governor for his approval on this 10th day of May, 1987:

Senate Concurrent Resolution 35 and Senate Files 17, 29, 55, 101, 139, 148, 162, 274, 276, 311, 333, 340, 359, 396, 461, 471, 479, 480, 481, 482, 504, 507, 509, 511, 513, 515, 516, 517, 518, 519 and 522.

JOHN F. DWYER
Secretary of the Senate

AMENDMENT FILED

S—4113 S.F. 201 House amendment

COMMITTEE TO NOTIFY THE GOVERNOR

Senator Hutchins moved that a committee be appointed to notify the Governor that the Senate was ready to adjourn sine die in accordance with Senate Concurrent Resolution 40.

The motion prevailed by a voice vote and the Chair appointed as such committee Senators Coleman and Gronstal.

COMMITTEE TO NOTIFY THE HOUSE

Senator Hutchins moved that a committee be appointed to notify the House that the Senate was ready to adjourn sine die in accordance with Senate Concurrent Resolution 40.

The motion prevailed by a voice vote and the Chair appointed as such committee Senators Horn and Gettings.

REPORT OF COMMITTEE TO NOTIFY THE GOVERNOR

Senator Coleman reported that the committee appointed to notify the Governor that the Senate was ready to adjourn sine die had performed its duty.

The report was received and the committee discharged.

COMMITTEE FROM THE HOUSE

A committee from the House appeared and announced that the House was ready to adjourn sine die.

REPORT OF COMMITTEE TO NOTIFY THE HOUSE

Senator Horn reported that the committee appointed to notify the House that the Senate was ready to adjourn sine die had performed its duty.

The report was received and the committee discharged.

FINAL ADJOURNMENT

By virtue of Senate Concurrent Resolution 40, duly adopted, the day of May 10, 1987, having arrived, President Zimmerman declared the 1987 Regular Session of the Seventy-second General Assembly adjourned sine die.

COMMUNICATION FROM THE GOVERNOR

June 2, 1987

The Honorable Jo Ann Zimmerman
President of the Senate
State Capitol Building
L O C A L

Dear Madam President:

Members of the 1987 session of the General Assembly had the opportunity to set Iowa on a new course toward excellence and competitiveness. Some significant progress was made. But some of the challenges were not fully met and Iowa's opportunities will be limited as a result.

In January, I set forth a plan to set our state in a new direction for the future. It was a plan to move our state forward by improving our business climate to encourage growth; increasing our commitment to excellence in education; developing a transportation system to connect our communities with the markets of the Midwest and the world; passing an Iowa tax system that is simple, fair and competitive; and protecting our environment.

Actions were taken to ensure that Iowa will lead the nation in excellence in education. We will protect our groundwater and make our unemployment compensation system more competitive.

Our plan for Excellence in Education was adopted and Iowa will retain its leadership in education as a result. We will be able to attract qualified people into education, reward them for excellent work and establish locally controlled, performance-based pay plans. Our plan makes Iowa a national leader in education reform and our children will be the beneficiaries.

Unfortunately, the General Assembly cut the performance-based pay phase, the most important part of the plan, and targeted it for possible future reductions. That action was shortsighted. Education should be our first, not our last budget priority.

The General Assembly also passed a groundwater protection bill that guards against the greatest environmental threat we face. There may be adjustments in this bill in years to come. It imposes higher fees than necessary. Farmers and consumers will pay those fees. But the goal, to protect our groundwater, must not change.

The General Assembly took a significant step to protect the public when it accepted my recommendation to remove the artificial limit on the number of criminals the state can keep in our prisons. Removing that limit means we can do a better job of avoiding the release of dangerous criminals.

I am disappointed that the General Assembly failed to adopt the Transportation 2000 plan. That plan would give Iowa a more efficient transportation system and serve as an important element in our economic development plan. The failure to act represents a major opportunity missed.

The General Assembly also did not address a solution to the problems facing those Iowans who choose to educate their children in their homes. As a result, more parents could be prosecuted during the next year for acting in accordance with their religious beliefs.

The General Assembly's budget, in effect, exceeds my recommendations by over \$25 million. Budget gimmickry was used in an attempt to mask the real level of spending. The budget hides expenditures for the coming year from taxpayers by allocating some of the spending for next year in this year's budget. It also includes approximately \$10 million of additional annual costs for new programs that were initiated this session. The gimmicks in the budget do not erase the costs to taxpayers. Iowans deserve an accurate accounting in their state budget and an accurate accounting shows excessive spending.

Finally, a glaring omission from the list of this General Assembly's accomplishments is the failure to enact an income tax rate reduction bill. Without such legislation, Iowa would be left with the highest top income tax rate in the country — 13 percent. That rate would cost Iowa jobs, economic development and opportunity. It is simply unacceptable.

However, later this week in an extraordinary session, the General Assembly will have an opportunity to rise above political and individual differences and cut Iowa's tax rates to give Iowans a simple, fair, progressive and competitive tax system. For the good of all Iowans — Republican and Democrat, rural and urban, young and old — we must work together to pass this rate reduction plan. To do so will provide a capstone to this session. A failure to reduce rates to competitive levels would be a reminder of a missed opportunity that will cost Iowa jobs and development for the future.

Very truly yours,
TERRY E. BRANSTAD
Governor

**SUPPLEMENT
TO THE
SENATE JOURNAL**

**Seventy-second General Assembly
1987 Regular Session**

**SENATE BILLS APPROVED, ITEM VETOED,
OR VETOED SUBSEQUENT TO ADJOURNMENT**

The following is a record of action on Senate resolutions and bills by the Governor and transmitted to the Secretary of State after the close of the 1987 Regular Session:

- S.C.R. 35 — Relating to the board of regents ten-year building program. Approved June 9.
- S.F. 17 — Relating to the penalty for cruelty to animals. Approved June 2.
- S.F. 29 — Relating to the movement of certain vehicles on the public highways of the state by authorizing the movement of motor homes with an outside width up to eight feet six inches and the movement of mobile homes by transporters. Approved June 4.
- S.F. 55 — To remove the requirement that a gambling license cannot be issued for a period of two years for a location for which a gambling license was revoked, and removing the prohibition against conducting games of skill, games of chance, and raffles on the premises of a liquor control licensee or beer permittee, and relating to the age of individuals allowed to be present at a bingo occasion, and providing an effective date. Approved June 3.
- S.F. 101 — Relating to mobile home taxes and providing an effective date. Approved June 5.
- S.F. 139 — Relating to the use of public funds to aid economic development. Approved June 3.
- S.F. 146 — Relating to the agricultural loan assistance program of the Iowa agricultural development authority. Approved May 13.
- S.F. 148 — Relating to gender balance in the appointment and election of judicial nominating commissioners and balance in the appointment of members of state boards, commissions, committees, and councils. Approved June 7.
- S.F. 162 — Relating to the authority and composition of the Iowa public broadcasting board including authority over narrowcast and broadcast systems to serve the educational needs of the state and to provide an effective date. Approved June 5.
- S.F. 276 — Relating to the regulation of long-term care insurance. Approved May 15.
- S.F. 311 — Relating to motor vehicle law including speed limits by limiting the special treatment of speeding violations of ten miles per hour

or less over the legal speed limit to speed zones equal to or greater than thirty-five miles per hour but not greater than fifty-five miles per hour, by requiring the state department of transportation to adopt rules providing exemptions for mandatory seat belt requirements under certain circumstances and by increasing the speed limit to sixty-five miles per hour on fully controlled-access, divided, multilaned highways including the interstate highway system, and providing penalties and a conditional effective date. Approved May 12.

- S.F. 333 — Relating to the use of telecommunications systems and services for educational instructional purposes and providing an effective date. Approved June 5.
- S.F. 340 — Relating to the testing of blood or other bodily specimens of persons committed to an institution under the control of the Iowa department of corrections or a jail under the charge of a sheriff or other person, and providing penalties. Approved June 3.
- S.F. 359 — Relating to movement of vehicles of excess size, weight, and load and providing an effective date. Approved June 3.
- S.F. 396 — Relating to the creation of a waste management authority within the department of natural resources, and providing for the management of solid, hazardous, and low-level radioactive wastes. Approved June 2.
- S.F. 399 — Establishing a motorcycle rider education fund, increasing fees for certain operator's licenses, crediting moneys to the fund, and appropriating moneys from the fund to the department of education to reimburse sponsors of motorcycle rider education courses for the costs of the courses. Approved June 5.
- S.F. 458 — Relating to the abatement of taxes by the county. Approved May 13.
- S.F. 461 — Relating to electronic funds transfers by providing for limiting liability of financial institutions for unauthorized electronic funds transfers involving the customer's account, altering restrictions on the establishment, location, and use of satellite terminals, adding definitions, and requiring that all satellite terminals in this state or their data processing centers be directly connected to a central routing unit. Approved May 28.
- S.F. 471 — Relating to indemnification and limitation of liability of directors and officers and to liability of persons who volunteer services to the state or a municipality or a nonprofit organization. Approved June 5.

- S.F. 479 — Relating to the use and application of pesticides and making penalties applicable. Approved June 2.
- S.F. 480 — Relating to things of value given to and received by public employees, officials, members of the General Assembly, other persons serving in a public capacity, and candidates, mandating reporting of certain things of value, subjecting violators to penalties, and providing an effective date. Approved June 5.
- S.F. 481 — Adjusting the allowable growth under the school foundation formula. Approved June 4.
- S.F. 482 — Relating to the civil process and procedure for awarding interest on civil judgments and decrees, determining whether a sufficient burden of proof has been met for the awarding of punitive damages, and for allowing the consideration for previous payments for medical damages, and providing an effective date. Approved May 28.
- S.F. 499 — Relating to the federal low-income housing credit allowance. Approved May 13.
- S.F. 507 — Relating to the adoption of a benefit ratio unemployment compensation contribution array system and providing for the Act's applicability and providing for the future repeals of certain portions of this Act. Approved June 8.
- S.F. 509 — Revising certain statutory provisions relating to engineering and land surveying services. Approved May 29.
- S.F. 513 — Appropriating federal funds made available from federal block grants, allocating portions of federal block grants, and providing procedures if federal funds are more or less than anticipated or if federal block grants are more or less than anticipated or if categorical grants are consolidated into new or existing block grants. Approved June 6.
- S.F. 517 — Relating to state agencies receiving petroleum overcharge funds and appropriating petroleum overcharge funds. Approved June 6.
- S.F. 519 — Relating to the time for claiming urban revitalization tax exemptions. Approved May 28.
- S.F. 522 — Relating to juveniles, regarding children in need of services, and detention of juveniles in adult detention facilities, and penalties for violations of certain misdemeanors and ordinances. Approved May 27.

GOVERNOR'S ITEM VETO MESSAGES

June 8, 1987

The Honorable Elaine Baxter
Secretary of State
State Capitol Building
L O C A L

Dear Madam Secretary:

I hereby transmit Senate File 504, a bill for an act relating to the compensation and benefits for public officials and employees by specifying salary rates and ranges, by providing adjustments for salaries, by providing coverage and adjustments for health, life, disability and dental insurance, by changing retirement benefits received by certain members of the Iowa public employees' retirement system, by creating a county compensation board and specifying its duties, by making coordinating amendments to the Code, and by providing effective dates.

Senate File 504 provides for salary and benefit increases for public officials and state employees. It ratifies the recent collective bargaining agreement and provides for a two percent scheduled increase for all state employees on July 1 of this year plus appropriate merit increases. In addition, substantial changes are made to the salaries provided for statewide elected officials, the judiciary, and members of the General Assembly.

I had recommended a 3.5 percent salary increase for elected officials and members of the General Assembly. That level of increase is consistent with the average cost of increases provided for other state employees. I am concerned that the increases provided for in Senate File 504, in some cases, greatly exceed my recommendations. Several items in Senate File 504 provide for large compensation increases for members of the General Assembly which are not reflected in their actual salaries. As a result, the average member of the General Assembly would receive a total compensation increase of approximately 30 percent if Senate File 504 were signed into law as enacted.

My recommendations reflected the fact that some salary adjustments are in order for elected officials, particularly since those salaries have been frozen for the past three years. However, I cannot accept the excessive level of compensation increases provided for members of the General Assembly in Senate File 504.

I am unable to approve that portion of Section 14, Subsection 1, which reads as follows:

In addition, each such member shall receive the sum of ~~forty~~ seventy-three dollars per day for expenses of office, except travel, for each day the general assembly is in session commencing with the first day of a legislative session and ending with the day of final adjournment of each legislative session as indicated by the journals of the house and senate, except that in the event the length of the first regular session of the general assembly exceeds

one hundred ten calendar days and the second regular session exceeds one hundred calendar days, such payments shall be made only for one hundred ten calendar days for the first session and one hundred calendar days for the second session. However, members from Polk county shall receive ~~twenty-five~~ fifty dollars per day. Travel expenses shall be paid at the rate established by section 18.117 for actual travel in going to and returning from the seat of government by the nearest traveled route for not more than one time per week during a legislative session. However, any increase from time to time in the mileage rate established by section 18.117 shall not become effective for members of the general assembly until the convening of the next general assembly following the session in which the increase is adopted; and this provision shall prevail over any inconsistent provision of any present or future statute.

And, I am unable to approve that portion of Section 14, Subsection 2, which reads as follows:

The lieutenant governor while performing administrative duties of the office of lieutenant governor when the general assembly is not in session or serving as the president of the senate during special sessions of the general assembly shall receive ~~sixty~~ seventy-three dollars per diem and reimbursement for expenses incurred in performing such duties. The lieutenant governor may elect to become a member of any state group insurance plan for employees of the state established under chapter 509A and the disability insurance program established under section 79.20 on the same basis as a full-time state employee. The lieutenant governor shall authorize a payroll deduction of any premium due.

And, I am unable to approve the item designated as Section 14, Subsections 6 and 7 in their entirety.

These items in Senate File 504 would provide Polk County members of the General Assembly with a 100 percent increase in their daily allowance during the time the legislature is in session. In addition, non-Polk County legislators would receive an 82.5 percent increase in their daily allowance during the regular and special sessions. Such an increase in the daily allowance when combined with the 13 percent salary increase already provided for in Senate File 504 would allow legislators to receive a combined compensation increase of up to 30 percent.

Clearly, inflation has not increased by 82.5 percent or 100 percent over the past three years; such a large increase in the per diem is, therefore, difficult to justify. Moreover, given the difficult economic times which have faced many Iowans over the past few years, elected officials would do well to set an appropriate example by moderating their compensation increases to those clearly provided in their salaries. By dramatically increasing the daily allowances, legislators have, in effect, provided a huge hidden compensation increase for themselves. I cannot accept this back door method of increasing legislative compensation.

I am unable to approve that item designated as Section 15, in its entirety and Section 17, in its entirety.

This item in Senate File 504 provides that a portion of the health insurance costs for members of the General Assembly will be paid for by the state and allows the members an almost unlimited ability to change insurance coverage. In addition, this item provides that members of the General Assembly shall become members of the state disability insurance program, despite the fact that legislators have, in the past, not been considered full time state employees. This special treatment for members of the General Assembly ranges beyond the restrictions included in the health and disability insurance plans provided for other state employees. If members of the General Assembly wish to be part of those plans, they should live with the same rules as other state employees. Moreover, by requiring the taxpayers to foot a portion of the health insurance coverage for members of the General Assembly, another form of a hidden increase in compensation for members of the general assembly is included in this bill. I cannot accept these well-masked attempts to increase the compensation of legislators.

I am also deeply concerned about the efforts of the General Assembly to use legal drafting devices to evade my item veto authority on compensation bills. The General Assembly has chosen to remove the appropriation from the salary bill and place it in a separate bill. In fact, that salary adjustment appropriation is made as a lump sum and is placed as a condition upon the approval of Senate File 504. I cannot accept that legislative device to clearly evade the Governor's item veto authority. (People ex rel State Board of Agriculture vs. Brady 115 NE 204)

In this case, the legislature is clearly incorporating a lump sum appropriation in a separate bill in order to evade the Governor's ability to strike specific items relating to the expenditure of that lump sum appropriation. That is clearly a legal device designed to avoid the Governor's ability to strike appropriation items and cannot be accepted.

Moreover, by tying two separate pieces of legislation together with a conditional lump sum appropriation, the legislature is attempting to greatly limit the Governor's authority to separately decide upon the merits of each appropriation item in each bill. Taken to its logical conclusion, the legislature could, in effect, eliminate the Governor's item veto authority by providing for the authorization for expenditures in one bill and a lump sum appropriation for those purposes in another. I cannot allow such an erosion of the Governor's item veto authority to occur.

The Governor's item veto authority was designed to provide the Governor with the ability to strike appropriation items. Nothing is more clearly related to the expenditure of taxpayers money than legislation providing additional salary increases. To view the item veto authority otherwise would greatly hamstring the gubernatorial authority over appropriations and potentially emasculate this important check on state spending.

In addition, the bill does authorize payments from a standing unlimited appropriation in Chapter 2 of the Code. An authorization of payment is an appropriation by definition.

In short, I cannot accept the items in Senate File 504 which provide for an 82.5 percent to 100 percent increase in daily allowances for legislators and allow legislators to receive special health insurance coverage treatment. Taken together, these benefit increases would increase legislative compensation by over 30 percent. That is an excessive increase.

For the above reasons, I hereby respectfully disapprove these items in accordance with Amendment 4 of the Amendments of 1968 to the Constitution to the State of Iowa. All other items in Senate File 504 are hereby approved as of this date.

Sincerely,
TERRY E. BRANSTAD
Governor

June 9, 1987

The Honorable Elaine Baxter
Secretary of State
State Capitol Building
L O C A L

Dear Madam Secretary:

I hereby transmit Senate File 511, an act relating to the financing of public agencies and programs and making appropriations to agencies, boards, commissions, departments, and programs of state government relating to elected officials, the executive council, management, revenue and finance, personnel, general services, economic development, agriculture, natural resources, and education, providing a property tax exemption for certain educational facilities, establishing an office of state-federal relations, providing for the education of American Indian children, establishing an occupational therapist loan program, providing for the sale of certain property and the purchase of certain property, providing tax exemption for certain property of a public television station, establishing a targeted small business linked deposit program and Iowa satisfaction and performance bond program, establishing a state fair authority, establishing an obstetrical and newborn indigent patient care program, accretion to bargaining units of certain teachers, providing for a loan of moneys in the permanent school fund, providing a tax deduction and a tax credit for certain purposes, making provisions retroactive, and providing effective dates.

Senate File 511 provides for appropriations and substantial statutory changes for agencies ranging from executive council to the department of education. This bill, in short, spends more than the state's taxpayers can afford. Senate File 511 authorizes a score of new programs; it attempts to hide the real level of spending in FY 88 by over \$12 million by appropriating funds in the wrong fiscal year; and it contains substantial statutory language which encroaches upon executive branch discretion in the administration of programs.

As a result, action must be taken to clean up this bill and to substantially cut the level of spending.

With the recent action by the extraordinary session of the 72nd general assembly, the Department of Management estimates that the state will face a revenue shortfall of up to \$30 million in FY 88. This shortfall occurs despite the use of the additional one-time revenue achieved in FY 87 as a result of federal tax changes. Clearly, spending must be cut substantially in FY 88 if we are to have a balanced budget as required by the Iowa Constitution.

Therefore, I am taking action to remove \$15.95 million of excessive spending from Senate File 511. I also am removing \$19.203 million from House File 671 in order to provide the state with a balanced budget. Programs for which spending is cut or eliminated in this bill include those which have been recommended for elimination in the past, those new programs which impose upon the state's taxpayers new liabilities and additional spending for existing programs beyond that called for in my initial recommendations to the general assembly.

Senate File 511 is, therefore, approved on this date with the following exceptions which I hereby disapprove.

I am unable to approve the item designated as Section 107, Subsection 1, unnumbered paragraph 1 in its entirety. This unnumbered paragraph requires the Department of General Services to continue the forms management program. This program was recommended for elimination by the recent restructuring and downsizing report for state government and I had recommended that we cut this program. The legislature provided an additional \$40,000 in the lump sum appropriation to the department. With this veto, that \$40,000 will revert to the state's general fund. The department can provide for appropriate controls on the use of forms by state agencies without the expenditure of these additional funds.

I am unable to approved the item designated as Section 109 in its entirety. Section 109 of Senate File 511 provides \$3 million to the Department of General Services in FY 89 and FY 90 to be used for capitol complex construction. This program is designed to supplement funds appropriated in the lottery bill to construct an underground office building for the general assembly. I question the legislature's ability to obligate a future general assembly for these funds. In addition, I believe it is inappropriate for the general assembly to be spending millions of dollars to construct a new office building for the members.

I am unable to approve the item designated as that portion of Section 114 which reads as follows: "and the fiscal committee of the legislative council."

This provision in Section 114 gives the fiscal committee of the legislative council the authority to, in effect, appropriate funds to the lottery division of the Department of Revenue and Finance. I believe this is an inappropriate delegation of responsibility to the fiscal committee of the legislature. The Department of Management will review the need for additional funds by the lottery division and will provide appropriate reports on those needs to the legislature.

I am unable to approve that item designated as Section 122 in its entirety. Section 122 of Senate File 511 appropriates \$4.25 million in FY 87 for various projects to the Department of General Services. These include capitol renovation projects and moving the historical division into the new historical building.

I had recommended a number of these funds for appropriation in FY 88. However, the legislature is attempting to use budget gimmickery to mask the actual level of spending in Fiscal Year 1988. This "appropriate-now and spend-later" budgetary practice is dangerous and will result in excessive spending in FY 88 and FY 89. Iowa taxpayers cannot afford these double expenditures and therefore I cannot allow this budget gimmickery to be passed into law. The historical division move and the capitol renovation projects can be accomplished by use of lottery funds.

I am unable to approve that item designated as Section 126, Subsection 2, paragraph b; Section 126, Subsection 3 in its entirety; that portion of Section 126, Subsection 4 which reads as follows: "with oversight of the office to be provided by the state-federal relations commission."

And Section 126, Subsection 6 in its entirety.

This item in Section 126 establishes a state-federal relations commission which, in effect, is a fourth branch of government composed of the three branches established in the Constitution. To be effective, Iowa's Washington office must be managed by the executive branch, albeit with appropriate communication with the other branches of government. Setting up a three-party team to manage a new independent agency would be unworkable and would greatly hamper the ability of Iowa to use its Washington office to return a greater share of our federal tax dollars to Iowa.

I am unable to approved that item designated as Section 127 in its entirety.

This section requires the governor to transmit final drafts of the governor's proposed budget expenditures no later than seven days following delivery of the budget message. A good faith effort will be made to have the draft budget bills submitted within seven days of the message. However, the language in Section 127 is unduly restrictive.

I am unable to approve that item designated as Section 133 in its entirety.

This section of Senate File 511 establishes an audit expense fund by the department of revenue and finance. While I agree with the intent of this proposal — to provide additional auditors and to increase tax compliance — I cannot accept another fund separated from the state's general fund. Such action by the general assembly tends to obscure the ability of taxpayers to view the real level of spending. Revolving funds should be used on only a very limited basis; direct appropriations from the general fund should be the general rule.

I am unable to approve that item designated as Section 201, Subsection 6 in its entirety.

This section of Senate File 511 imposes burdensome performance measures and reporting requirements on the Department of Agriculture and Land Stewardship. These management related goals and reporting mechanisms are the essence of executive branch administrative discretion. The Department of Management has developed performance measures for each department, consistent with the reorganization bill. The results of these measures can and will be shared with the legislative branch of government at appropriate times. Moreover, the agricultural marketing issue is now the subject of contention between the Department of Economic Development and the Department of Agriculture and Land Stewardship. These goals and mission statements simply tend to further confuse that marketing dichotomy. The legislature should take action to provide full marketing authority in the department of economic development, as recommended in the recent reorganization legislation.

I am unable to approve that item designated as Section 205, Subsection 5 in its entirety.

This section of Senate File 511 imposes detailed performance measures on the law enforcement bureau of the fish and wildlife division of the Department of Natural Resources. Again, these management related goals and reporting mechanisms are the essence of executive branch administrative discretion. The Department of Management's performance measures can and will be shared at appropriate times with the legislative branch of government. However, some administrative discretion in the management of state government must be maintained.

I am unable to approve that item designated as Section 207, Subsection 2 in its entirety.

This subsection appropriates \$60,000 to the Department of Natural Resources for Iowa's dues to the Midwest Interstate Low Level Radioactive Waste Compact for Fiscal Year 1988. However, even though the funds are to be used for FY 88, they are actually appropriated in FY 87. Again, this budget gimmickery is designed to mask the real level of spending provided for in the next fiscal year. The state must appropriate the funds necessary for this assessment from this important compact. I urge the general assembly to take action to provide for those funds in an appropriate manner next fiscal year.

And I am unable to approve the item designated as Section 210 in its entirety.

Section 210 of Senate File 511 provides \$250,000 in FY 87 to the Department of Agriculture and Land Stewardship to pay the initial costs of establishing the agricultural export trading company. Since this state trading company was vetoed in Senate File 274, the need for these funds no longer exists. In addition, the legislature is again appropriating these funds in the wrong fiscal year in order to avoid allowing the taxpayers to see the actual level of spending provided in FY 88. As such, this section cannot be approved.

I am unable to approve that item designated as Section 211 in its entirety.

This section provides \$125,000 to the Department of Agriculture and Land Stewardship for the Iowa grain quality program. Again, funds are provided in the wrong fiscal year in order to hide the actual level of spending. In addition, Iowa has already established a certified Iowa quality grain program as a result of a cooperative effort with the private sector. Thus, additional state appropriations are not needed.

I am unable to approve that item designated as Section 220 in its entirety.

This section of Senate File 511 provides \$5 million to the Iowa agricultural development authority for agricultural loan assistance programs. I originally recommended that these funds be appropriated in FY 88 in order to provide necessary credit assistance to farmers in difficult financial shape and to provide a financial incentive for Iowans to re-enter the cattle market. I continue to strongly support those efforts. However, the general assembly again provides funds for this purpose in FY 87 to be spent in FY 88. I vetoed a similar effort in Senate File 355 because it requires double spending of state funds in future fiscal years. Given the state's fiscal situation, I cannot approve of this budget gimmickery. In the future, I plan to continue to urge the general assembly to remove this buy-down program from the legislature's budgetary game playing. Funds are necessary to reinvigorate agriculture in Iowa and the legislature, in the future, ought to play it straight and provide the funds for the year in which they are to be spent.

I am unable to approve that item designated as Section 301, Subsection 15 in its entirety.

This subsection of Senate File 511 again imposes detailed performance measures and reporting requirements on the Department of Economic Development. The Department of Management's performance measures will be shared with the legislative branch at appropriate times. That method will avoid the unnecessary encroachment of the legislative branch into the administrative discretion of the executive branch.

I am unable to approve that item designated as Section 302 in its entirety.

This section of Senate File 511 imposes restrictions on the use of community economic betterment funds, RISE funds, and job training programs. These programs must be flexible in order to respond quickly and appropriately to opportunities for new jobs. By planning additional restrictions on these funds, the legislature will cost Iowa jobs. Certainly, the considerations placed in Section 302 can and are a part of the department's decision making process. However, detailed legal restrictions would hamstring the department's ability to act quickly to obtain new jobs for Iowa.

I am unable to approve the item designated as Section 304 in its entirety.

Section 304 allows funds for tourism and marketing purposes to be carried over into FY 88. The intent of this portion of Section 304 is to increase the department's real level of spending in FY 88, while appropriating the funds in FY 87. The General Assembly cut tourism funds below last year's levels despite my call for a \$600,000 increase. I strongly support tourism marketing funding and will push hard to increase funds for that purpose next year.

I am unable to approve that item designated as Section 306 in its entirety.

This portion of Senate File 511 imposes detailed meeting and reporting requirements on the Department of Economic Development. These extensive requirements would add further bureaucratic weight to the department of economic development's responsibilities. Such requirements would limit the department's ability to perform its primary mission — assistance in the creation of new jobs in our state. As a result, I cannot approve this section of Senate File 511.

I am unable to approve that item designated as Section 401, Subsection 8 in its entirety.

This subsection of Senate File 511 provides an additional \$60,000 to the regional library system for new grant programs. The legislature restored substantial funds to the regional library system in this appropriation. Providing funds above last year's level for studies and grants simply cannot be justified, considering the state's difficult financial situation.

I am unable to approve that item designated as Section 402, Subsection 2; Section 454, New Subsection 10; and Section 461 in its entirety.

This item of Senate File 511 establishes a new occupational therapist loan program. Many Iowa institutions have had difficulties recruiting occupational therapists. In addition, no Iowa college or university presently has an occupational therapist program. It would be appropriate for an Iowa educational institution to adopt such a program in order to improve the ability of Iowa institutions to attract needed occupational therapists. However, establishing a new loan program is not likely to provide any immediate relief. As a result, I must disapprove it.

I cannot approve the item designated as that portion of Section 405, unnumbered paragraph 2, which reads as follows:

"As a condition of the appropriation made in this subsection, the department of education shall expend at least one hundred fifty thousand (150,000) dollars of the moneys appropriated in this subsection to increase the salaries of individuals employed by the department in consultant positions in order to bring their compensation up to a level that is more competitive with compensation received by individuals employed in other professional positions that have comparable educational requirements."

This portion of Senate File 511 provides an inappropriate supplement of salaries to consultants in the department of education. While some review of the consultants salaries may be in order, direct legislative action to provide a salary adjustment to individual state employees is bad salary policy and cannot be approved.

I cannot approve the item designated as Section 405, Subsection 12 in its entirety.

This subsection provides \$250,000 to a particular merged area school to meet educational needs. I understand that the Des Moines Area Community College does have a funding problem caused by the new area college funding formula incorporated in this legislation and that these funds would help finance instructors. This problem is caused by the definition of contact hours in the formula. I will work with the department of education and the Des Moines Area Community College to resolve this contact hour definitional problem to prevent DMACC from being excessively penalized through the formula. However, I cannot approve a separate supplemental appropriation on top of the funding formula to deal with that issue. The funding formula is designed to provide all of the funds to the area colleges for educational purposes. Any difficulties with the formula should be resolved internally without a separate line item appropriation. The instructional problems at the Carroll DMACC campus must be addressed within the community college structure.

I am unable to approve the item designated as Section 408, Subsection 1, lettered paragraph a, unnumbered subparagraph 1.

This unnumbered paragraph requires that the Board of Regents provide free copies of the student newspapers to the chairpersons and ranking members of the education appropriations subcommittees, the legislative fiscal bureau, and the department of management. Legislating free newspapers in an appropriation bill is wrong and cannot be tolerated. If members of these committees wish to receive newspapers, they should work out an arrangement with the institutions and report it as a gift.

I am unable to approve the item designated as Section 409 in its entirety.

This section of Senate File 511 provides \$2 million of FY 87 funds to be spent in FY 88 for an amorphous silicon research facility at Iowa State University. I am supportive of this research effort and have encouraged the university and the company interested in this project to apply for oil overcharge funds under the competitive grant process. Indeed, members of the oil overcharge review committee have expressed an interest in the project. However, I cannot accept an FY 87 appropriation to be spent in FY 88 for this purpose. It again masks the real level of spending provided by the general assembly.

I am unable to approve that item designated as Section 416 in its entirety.

This section of Senate File 511 punishes school districts that have not filed their economy committee task force report. Just a few districts have failed to do so, to date. I would encourage them to comply with Iowa law. However, I do not believe it is appropriate to deny children in those districts of all state aid as is

required in Section 416. The punishment, in this case, exceeds the violation. As a result, I cannot approve Section 416 but do request that the affected school districts comply with Iowa law and file their economy task force reports.

I am unable to approve that item designated as Section 421 in its entirety.

This section of Senate File 511 provides for detailed performance review measures and reporting requirements for regional libraries which should remain the prerogative of the executive branch of state government. These management review and reporting mechanisms violates the need for administrative discretion. The department of management will report to the legislative branch regarding the performance measures developed by the executive branch.

I am unable to approve the item designated as Section 430 in its entirety; and Section 448 in its entirety.

This item in Senate File 511 requires the establishment of adolescent task force local advisory committees. I am aware of and sensitive to the need to provide state assistance to adolescents. Specifically, I am approving Section 411 which provides for pregnancy prevention and services grants. I am pleased that this section of the bill directs these funds to be used in an appropriate way and prohibits the use of these funds for abortions.

However, the task force and the local advisory groups remain narrowly focused and would duplicate the task force on adolescent substance abuse, pregnancy, and suicides which I plan to appoint. That task force will represent a broad spectrum of citizens of Iowa and will make recommendations for consideration by the general assembly in 1988.

I am unable to approve that item designated as Section 452 in its entirety.

This section in Senate File 511 provides an additional \$3.25 million to the merged area schools for salary adjustments. While I understand the need for salary adjustments at the merged area schools, I cannot approve a separate appropriation for that purpose. My recommendations to the general assembly provided for full funding of the formula for merged area schools. This provided them with an additional \$8.8 million of state aid. Once the merged areas are engaged in formula funding, they should no longer expect additional salary supplements. Therefore, I cannot approve the additional salary supplement provided in Section 452.

I am unable to approve the item designated as Section 471 and Section 472 in its entirety.

This item in Senate File 511 legislates bargaining units for classroom teachers at the Iowa Braille and Sight Saving School and the Iowa School for the Deaf. Chapter 20 requires the Iowa Public Employment Relations Board to establish appropriate bargaining units. This legislation is clearly a violation of Chapter 20 by arbitrarily legislating bargaining units. That precedent should not be established.

I am unable to approve that item designated as that portion of Section 491, Subsection 4 in its entirety.

This subsection provides that \$200,000 from phase three of the educational excellence fund is to be used for pilot projects for sabbaticals for teachers. I cannot accept this diversion of performance-based pay funds for that purpose. While there may be some educational value in a sabbatical, I do not believe that the state ought to be providing line item funds for that purpose. Instead, local school districts should develop performance-based pay plans that best suit the needs of their districts, subject to approval of the Department of Education.

I am unable to approve that item designated as Section 491, Subsection 5, numbered paragraph 2. This item requires that the appropriations for performance-based pay be placed on the chopping block if further budget cuts are needed. Since this provision substantially alters the existing state policy on budget reductions and establishes performance-based pay as the legislature's last priority, I cannot approve it. I believe that performance-based pay for education should be our top priority and I plan to treat it as such as the budget is implemented for the next fiscal year.

In summary, Senate File 511 includes excessive spending for new programs. With these actions, I have reduced spending in this bill by \$15.95 million. In addition onerous statutory language has been stricken. At the same time, our commitment to excellence in education in K-12 is maintained and strengthened.

For the above reasons, I hereby respectfully disapprove these items in accordance with Amendment IV of the Amendments of 1968 to the Constitution of the State of Iowa. All other items in Senate File 511 are hereby approved as of this date.

Sincerely,
TERRY E. BRANSTAD
Governor

June 7, 1987

The Honorable Elaine Baxter
Secretary of State
State Capitol Building
L O C A L

Dear Madam Secretary:

I hereby transmit Senate File 515, an act relating to the allocations and appropriations of lottery revenues and the programs for which the revenues may be used.

Senate File 515, makes appropriations from lottery revenues to the various accounts of the Iowa Plan Fund. It am pleased that the General Assembly, for the most part, maintained our commitment to use the lottery funds for economic development and job creation activities. However, the language included in this

legislation unwisely restricts the use of these funds for job creation purposes, provides funds for the construction of a legislative underground office facility which has little, if any, positive economic development impact, and inappropriately involved the legislative branch in executive branch management activities.

Senate File 515 is, therefore, approved on this date with the following exceptions which I hereby disapprove.

I am unable to approve the items designated as Section 4, Subsections 8, 11 in their entirety and the first paragraph of Subsection 12.

Subsections 8, 11 and a portion of 12 of Section 4 of Senate File 515 provide unnecessary restrictions on the ability of the Department of Economic Development to provide community economic betterment account funds. These funds are provided to local communities to assist in job creation efforts. One of the values of this program has been its flexibility — the Department is able to act quickly and responsibly in the race for new jobs.

Subsections 8, 11 and 12 would greatly hamper the ability of the Department of Economic Development to respond quickly to an opportunity for new job creation in the state. Subsection 10 would require large upfront loans to eligible businesses which would quickly dry up available funds. While loans should be used where economically feasible, the department should retain the flexibility to use either grants or loans.

Subsection 11 requires a detailed competitive impact assessment before funds are authorized. The competitive impacts of CEB grants should and are a part of the department's decision-making process. However, the detailed restrictions imposed in Subsection 11 would greatly limit the ability of the department to act quickly in response to an economic development opportunity.

In addition, the designated portion of Subsection 12 would require the department to do an exhaustive analysis of each company's labor relations and "business ethics" record prior to providing assistance to create jobs. Such standards are illusory and could tie the department up into bureaucratic knots when speed and decisiveness are needed to obtain new jobs.

Taken together, these subsections could well cost Iowa jobs in the future by unnecessarily restricting the use of community economic betterment funds. They must therefore be disapproved.

I am unable to approve the item designated as that portion of Section 11, New Lettered Paragraph, j, which reads as follows: "The funds shall next be used to construct and equip additional space for the general assembly as approved by the legislative council;".

This item of Senate File 515 provides funds for the construction of an underground office building for the General Assembly. The General Assembly has also provided appropriations for the next several fiscal years to complete this multi-million construction project. Given the state's tight fiscal condition and the need for

additional funds for economic development and other important priorities, I cannot approve this measure to construct a new legislative office building.

Lottery funds are to be used for economic development purposes. Constructing an underground office facility for the expansion of the General Assembly is not the type of job creation Iowans had in mind when the lottery funding package was first developed. For that reason, I cannot approve this item.

I am unable to approve the item designated as Section 13 in its entirety.

Section 13 of Senate File 515 requires all the agencies, boards and commissions which receive funds from the lottery to provide frequent reports to the legislative fiscal bureau. This is an excessive level of reporting and would limit the ability of the managers of these funds to appropriately administer the programs within the executive branch's discretion. Therefore, I cannot approve this item.

I am unable to approve the item designated as Section 20 in its entirety. Section 20 of Senate File 515 imposes burdensome performance measures and reporting requirements on the Department of Economic Development. The type of management related goals, and reporting mechanisms included in the bill are the essence of executive branch administrative discretion. The Department of Management has developed performance measures for each department. The results of these measures can be shared at appropriate times with the legislative branch.

In addition, the Department of Economic Development will respond to appropriate requests for information from the legislature regarding the implementation of economic development programs. However, the administration of programs must remain an executive branch prerogative without the encroachment incorporated in Section 20 of Senate File 515.

For the above reasons, I hereby respectfully disapprove of these items in accordance with Amendment 4 of the Amendments of 1968 to the Constitution of the State of Iowa. All other items in Senate File 515 are hereby approved as of this date.

Sincerely,
TERRY E. BRANSTAD
Governor

June 8, 1987

The Honorable Elaine Baxter
Secretary of State
State Capitol Building
L O C A L

Dear Madam Secretary:

I hereby transmit Senate File 518, an act relating to and making appropriations

to state agencies whose responsibilities relate to public defense, public safety, transportation, and enforcement, and including allocation of moneys from the road use tax fund and providing effective dates.

Senate File 518 provides appropriations for law enforcement and transportation related agencies in state government. While I have some concern about the excessive appropriations from the law enforcement training reimbursement fund, the appropriations made in this bill are generally in line with my original recommendations. However, Senate File 518 includes several provisions which excessively tie the hands of the executive branch of state government and must be vetoed.

I am unable to approve the item designated as Section 1, Subsection 3 in its entirety. Subsection 3 of Section 1 of Senate File 518 establishes detailed performance review measures and reporting requirements for the law enforcement academy's training program. The management-related goals and reporting mechanisms included in this subsection are the essence of executive branch administrative discretion. The Department of Management has developed performance measures for each department. The results of these measures can be shared at appropriate times with the legislative branch. However, the legislative requirements imposed in Subsection 3 are excessive and cannot be approved.

I am unable to approve Section 16 of Senate File 518 in its entirety. Section 16 requires that the Department of Transportation lower the entrance pipe by two feet at station 329+60 Rt on U.S. highway 63 in Tama county, Iowa. The level of the drainage pipe referred to in Section 16 is now under study by the Department of Transportation in order to relieve a drainage problem in the area. There are different views in the area about the appropriate level at which the pipe should be located. The decision on the appropriate level for the pipe is one which should clearly be subject to administrative discretion and executive branch expertise. Such detail directed by the General Assembly is a glaring example of excessive legislative branch encroachment into executive branch authority. As such, I cannot approve Section 16.

I am unable to approve Section 29 of Senate File 518 in its entirety. Section 29 of this bill amends the 1986 Iowa Acts, to require that DOT maintenance garages be placed in Tama-Toledo, Dubuque and Centerville. This section prohibits the Department from placing these garages in any area around these communities. I understand the intent of this section is to require the Department to place the garage in an appropriate location in Tama-Toledo. And I am pleased that the Department of Transportation officials do plan to build that garage very near those communities. However, by requiring that these garages be placed within the city limits of Dubuque and Centerville, the legislature inadvertently created a serious problem for the department. At the present time, the maintenance garage in the Dubuque area is now under construction just outside of the city limits of that community. And the Centerville area garage is also proposed to be constructed just outside the city limits. Neither of these projects could move forward if this legislation were signed into law.

For the above reasons, I hereby respectfully disapprove these items in accordance with Amendment 4 of the Amendments of 1968 to the Constitution of the State of Iowa. All other items in Senate File 518 are hereby approved as of this date.

Sincerely,
TERRY E. BRANSTAD
Governor

GOVERNOR'S VETO MESSAGES

June 7, 1987

The Honorable Elaine Baxter
Secretary of State
State Capitol Building
L O C A L

Dear Madam Secretary:

Senate File 274, an act relating to the exporting of Iowa agricultural products and commodities, by providing for the establishment of an Iowa agricultural export trading company; establishing a certified Iowa commodity program, a new bureau of agriquality inspection within the department of agriculture and land stewardship; a state terminal and shippers program; an agrimarketing data bank; and a sealed carrier receptable program; imposing penalties and providing an effective date, is hereby transmitted to you in accordance with Article 3, Section 16, the Constitution of the State of Iowa.

Senate File 274, establishes a state agricultural trading company, a certified Iowa commodity program, and a new agriquality inspection program within the Department of Agriculture and Land Stewardship. I understand the intent of Senate File 274 is to provide additional opportunities for Iowa farmers to export their products overseas. I respect and share that intent. However, Senate File 274 is an unwarranted state intrusion into the private sector, is an unnecessary duplication of existing services, and could actually be counterproductive to Iowa's export marketing efforts. For those reasons, I must veto Senate File 274.

Rather than working to expand exports through the private sector, this legislation attempts to establish a state export company. Leaders of Iowa's commodity groups have expressed serious reservations about this entity and commodity experts do not believe that a state grain export company would be viable. I can understand the emotional appeal of a state grain company, but it is not responsible to mislead farmers into believing that a state export trading company would be effective.

In October of last year, I announced the Iowa Certified Quality Grain program, directed by former Congressman Cooper Evans. This program is designed to provide state assurance of quality grain to our foreign customers. Indeed, Iowa farmers are justifiably concerned about the reduction in the quality of their product

which occurs between the grain bin on the farm and delivery overseas. This lack of quality of U.S. grain has, in part, been responsible for the decline in U.S. grain exports in the 1980's.

However, last year the federal government took appropriate action to tighten up the federal government's inspection and quality control of U.S. marketed grain. In addition, a reduction in the value of the dollar and the federal farm program have spurred U.S. grain exports in recent months. The Iowa Certified Quality Grain program can work in tandem with those factors to improve Iowa's competitive share of the world grain market.

Indeed, former Congressman Evans already has offers on the table with a number of countries around the world who are interested in purchasing Iowa Certified Quality Grain. And, a trademark is being established for Iowa products. This program is being funded through the assistance of the Department of Economic Development, the Iowa Corn Growers Association, and the Iowa Soybean Association. Thus, a true public/private partnership has already been developed to promote the export of Iowa products.

Given the substantial progress which has already been made by the Iowa Certified Quality Grain program, I seriously question the need for Senate File 274.

Moreover, this act could, in fact, confuse potential buyers of Iowa products by setting up a duplicate marketing structure. With the export market now beginning to show some strength, we cannot afford to take the risk of reducing Iowa's chances to export additional commodities.

In short, Senate File 274, duplicates the existing Iowa Certified Quality Grain program by setting up a state export trading company which inappropriately injects the state into the private marketplace. This bill misleads farmers about the viability of a state grain company which could, in fact, be counter-productive to our efforts to increase the exports of Iowa grain.

For the above reasons, I must veto Senate File 274.

Sincerely,
TERRY E. BRANSTAD
Governor

June 9, 1987

The Honorable Elaine Baxter
Secretary of State
State Capitol Building
L O C A L

Dear Madam Secretary:

Senate File 516, an act relating to the mentally retarded, developmentally disabled, and chronically mentally ill by creating a regional delivery system, and

specifying duties, membership, services, funding, and effective dates is hereby transmitted to you in accordance with Article III, Section 16, of the Constitution of the State of Iowa.

Senate File 516 establishes up to 23 regional planning boards and advisory boards to implement the expansion of services to the mentally retarded, developmentally disabled, and the chronically mentally ill. In addition, this legislation provides a schedule for the full implementation of these services.

The Department of Human Services has estimated that full implementation of these services would cost the state an additional \$147 million per year. I cannot accept legislation which potentially obligates the taxpayer for those additional costs.

In addition, I have deep concerns about the establishment of up to 23 regional planning boards and advisory boards. I believe that this duplicates the existing service delivery system which ought to be streamlined, not greatly proliferated.

Moreover, I have by separate action vetoed \$2 million dollars in funding in House File 671 which is designed to be utilized by the regional boards and the department for expanded services provided for in Senate File 516.

I have directed the Department of Human Services to review the state's current service delivery system and develop recommendations for a rational, cost effective, and limited implementation program for the bill of rights. If appropriately done, the implementation of the bill of rights can greatly improve the delivery of needed human services, in our state while limiting the increased cost for both state and local taxpayers. I will present recommendations to accomplish these goals to the next General Assembly.

For the above reasons, I cannot approve Senate File 516.

Sincerely,
TERRY E. BRANSTAD
Governor

REPORTS OF THE SECRETARY OF THE SENATE
SUBSEQUENT TO ADJOURNMENT OF THE 1987 REGULAR SESSION:

MADAM PRESIDENT: Pursuant to Senate Rule 21, I report that in enrolling the following Senate bills, technical corrections were made as follows:

Senate File 162

1. Title page, line 1, the words "An Act to relating" were changed to the words "An Act relating".

Corrections to House amendment S—4083:

1. Page 6, line 27, the words "Section 1A." were changed to the words "Section 2".

Senate File 359

1. Page 4, line 17, the words "Section 711" were changed to the words "Section 2".

Senate File 471

1. Page 6, line 33, the words "3. Restated articles" were changed to the words "3. RESTATED ARTICLES".

Senate File 482

1. Page 1, line 26, the words "subsection 7, is amended to read as follows:" were changed to the words "subsection 7, Code 1987, is amended to read as follows:".

Senate File 504

1. Page 16, line 26, the words "subparagraph paragraph (1), Code 1987, is amended to read as" were changed to the words "subparagraph (1), Code 1987, is amended to read as".

Senate File 511

- * 1. Page 15, line 15, the words "sections 119, 120, and 121", were changed to the words "sections 120 and 121".

- * 2. Page 18, line 17, the word "section 111" was changed to the word "section 112".

- * 3. Page 29, line 34, the word "section 210" was changed to the word "section 214".

4. Page 51, line 28, the words "of managment, the" were changed to the words "of management, the".

5. Page 67, line 29, the words "state university" were changed to the word "State University".

6. Page 67, line 30, the words "state university" were changed to the words "State University".

7. Page 67, line 32, the words "university of northern" were changed to the words "University of Northern".

8. Page 68, line 24, the words "federal tax reform Act" were changed to the words "federal Tax Reform Act".

9. Page 73, line 13, the words "federal tax reform Act" were changed to the words "federal Tax Reform Act".

*10. Page 84, line 20, the words "Sections 207, 410, 411, and 424" were changed to the words "Sections 122, 207, 209, 210, 211, 220, 304, 305, 409, 411, 412, and 449".

*11. Page 84, line 22, the words "Sections 454 and 455" were changed to the words "Sections 493 and 494".

12. Page 92, line 16, the words "university of Iowa" were changed to the words "University of Iowa".

*Page and line references are to Senate File 511 as passed by the Senate on May 4, 1987.

Senate File 513

1. Page 3, lines 6, 9, 22 and 34, the words "university of Iowa" were changed to the words "University of Iowa".

Senate File 515

Corrections to House amendment S—4093:

1. Page 1, line 28, the word "alternative" was changed to the word "alternatives".
2. Page 3, line 6, the words "chapter 72" were changed to the words "chapter 73".

Corrections to the bill:

1. Page 8, line 30, the number "455B.485" was changed to the number "455B.486".
2. Page 15, lines 20 and 21, the words "by-laws" were changed to the word "bylaws".
3. Page 19, line 15, the word "diversity" was changed to the word "diversify".

Senate File 516

1. Page 9, line 19, the words "federal fair labor standards act, as" were changed to the words "federal Fair Labor Standards Act, as".

Senate File 518

1. Page 18, line 25, the number "28" was changed to the number "30".
2. Page 11, line 4, the word "positions" was changed to the word "positions)".

Correction to House amendment S—4062:

1. Page 3, line 18, the word "is" was added after "Code 1987,".

JOHN F. DWYER
Secretary of the Senate

COMMUNICATION

The following communication was received and placed on file in the office of the Secretary of the Senate subsequent to adjournment of the 1987 Regular Session:

A copy of the 1986 Annual Report of the Iowa Commission for the Blind pursuant to Section 601K of the Code of Iowa. Received May 18, 1987.

CERTIFICATES OF RECOGNITION

The Secretary of the Senate issued the following certificates of recognition subsequent to adjournment of the 1987 Regular Session:

George and Clara Dusanek, Wyoming, Iowa — For celebrating their 50th wedding anniversary. Senator Hannon (February 24, 1987).

Elmer and Evelyn Mitchell, West Branch, Iowa — For celebrating their 50th wedding anniversary. Senator Hannon (May 8, 1987).

Velma and Arthur Kintzel, Stanwood, Iowa — For celebrating their 50th wedding anniversary. Senator Hannon (May 23, 1987).

Dayton and Beverly Clevenger, Clarence, Iowa — For celebrating their 40th wedding anniversary. Senator Hannon (May 24, 1987).

Mr. and Mrs. Paul Chapman, Monticello, Iowa — For celebrating their golden wedding anniversary. Senator Hannon (June 22, 1987).

Mr. and Mrs. John Gray, Center Junction, Iowa — For celebrating their golden wedding anniversary. Senator Hannon (June 22, 1987).

Mr. and Mrs. Bill Lovell, Tipton, Iowa — For celebrating their 45th wedding anniversary. Senator Hannon (June 24, 1987).

IN MEMORIAM**Senate**

Culver, Louis P.	April 15, 1908—June 4, 1986
Dreeszen, Elvie L.	August 7, 1920—December 6, 1986
Price, Carroll L.	December 6, 1910—February 17, 1987
Turner, Richard C.	September 30, 1927—September 28, 1986

LOUIS P. CULVER

Louis P. Culver was born April 15, 1908, to Chris and Eliza Jones Culver in Dunlap, Iowa, and was a lifelong resident of that community. He passed away June 4, 1986, at the age of 78.

Mr. Culver attended the Dunlap Community Schools. He also attended Iowa State University's School of Engineering. He married Ruth Smith of Estherville, Iowa, on October 1, 1930 and they were the parents of one son, Gerald of Dunlap; they had two grandchildren, and two great grandsons.

Senator Culver was elected to the Iowa Senate in 1974. He served in the Senate until 1978, when, after winning in the primary election, ill health forced him to withdraw from the race.

In 1942, Mr. Culver was elected to the Harrison County Soil Conservation Board, where he served for 42 years. In 1946, he helped with the organization of the Western Iowa Experimental Farm at Castana and served on the board for 32 years.

During the last 50 years, Senator Culver has also served on the executive committee of the River Front Development Corporation, and as chairman of the Harrison County Improvement Association. He served twelve years on the Natural Resources Council, four years on the Iowa Air Pollution Control Commission, 10 years on the Mississippi Valley Watershed Association, five years on the Water Resources Congress and 20 years as Harrison Township Assessor.

A member of the St. John Lutheran Church, Senator Culver was a 32nd Degree Mason, and was a member of many other organizations.

Now Therefore, Be It Resolved by the Senate of the Seventy-second General Assembly of Iowa: That in the passing of the Honorable Louis P. Culver, the State has lost an honored citizen and a faithful and useful public servant, and that the Senate, by this resolution, expresses its appreciation of his service to his community, state and nation and tenders its sympathy and kindest regards to members of his family.

Be It Further Resolved: That a copy of this resolution be spread upon the Journal of the Senate and that the Secretary of the Senate be instructed to forward an enrolled copy to the family of the deceased.

JACK W. HESTER, Chair
C.W. BILL HUTCHINS
MICHAEL E. GRONSTAL

Committee

ELVIE LUVERNE DREESZEN

Elvie Luverne Dreeszen was born August 7, 1920, at Douglas Township of Ida County. He passed away December 6, 1986, at Horn Memorial Hospital in Ida Grove after a brief illness, at the age of sixty-six.

Mr. Dreeszen attended school in Cushing, Iowa. He served in the U.S. Army from 1942 until 1945.

On June 2, 1946, Elvie Dreeszen married Norma Crane. They were the parents of two sons, Roger and Randall, both of Cushing, and two daughters, Mrs. Bryant (Lanyce) Mills of Fountain Valley, California, and Mrs. Brooks (Carolyn) Chantry of Eden Prairie, Minnesota; there are six grandchildren.

Mr. Dreeszen was named Iowa Master Farmer in 1964. He served widely in the county and area as a community supporter, and he was agricultural assistant for three years to Congressman Wiley Mayne.

Elvie Dreeszen served as a State Senator in 1981 and 1982, and he was currently serving his first term as chairman of the State Soil Conservation Committee.

Other groups he belonged to included: the Holstein Kiwanis International; F. Roger Baumann Post, American Legion of Cushing; Ida County Historical Society; Farm Bureau; Ida County Pork Producers; Ida County Cattlemen; Ida County Soil Conservation Commission; and Select Pork and Maple Valley Pork Incorporated, which he served as general supervisor. He was past director of the Omaha District of the Federated Land Bank of Omaha, and also past director of the Iowa Water Pollution Control Commission.

A member of St. John's Lutheran Church, he served for 28 years as a Sunday school teacher, served on the church council, and the Iowa District Council to the American Lutheran Church.

Now Therefore, Be It Resolved by the Senate of the Seventy-second General Assembly of Iowa: That in the passing of the Honorable Elvie Luverne Dreeszen, the State has lost an honored citizen and a faithful and useful public servant, and that the Senate, by this resolution, expresses its appreciation of his service to his community, state and nation and tenders its sympathy and kindest regards to members of his family.

Be It Further Resolved: That a copy of this resolution be spread upon the Journal of the Senate and that the Secretary of the Senate be instructed to forward an enrolled copy to the family of the deceased.

DONALD V. DOYLE, Chair
WILMER RENSINK
AL STURGEON

Committee

CARROLL L. PRICE

Carroll L. Price was born December 6, 1910, in Marion County, the son of Matthew and Gertie Coe Price. He passed away February 17, 1987, at the age of 77.

Mr. Price graduated from Knoxville High School. On August 30, 1930, he married Mildred Betterton. They were the parents of Joan (Mrs. Larry Shaffer), and Janet (Mrs. Larry Nash), and had six grandchildren and three great-grandchildren.

Mr. Price became owner of Hawkeye Farm Equipment Company of Knoxville in 1940. He was a former member of the Knoxville Community School Board, had served on the Marion County Fair Board, and was a member of the First United Methodist Church, Oriental Lodge No. 61 A.F. & A.M., and the Za-Ga-Zig Shrine Club of Des Moines.

Senator Price was elected to the Iowa Senate in 1957 and served for five years in the 58th and 59th General Assemblies. During his second term he was appointed to Social Service and in 1961 to the Board of Control, a capacity in which he served until 1978.

Now Therefore, Be It Resolved by the Senate of the Seventy-second General Assembly of Iowa: That in the passing of the Honorable Carroll L. Price, the State has lost an honored citizen and a faithful and useful public servant, and that the Senate, by this resolution, expresses its appreciation of his service to his community, state and nation and tenders its sympathy and kindest regards to members of his family.

Be It Further Resolved: That a copy of this resolution be spread upon the Journal of the Senate and that the Secretary of the Senate be instructed to forward an enrolled copy to the family of the deceased.

WILLIAM W. DIELEMAN, Chair
JOHN A. PETERSON
FORREST V. SCHWENGELS
Committee

RICHARD C. TURNER

Richard C. Turner was born on September 30, 1927 in Avoca, Iowa, the son of Joe W. and Elizabeth C. Turner. He graduated from Avoca High School in 1945, served in the Air Force 1945-1947, graduated from the State University of Iowa (B.A.) in 1950 and College of Law (J.D.) in 1953.

He married Charlotte Forsen of Modale, Iowa in 1956 and they had three children, a daughter, Amy E. and two sons, Joe W. and Mark H.

Mr. Turner practiced law with his father, in Avoca and Council Bluffs from 1953-1967 in the firm of Turner & Turner. His record of public service is extensive, beginning his career as Avoca Town Clerk in 1953 and serving in that capacity until 1960. He was assistant county attorney for Pottawattamie County from 1954-1956. He was elected as a State Senator from Pottawattamie in 1960 and served during the 59th and 60th General Assemblies, and the 60th Extraordinary Session. On November 8, 1966 he was elected Iowa Attorney General, and was reelected in 1968, 1970, 1972 and 1974 (to a four-year term).

Mr. Turner was appointed United States District Attorney for the Southern District of Iowa by President Reagan in 1981 and served in that position until his death on September 28, 1986. During his tenure as Attorney General he was known for following the letter of the law, even though his opinions might bring adversity. At the time of his death, Governor Terry Branstad stated, "Turner dedicated a great deal of his life to protecting the public here in Iowa. He was a strong defender of law and order and a fair-minded prosecutor." A personal friend said he loved his country, he loved law and he loved politics.

Mr. Turner was a member of Theta Xi and Phi Delta Phi legal fraternity, American Bar Association, Iowa State Bar Association, Polk County Bar Association, Southwest Iowa Bar Association, Pottawattamie County Bar Association, American Trial Lawyers Association, Iowa Academy of Trial Lawyers, American Judicature Society, American Legion, 40 & 8, Waveland Park Masonic Lodge and Windsor Heights Presbyterian Church in Des Moines.

Now Therefore, Be It Resolved by the Senate of the Seventy-second General Assembly of Iowa: That in the passing of the Honorable Richard C. Turner, the State has lost an honored citizen and a faithful and useful public servant, and that the Senate, by this resolution, expresses its appreciation of his service to his community, state and nation and tenders its sympathy and kindest regards to members of his family.

Be It Further Resolved: That a copy of this resolution be spread upon the Journal of the Senate and that the Secretary of the Senate be instructed to forward an enrolled copy to the family of the deceased.

MICHAEL E. GRONSTAL, Chair
JACK W. HESTER
CALVIN O. HULTMAN

Committee



AMENDMENTS FILED

**During The
Seventy-second General Assembly
1987 Regular Session**

S-3001

1 Amend Senate Resolution 1 as follows:

2 1. Page 4, by striking lines 10 through 16 and
3 inserting in lieu thereof the following:
4 "4. The secretary shall list bills and resolutions
5 in the above categories in the order they are
6 received. Upon their first publication in the
7 calendar, bills and resolutions in the above
8 categories may be called up considered for debate at
9 ~~any time~~ by the majority leader. Motions to
10 reconsider shall be called up as provided by Rule 24."

11 2. Page 5, by striking line 28 through page 6,
12 line 7 and inserting in lieu thereof the following:

13 "9. The majority leader, or in the absence of the
14 majority leader the assistant majority leaders, ~~may~~
15 shall select from among the first twenty bills on the
16 previous legislative day's regular calendar ~~and from~~
17 ~~the a listing of bills or resolutions selected create~~
18 ~~a new listing~~ which shall be known as the "Debate
19 Calendar". The debate calendar, including bills and
20 resolutions listed on the previous day's debate
21 calendar but not debated, shall not consist of more
22 than twelve bills or resolutions at any time. The
23 debate calendar shall list bills and resolutions as in
24 the order the majority leader expects to take them up
25 during ~~the following week debate that day.~~ The debate
26 calendar shall be made available and distributed to
27 the membership of the senate prior to consideration of
28 the senate calendar. A bill or resolution on the
29 debate calendar may be debated only when eligible
30 under Rule 8. A bill or resolution not listed on the
31 debate calendar may not be called up for debate
32 without unanimous consent of the members present."

EDGAR H. HOLDEN

S-3002

1 Amend Senate File 13 as follows:

2 1. Page 1, lines 8 and 9, by striking the words
3 "unless the buyer fails to comply with the
4 requirements of subsection 6 or 7" and inserting the
5 words "except as provided in subsection 6".

6 2. Page 1, line 20, by inserting after the word
7 "establish" the words ", within sixty days following
8 the effective date of this Act,".

9 3. Page 3, line 17, by inserting after the word
10 "buyer" the word "in".

BERL E. PRIEBE

S-3003

1 Amend Senate Resolution 1 as follows:
2 1. Page 11, by striking lines 9 through 12 and
3 inserting in lieu thereof the following: "be
4 considered an amendment in the first degree."

CHARLES BRUNER

S-3004

1 Amend Senate Concurrent Resolution 3 as follows:
2 1. Page 8, line 27, by inserting after the word
3 "committee." the following: "Members of the first
4 conference committee shall not be appointed to the
5 second or subsequent conference committees."

JULIA B. GENTLEMAN

S-3005

1 Amend Senate Resolution 1 as follows:
2 1. Page 39, by inserting after line 11 the following:
3 "Smoking shall not be permitted in the senate chamber
4 at any time."

RAY TAYLOR
JAMES D. WELLS
BEVERLY A. HANNON
WILLIAW W. DIELEMAN
EDGAR H. HOLDEN
JEAN LLOYD-JONES
RICHARD VANDE HOEF
DONALD E. GETTINGS
JOHN W. JENSEN
JACK W. HESTER

S-3006

- 1 Amend Senate Resolution 1 as follows:
 2 1. Page 43, by inserting after line 28 the
 3 following:
 4 "Rule 59
 5 Installation of Telephones
 6 At their own expense the members of the senate may
 7 have state telephones installed at their desks and use
 8 those telephones. The telephones may be capable of
 9 incoming and outgoing calls and shall silently
 10 announce an incoming call."

JIM LIND
 BEVERLY A. HANNON
 RICHARD VANDE HOEF
 NORMAN J. GOODWIN
 RAY TAYLOR
 DONALD E. GETTINGS
 JAMES D. WELLS
 DONALD V. DOYLE
 AL STURGEON
 JACK RIFE
 BERL E. PRIEBE
 RICHARD F. DRAKE
 WILMER RENSINK
 WILLIAM W. DIELEMAN
 JAMES R. RIORDAN
 ALVIN V. MILLER
 JOHN E. SOORHOLTZ
 JULIA B. GENTLEMAN
 JOHN A. PETERSON
 DAVID M. READINGER

S-3007

- 1 Amend Senate Concurrent Resolution 4 as follows:
 2 1. Page 2, by inserting after line 9 the
 3 following:
 4 "WHEREAS, it is the policy of the university of
 5 Iowa to promote the dissemination of knowledge, and
 6 the research policy of the university of Iowa
 7 specifically prohibits the use of university
 8 facilities for the purpose of engaging in secret or
 9 classified research; and".

JIM RIORDAN
 BEVERLY HANNON

AMENDMENTS FILED

1939

RICHARD VARN
JEAN LLOYD-JONES

S-3008

- 1 Amend Senate File 18 as follows:
- 2 1. Page 1, by inserting after line 1 the
- 3 following:
- 4 "Sec. ____ . This Act takes effect immediately upon
- 5 its enactment."
- 6 2. Title page, line 3, by inserting after the
- 7 word "wholesaler" the following: "and providing an
- 8 effective date".

RICHARD DRAKE
C. JOSEPH COLEMAN

S-3009

- 1 Amend amendment S-3005 to Senate Resolution 1
- 2 as follows:
- 3 1. Page 1, line 4, by inserting after the word
- 4 "time." the following: "The chamber is the room which
- 5 contains the desks of each senator, each secretary,
- 6 the press benches and the visitors' galleries."

RAY TAYLOR
EMIL J. HUSAK

S-3010

- 1 Amend Senate File 19 as follows:
- 2 1. Title page, line 3, by inserting after the
- 3 word "penalty" the words "and providing an effective
- 4 date".

TOM MANN, JR.

S-3011

- 1 Amend Senate Concurrent Resolution 4 as follows:
- 2 1. Page 3, by inserting after line 25 the
- 3 following:
- 4 "BE IT FURTHER RESOLVED, That the state board of
- 5 regents shall not borrow money or issue negotiable
- 6 revenue bonds under chapter 262A for the project

1940

AMENDMENTS FILED

7 approved in this resolution until final plans for the
8 project have been submitted to the legislative council
9 established in section 2.41 and the legislative
10 council has approved the plans.”

EDGAR H. HOLDEN

S-3012

1 Amend Senate File 41 as follows:
2 1. Page 2, line 8, by striking the words
3 “guardians of” and inserting the following:
4 “guardians transporting”.
5 2. Page 3, line 33, by striking the words
6 “guardians of” and inserting the following:
7 “guardians transporting”.

JAMES RIORDAN

S-3013

1 Amend Senate File 40 as follows:
2 1. Page 1, by striking lines 1 through 18.

EDGAR H. HOLDEN

S-3014

1 Amend Senate File 29 as follows:
2 1. Page 1, by inserting before line 1 the
3 following:
4 “Section 1. Section 321.1, subsection 39, Code
5 1987, is amended to read as follows:
6 39. “Transporter” means a person engaged in the
7 business of delivering vehicles of a type required to
8 be registered or titled in this state who has received
9 authority to make delivery as specified by rules
10 adopted by the department.”
11 2. Renumber sections and correct internal
12 references as necessary in accordance with this
13 amendment.

RICHARD F. DRAKE
JOHN N. NYSTROM
BERL E. PRIEBE

S-3015

1 Amend Senate Joint Resolution 1 as follows:

2 1. Page 1, by striking line 1 through page 4,
3 line 11, and inserting the following:

4 "Section 1. The following amendment to the
5 Constitution of the State of Iowa is proposed:

6 1. Section 3 of Article IV as amended by amendment
7 number 1 of the Amendments of 1972 is repealed and the
8 following adopted in lieu thereof:

9 RETURNS OF ELECTIONS. SEC. 3. In voting for
10 governor, the electors shall designate for whom they
11 vote as governor. The returns of every election for
12 governor shall be sealed up and transmitted to the
13 seat of government of the state, directed to the
14 speaker of the house of representatives, who shall
15 open and publish them in the presence of both houses
16 of the general assembly.

17 2. Section 4 of Article IV as amended by amendment
18 number 1 of the Amendments of 1952 is repealed and the
19 following adopted in lieu thereof:

20 ELECTION BY GENERAL ASSEMBLY. SEC. 4. The person
21 having the highest number of votes for governor shall
22 be declared duly elected; but in case two or more
23 persons have an equal and the highest number of votes
24 for the office, the general assembly shall, by joint
25 vote, forthwith proceed to elect one of the persons
26 governor.

27 If, upon the completion of the canvass of votes for
28 governor by the general assembly, it appears that the
29 person who received the highest number of votes for
30 governor has since died, resigned, is unable to
31 qualify, fails to qualify, or for any other reason is
32 unable to assume the duties of the office of governor
33 for the ensuing term, the powers and duties of the
34 office shall devolve upon the president of the senate
35 until the disability is removed and, upon
36 inauguration, the president of the senate shall assume
37 the powers and duties of governor.

38 3. Section 5 of Article IV is repealed and the
39 following adopted in lieu thereof:

40 CONTESTED ELECTIONS. SEC. 5. Contested elections
41 for governor shall be determined by the general
42 assembly in the manner prescribed by law.

43 4. Section 6 of Article IV is repealed and the

44 following adopted in lieu thereof:

45 **ELIGIBILITY. SEC. 6.** A person is not eligible for
46 the office of governor who has not been a citizen of
47 the United States, and a resident of the state, two
48 years next preceding the election, and attained the
49 age of thirty years at the time of that election.

50 5. Section 14 of Article IV is repealed and the

Page 2

1 following adopted in lieu thereof:

2 **DISQUALIFICATION. SEC. 14.** A person, while
3 holding any office under the authority of the United
4 States or this state, shall not execute the office of
5 governor, except as expressly provided in this
6 article.

7 6. Section 15 of Article IV as amended by
8 amendment number 1 of the Amendments of 1972 is
9 repealed and the following adopted in lieu thereof:

10 **TERMS. SEC. 15.** The official term of the governor
11 commences on the second Monday of January next after
12 the election, and continues until the successor is
13 elected and qualified.

14 7. Section 17 of Article IV is repealed and the
15 following adopted in lieu thereof:

16 **PRESIDENT OF THE SENATE TO ACT AS GOVERNOR. SEC.**
17 **17.** In case of the death, impeachment, resignation,
18 removal from office, or other disability of the
19 governor, the powers and duties of the office for the
20 residue of the term, or until the governor is
21 acquitted, or the disability removed, devolve upon the
22 president of the senate.

23 8. Section 18 of Article IV is repealed.

24 9. Section 19 of Article IV as amended by
25 amendment number 2 of the Amendments of 1952 is
26 repealed and the following adopted in lieu thereof:

27 **GUBERNATORIAL SUCCESSION. SEC. 19.** If there is a
28 vacancy in the office of governor, the president of
29 the senate shall act as governor until the vacancy is
30 filled or the disability removed; and if the president
31 of the senate, for any of the causes in section 17, is
32 incapable of performing the duties pertaining to the
33 office of governor the duties shall devolve upon the
34 speaker of the house of representatives; and if the
35 speaker of the house of representatives, for any of
36 the causes in section 17, is incapable of performing
37 the duties of the office of governor, the justices of
38 the supreme court shall convene the general assembly
39 by proclamation and the general assembly shall

40 organize by the election of a president by the senate
41 and a speaker by the house of representatives. The
42 general assembly shall thereupon immediately proceed
43 to the election of a governor in joint convention.
44 Sec. 2. The foregoing proposed amendment to the
45 Constitution of the State of Iowa is referred to the
46 general assembly to be chosen at the next general
47 election for members of the general assembly and the
48 secretary of state is directed to cause it to be
49 published for three consecutive months before the date
50 of that election as provided by law."

Page 3

- 1 2. Title page, line 1, by striking the word
- 2 "amendments" and inserting the words "an amendment".

EDGAR H. HOLDEN

HOUSE AMENDMENT TO
SENATE CONCURRENT RESOLUTION 3

S-3016

- 1 Amend Senate Concurrent Resolution 3 as passed by
- 2 the Senate as follows:
- 3 1. Page 4, by striking line 26 and inserting the
- 4 following: "the judiciary committee of the senate or
- 5 the judiciary and law enforcement committee of the
- 6 house."
- 7 2. Page 16, by striking lines 26 through 28 and
- 8 inserting the following: "effective date of a
- 9 nullification resolution shall be stated in the
- 10 resolution. Any motions filed to reconsider adoption
- 11 of a".

S-3017

- 1 Amend amendment S-3014 to Senate File 29 as follows:
- 2 1. Page 1, by inserting after line 10 the following:
- 3 "____. Title, line 1, by inserting after the word "to"
- 4 the following: "amend the definition of "transporter"
- 5 and to".

RICHARD F. DRAKE

S-3018

1 Amend the Drake et al amendment, S-3014, to Senate
2 File 29 as follows:
3 1. Page 1, by inserting after line 10, the
4 following:
5 "____. Title page, lines 1 and 2, by striking the
6 words "to allow motor homes with an outside width up
7 to eight feet six inches to travel on the public
8 highways of the state" and inserting the following:
9 "relating to the movement of certain vehicles on the
10 public highways of the state by authorizing the
11 movement of motor homes with an outside width up to
12 eight feet six inches and the movement of mobile homes
13 by transporters".

RICHARD F. DRAKE

HOUSE AMENDMENT TO SENATE FILE 19

S-3019

1 Amend Senate File 19 as amended, passed and
2 reprinted by the Senate as follows:
3 1. By striking everything after the enacting
4 clause and inserting the following:
5 "Section 1. Section 68B.2, Code 1987, is amended
6 by striking the section and inserting the following:
7 68B.2 DEFINITIONS.
8 When used in this chapter, unless the context
9 otherwise requires:
10 1. "Compensation" means any money, thing of value,
11 or financial benefit conferred in return for services
12 rendered or to be rendered.
13 2. "Legislative employee" means any full-time
14 officer or employee of the general assembly but shall
15 not include members of the general assembly.
16 3. "Member of the general assembly" means any
17 individual duly elected to the senate or the house of
18 representatives of the state of Iowa.
19 4. "Regulatory agency" means department of
20 agriculture and land stewardship, department of
21 employment services, department of commerce,
22 department of public health, department of public
23 safety, department of education, state board of
24 regents, department of human services, department of
25 revenue and finance, department of inspections and
26 appeals, department of personnel, public employment

27 relations board, department of transportation, civil
28 rights commission, department of public defense, and
29 department of natural resources.

30 5. "Employee" means any full-time, salaried
31 employee of the state of Iowa and does not include
32 part-time employees or independent contractors.
33 Employee shall include but not be limited to all
34 clerical personnel.

35 6. "Official" means any officer of the state of
36 Iowa receiving a salary or per diem whether elected or
37 appointed or whether serving full-time or part-time.
38 Official shall include but not be limited to all
39 supervisory personnel and members of state agencies
40 and shall not include members of the general assembly
41 or legislative employees.

42 7. "State agency" means any state department or
43 division, board, commission, or bureau of the state
44 including regulatory agencies.

45 8. "Candidate" means a candidate as defined in
46 section 56.2 for a statewide office or the general
47 assembly.

48 9. "Gift" means a rendering of money, property,
49 services, discount, loan forgiveness, payment of
50 indebtedness, or anything else of value in return for

Page 2

1 which legal consideration of equal or greater value is
2 not given and received, if the donor:

3 (1) Is doing or seeking to do business of any kind
4 with the donee's agency;

5 (2) Is engaged in activities which are regulated
6 or controlled by the donee's agency;

7 (3) Has financial interests which may be
8 substantially and materially affected, in a manner
9 distinguishable from the public generally, by the
10 performance or nonperformance of the donee's duty; or

11 (4) Is a lobbyist with respect to matters within
12 the donee's jurisdiction.

13 However, "gift" does not mean any of the following:

14 a. Campaign contributions.

15 b. Informational material relevant to a public
16 servant's official functions, such as books,
17 pamphlets, reports, documents, or periodicals, and
18 registration fees or tuition not including travel or
19 lodging, for not more than three days, at seminars or
20 other public meetings conducted in this state, at
21 which the public servant receives information relevant
22 to the public servant's official functions.

23 c. Anything received from a person related within

24 the fourth degree by kinship or marriage, unless the
25 donor is acting as an agent or intermediary for
26 another person not so related.

27 d. Anything which is donated within thirty days
28 after its receipt to a public body or to a bona fide
29 educational or charitable organization, without the
30 donation being claimed by the donor to the
31 organization at any time as a charitable contribution
32 for tax purposes.

33 e. An inheritance.

34 f. Anything available to or distributed to the
35 public generally without regard to official status of
36 the recipient.

37 g. Honoraria.

38 h. Food, beverages, registration, and scheduled
39 entertainment at group events to which all members of
40 the general assembly are invited.

41 i. Reasonable expenses for food, beverages,
42 travel, lodging, registration, and scheduled
43 entertainment of the donee for a meeting which is
44 given in return for participation in a panel or
45 speaking engagement at the meeting.

46 10. "Local official" and "local employee" mean an
47 official or employee of the political subdivisions of
48 this state.

49 11. "Public disclosure" means a written report
50 filed by the fifteenth day of the month following the

Page 3

1 month in which a gift is received as required by this
2 chapter or required by rules adopted pursuant to this
3 chapter.

4 12. "Immediate family members" means the spouse or
5 minor children of a person required to file reports
6 pursuant to this chapter or required by the rules
7 adopted or executive order issued pursuant to this
8 chapter.

9 13. "Doing business with the state or a political
10 subdivision" means being a party to any one or any
11 combination of sales, purchases, leases, or contracts
12 to, from, or with the state or a political
13 subdivision, or any agency thereof, involving
14 consideration of five thousand dollars or more on a
15 cumulative basis during a calendar year, provided that
16 in the case of the awarding or execution of a contract
17 or lease, the total ascertainable consideration at the
18 time of the making of the contract or lease thereby
19 committed to be paid, regardless of the period of time
20 over which such payments are to be made, shall be

21 included within the calendar year of such award or
22 execution.

23 When the terms "legislative employee", "member of
24 the general assembly", "candidate", "employee", "local
25 employee," "official" or "local official" are used in
26 this chapter, they include a firm or association of
27 which any of those persons is a member or partner and
28 a corporation of which any of those persons holds ten
29 percent or more of the stock either directly or
30 indirectly, and the spouse and minor children of any
31 of those persons.

32 Sec. 2. Section 68B.5, Code 1987, is amended by
33 striking the section and inserting in lieu thereof
34 following:

35 68B.5 GIFTS SOLICITED OR ACCEPTED.

36 1. An official, employee, local official, local
37 employee, member of the general assembly, candidate,
38 or legislative employee shall not, directly or
39 indirectly, solicit, accept, or receive from any one
40 donor any gift or any series of gifts having a value
41 of fifty dollars or more in any one calendar day.

42 2. A person shall not, directly or indirectly,
43 offer or make any gift or series of gifts to an
44 official, employee, local official, local employee,
45 member of the general assembly, candidate or
46 legislative employee which has a value of fifty
47 dollars or more in any one calendar day. A person
48 shall not, directly or indirectly, join with one or
49 more other persons to offer or make any gift or series
50 of gifts to an official, employee, local official,

Page 4

1 local employee, member of the general assembly,
2 candidate or legislative employee which has a total
3 value of fifty dollars or more in any one calendar
4 day.

5 Sec. 3. Section 68B.10, subsection 3, Code 1987,
6 is amended to read as follows:

7 3. Issue advisory opinions interpreting the intent
8 of constitutional and statutory provisions relating to
9 legislators and lobbyists as well as interpreting the
10 code of ethics and rules issued pursuant to this
11 section. Opinions shall be issued when approved by a
12 majority of the seven members and may be issued upon
13 the written request of a member of the general
14 assembly or upon the committee's initiation. Opinions
15 are not binding on the legislator or lobbyist.

16 Sec. 4. Section 68B.10, subsection 4 and
17 unnumbered paragraph 5, Code 1987, are amended to read

18 as follows:

19 4. Investigate complaints and charges of official
20 misconduct against members of its house and if
21 warranted, report the results of such investigation to
22 its house with recommendations for further action.

23 Violation of the code of ethics may result in the
24 suspension of a member from the general assembly and
25 the forfeiture of the member's salary if directed by a
26 two-thirds vote of the house to which the member
27 belongs. Such suspension or forfeiture of salary
28 shall be for such duration as specified in the
29 directing resolution provided however, that it cannot
30 extend beyond the date of adjournment of the session
31 end of the general assembly during which the violation
32 occurred. Violation of the rules relating to

33 lobbyists and lobbying activities may result in the
34 suspension of any lobbyist if directed by a two-thirds
35 vote of the house wherein the violation occurred.

36 Sec. 5. Section 68B.10, Code 1987, is amended by
37 adding the following new unnumbered paragraph after
38 subsection 5:

39 NEW UNNUMBERED PARAGRAPH. The ethics committee may
40 employ an independent legal counsel to assist it in
41 carrying out its duties under this chapter with the
42 approval of its house during a legislative session and
43 with the approval of the speaker of the house for the
44 house committee or the senate majority leader for the
45 senate committee when the general assembly is not in
46 session. Payment of costs for the independent legal
47 counsel shall be made from section 2.12.

48 Sec. 6. Section 68B.11, Code 1987, is amended by
49 striking the section and inserting in lieu thereof the
50 following:

Page 5

1 68B.11 REPORTING OF GIFTS AND FINANCIAL
2 DISCLOSURE.

3 1. The house of representatives and the senate
4 shall adopt rules requiring the reporting of gifts
5 made to members of the general assembly, legislative
6 employees and their immediate family members. The
7 rules shall require public disclosure of the nature,
8 amount, date and donor of any gift or gifts from any
9 one donor made to one of those individuals which
10 exceeds fifteen dollars in cumulative value in any one
11 calendar day. The rules shall require such disclosure
12 by both the donor and donee.

13 2. The governor shall issue an executive order
14 requiring the reporting of gifts made to officials and

15 employees of the executive department of the state and
16 their immediate family members. The executive order
17 shall require public disclosure of the nature, amount,
18 date and donor of any gift or gifts from any one donor
19 made to one of those individuals which exceeds fifteen
20 dollars in cumulative value in any one calendar day.
21 The executive order shall require such disclosure by
22 both the donor and donee.

23 3. The supreme court of this state shall adopt
24 rules requiring the reporting of gifts made to
25 officials and employees of the judicial department of
26 this state and their immediate family members. The
27 rules shall require public disclosure of the nature,
28 amount, date and donor of any gift or gifts from any
29 one donor made to one of those individuals which
30 exceeds fifteen dollars in cumulative value in any one
31 calendar day. The rules shall require such disclosure
32 by both the donor and donee.

33 4. The governing body of a political subdivision
34 of this state shall adopt rules requiring the
35 reporting of gifts made to its respective members or
36 their immediate family members and employees of the
37 political subdivision of this state or their immediate
38 family members. Such rules as adopted shall require
39 public disclosure of the nature, amount, date and
40 donor of any gift or gifts from any one donor made to
41 one of those individuals having a cumulative value
42 which exceeds fifteen dollars in any one calendar day.
43 The rules shall require such disclosure by both the
44 donor and donee. Copies of the rules and reports
45 shall be filed with the county auditor of the county
46 in which the political subdivision is located.

47 The secretary of state shall develop a standard
48 form for public disclosure of gifts in compliance with
49 this subsection which shall be available at every
50 county auditor's office without cost.

Page 6

1 5. a. The value to a donor of a gift made by more
2 than one individual to one or more donees shall be
3 determined by dividing the total value of the donor's
4 contribution to the gift by the number of individuals
5 receiving the gift. However, in determining the value
6 of a gift, an individual making a gift on behalf of
7 more than one person shall not divide the value of the
8 gift by the number of persons on whose behalf the gift
9 is made.

10 b. The value of a gift to the donee is the value
11 actually received. An individual in whose honor an

12 event is held is the donee of only those gifts
13 actually received by that individual, and is not the
14 donee of gifts that may be provided to other persons
15 in attendance at the event.

16 c. For the purposes of the reporting requirements
17 of this section, any donor of a gift made by more than
18 one individual to one or more donees shall report the
19 gift if the total value of the gift to the donee
20 exceeds fifteen dollars.

21 6. Expenses for food, beverages, registration, and
22 scheduled entertainment at group events to which all
23 members of the general assembly have been invited
24 shall be reported for each such event by reporting the
25 date, location, and total expense incurred by the
26 donor or donors.

27 7. Reporting requirements adopted or issued under
28 this section shall apply to gifts given by lobbyists
29 to an official or employee at a location outside the
30 state.

31 8. Reporting requirements adopted or issued under
32 this section may include requirements relating to the
33 reporting of income which is not a gift.

34 9. A person who does not make public disclosure of
35 gifts as required by the rules adopted or executive
36 order issued pursuant to this chapter or who does not
37 make public disclosure as required by this chapter
38 shall be guilty of a serious misdemeanor.

39 Sec. 7. Section 722.1, Code 1987, is amended by
40 striking the section and inserting in lieu thereof the
41 following:

42 **722.1 BRIBERY.**

43 A person who offers, promises or gives anything of
44 value or any benefit to any person who is serving or
45 has been elected, selected, appointed, employed or
46 otherwise engaged to serve in a public capacity,
47 including any public officer or employee, any referee,
48 juror or venireman, or any witness in any judicial or
49 arbitration hearing or any official inquiry, or any
50 member of a board of arbitration, pursuant to an

Page 7

1 agreement or arrangement or with the understanding
2 that the promise or thing of value or benefit will
3 influence the act, vote, opinion, judgment, decision
4 or exercise of discretion of such person with respect
5 to the person's services in such capacity commits a
6 class "D" felony. In addition, any person convicted
7 under this section shall be disqualified from holding
8 public office under the laws of this state.

9 Sec. 8. Section 722.2, Code 1987, is amended by
10 striking the section and inserting in lieu thereof the
11 following:

12 722.2 ACCEPTING BRIBE.

13 Any person who is serving or has been elected,
14 selected, appointed, employed or otherwise engaged to
15 serve in a public capacity, including any public
16 officer or employee, any referee, juror or jury panel
17 member, or any witness in any judicial or arbitration
18 hearing or any official inquiry, or any member of a
19 board of arbitration who shall solicit or knowingly
20 accept or receive any promise or anything of value or
21 any benefit given pursuant to an understanding or
22 arrangement that the promise or thing of value or
23 benefit will influence the act, vote, opinion,
24 judgment, decision or exercise of discretion of such
25 person with respect to the person's services in that
26 capacity commits a class "C" felony. In addition, any
27 person convicted under this section shall be
28 disqualified from holding public office under the laws
29 of this state.

30 Sec. 9. This Act is effective upon enactment."

S-3020

- 1 Amend the House amendment S-3019 to Senate File 19
2 as amended, passed, and reprinted by the Senate as
3 follows:
4 1. Page 6, by striking lines 27 through 30.
5 2. By renumbering the amendment to conform with
6 this amendment.

EMIL J. HUSAK
DON E. GETTINGS
RICHARD F. DRAKE
RAY TAYLOR

S-3021

- 1 Amend Senate Resolution 3 as follows:
2 1. Page 7, line 15, by striking the words "of the
3 occurrence" and inserting "the gift was made".
4 2. Page 7, line 16, by inserting after the word
5 "gift." the following: "The value of the gift shall
6 be determined as provided in chapter 68B."
7 3. Page 8, by striking lines 4 through 9.

RAY TAYLOR
EMIL J. HUSAK

RICHARD F. DRAKE
DONALD E. GETTINGS

S-3022

- 1 Amend Senate File 42 as follows:
- 2 1. Page 1, line 17, by inserting after the word
- 3 "department." the following: "The taxes shall be paid
- 4 annually from the departmental fund or account from
- 5 which the land acquisition was funded. If the
- 6 departmental fund or account has no moneys or no
- 7 longer exists, the taxes shall be paid from funds as
- 8 otherwise provided by the general assembly."

COMMITTEE ON NATURAL
RESOURCES
HURLEY W. HALL,
Chairperson

S-3023

- 1 Amend Senate File 133 as follows:
- 2 1. Page 1, by inserting after line 24 the
- 3 following:
- 4 "f. A vehicle operated by a person attending
- 5 swimming lessons offered in a pool in the park and
- 6 parked in a parking area designated by the department
- 7 for those participants."

EUGENE FRAISE

S-3024

- 1 Amend Senate File 162 as follows:

DIVISION S—3024A

- 2 1. Page 1, line 8, by striking the following:
- 3 "and economic development".
- 4 2. Page 1, lines 33 and 34, by striking the
- 5 following: "and economic development".

DIVISION S—3024B

- 6 3. Page 1, line 35, by inserting after the word
- 7 "districts" the following: "or nonpublic schools".

DIVISION S—3024C

8 4. Page 2, by striking lines 31 and 32 and
9 inserting the following:
10 “f. One member who is a classroom teacher shall be
11 appointed by the state board of education from lists
12 of names recommended by the teacher associations.”

DIVISION S—3024D

13 5. Page 4, by inserting after line 26 the
14 following:
15 “7A. To advise and assist the department of
16 cultural affairs in developing the state’s interest in
17 the areas of the arts, history, libraries, and other
18 cultural matters.”

DIVISION S—3024E

19 6. Page 6, by striking lines 28 and 29 and
20 inserting the following: “bids and may advertise for
21 and secure new bids. Bids shall be filed by the board
22 and”.

DIVISION S—3024F

23 7. Page 11, by inserting after line 35 the
24 following:
25 “Sec. ____ . Section 256.7, Code 1987, is amended by
26 adding the following new subsection:
27 NEW SUBSECTION. 8. Adopt rules under chapter 17A
28 requiring that boards of directors of school districts
29 ensure that a certificated teacher assists students
30 enrolled in a class provided by means of educational
31 telecommunications systems and services.”

DIVISION S—3024A (Cont’d)

32 8. Amend the title, lines 5 and 6, by striking
33 the words “and economic development”.

COMMITTEE ON STATE
GOVERNMENT
BOB CARR, CHAIRPERSON

S-3025

- 1 Amend Senate File 136 as follows:
2 1. Page 25, line 31, by striking the figure "(2)"
3 and inserting the following: "(1)".
4 2. Page 32, line 34, by striking the figure "(2)"
5 and inserting the following: "(1)".
6 3. Page 36, line 18, by striking the word
7 "Distributee" and inserting the following:
8 "~~Distributee~~ Transferee".

CHARLES BRUNER

S-3026

- 1 Amend House File 153 as amended, passed and
2 reprinted by the House as follows:
3 1. Page 17, line 6, by inserting after the figure
4 "1954" the following: "except that interest from
5 securities issued by an Iowa city or county or one of
6 its agencies shall not be added".
7 2. Page 31, line 22, by inserting after the
8 figure "1954" the following: "except that interest
9 from securities issued by an Iowa city or county or
10 one of its agencies shall not be added".
11 3. Page 33, by inserting after line 26 the
12 following:
13 "Sec. 95. Section 422.61, subsection 4, Code 1987,
14 is amended to read as follows:
15 4. "Net income" means the net income of the
16 financial institution computed in accordance with
17 section 422.35, with the exception that interest and
18 dividends from federal securities shall not be
19 subtracted, ~~no~~ federal income taxes paid or accrued
20 shall not be subtracted, and notwithstanding the
21 provisions of sections 262.41 and 262.51 and section
22 422.35, subsection 2 or any other provisions of the
23 law, income from obligations of the state and its
24 political subdivisions and any amount of franchise
25 taxes paid or accrued under this division during the
26 taxable year shall be added."
27 4. Page 43, line 20, by inserting after the
28 figure "30," the following: "95,".

EDGAR H. HOLDEN

S-3027

- 1 Amend Senate File 162 as follows:
- 2 1. Page 6, by striking lines 17 through 19 and
- 3 inserting the following:
- 4 "The provisions of chapter 476 shall not apply to a
- 5 public utility in furnishing telecommunications
- 6 services or facilities for narrowcast educational
- 7 purposes to the corporation."

MICHAEL GRONSTAL
RICHARD DRAKE
BOB CARR

S-3028

- 1 Amend Senate File 133 as follows:
- 2 1. By striking everything after the enacting
- 3 clause and inserting the following:
- 4 "Section 1. Section 111.85, Code 1987, is repealed
- 5 effective January 1, 1988."
- 6 2. Title page, by striking line 1 and inserting
- 7 the following: "An Act to repeal the state park user
- 8 fee and providing an effective date."

EUGENE FRAISE

S-3029

- 1 Amend Senate File 133 as follows:
- 2 1. Page 1, line 34, by striking the word "ten"
- 3 and inserting the words "~~ten~~ five".
- 4 2. Page 1, line 35, by striking the word "two"
- 5 and inserting the words "~~two~~ one".

LARRY MURPHY

S-3030

- 1 Amend Senate File 180 as follows:
- 2 1. Page 10, line 22, by striking the figure "4"
- 3 and inserting the figure "24".

LEONARD BOSWELL

S-3031

1 Amend House File 153 as amended, passed and
2 reprinted by the House as follows:
3 1. Page 21, line 28, by inserting after the word
4 "rates." the following: "An employee may receive a
5 reduction in the amount of withholding by notifying
6 the employer or withholding agent that the taxpayer is
7 required to make alimony or separate maintenance
8 payments which are deductible under section 215 of the
9 Internal Revenue Code. The department shall prescribe
10 rules for reducing the amount of withholding due to
11 alimony or separate maintenance payments. The
12 calculation for such reduction may be based on tables
13 prepared by the department, the authorization for the
14 employee to claim an additional dependency exemption,
15 or any other method devised by the department."
16 2. Page 21, line 33, by inserting after the
17 figure "1954" the following: "or as allowed by the
18 department for making alimony and separate maintenance
19 payments. The false claiming of making alimony or
20 separate maintenance payments which are deductible is
21 a serious misdemeanor."

JOY CORNING

S-3032

1 Amend Senate File 133 as follows:
2 1. Page 1, by striking line 32 through page 2,
3 line 8 and inserting the following:
4 "4. The user permit issued by the commission is
5 valid for either the calendar year in which issued or
6 for twenty-four hours from the time of purchase. The
7 fee is ten dollars for the calendar year permit and
8 two dollars for the daily permit. The following three
9 forms of user permits shall be issued:
10 a. The calendar year permit shall be sold for a
11 fee of ten dollars and shall be valid for the calendar
12 year in which it is issued.
13 b. The daily permit shall be sold for a fee of two
14 dollars and shall be valid for twenty-four hours from
15 the time of purchase.
16 c. The registration plate permit shall be sold for
17 a fee of one dollar and shall be valid for the current
18 registration period of the motor vehicle for which it
19 is purchased."
20 2. Page 2, line 21, by striking the word "User"
21 and inserting the following: "User Calendar year and
22 daily user".
23 3. Page 4, by inserting after line 24 the

24 following:

25 "Sec. 2. Section 111.85, Code 1987, is amended by
26 adding the following new subsection:

27 NEW SUBSECTION. 11. A person registering a motor
28 vehicle under chapter 321 shall purchase a
29 registration plate user permit for that motor vehicle
30 unless the person declines to do so at the time of
31 registration or reregistration. The application form
32 for registration or reregistration under chapter 321
33 shall provide the person with the opportunity to
34 decline the purchase of the registration plate user
35 permit. If a person purchases the registration plate
36 user permit, the person shall be issued an emblem or
37 sticker issued under section 321.166, subsection 7,
38 which is easily distinguishable from the emblem or
39 sticker issued to persons who do not purchase the
40 permit. The county treasurer shall transmit the funds
41 received from the purchase of registration plate user
42 permits to the department for deposit under subsection
43 9."

RICHARD VARN

S-3033

1 Amend House File 153 as amended, passed, and
2 reprinted by the House as follows:

3 1. Page 17, line 10, by striking the word
4 "subsection" and inserting the following:
5 "subsections".

6 2. Page 17, by inserting after line 14 the
7 following:

8 "NEW SUBSECTION. If the individual has attained
9 the age of sixty-five years before the close of the
10 tax year or on the first day following the end of the
11 tax year, subtract the following amounts:

12 a. One hundred dollars.

13 b. Up to one hundred dollars, to the extent
14 included, of dividends received.

15 c. Up to one hundred dollars, to the extent
16 included, of interest received.

17 In the case of married taxpayers filing jointly
18 where both have attained the age of sixty-five years,
19 the amount that may be subtracted under paragraph "a",
20 "b", or "c" is two hundred dollars."

21 3. Page 20, by inserting after line 10 the
22 following:

23 "Sec. 85. Section 422.9, subsection 2, Code 1987,
24 is amended by adding the following new lettered

25 paragraph:

26 NEW LETTERED PARAGRAPH. g. If the taxpayer has
 27 attained the age of sixty-five years before the close
 28 of the tax year or on the first day following the end
 29 of the tax year and has medical expenses that may be
 30 deducted under section 213 of the Internal Revenue
 31 Code, the taxpayer may recompute the amount of
 32 deduction under section 213(a) of the Internal Revenue
 33 Code by using as the threshold amount five percent of
 34 the adjusted gross income instead of seven and one-
 35 half percent. The excess of the recomputed amount
 36 over the regularly computed amount may be deducted.”
 37 4. Page 43, line 20, by inserting after the
 38 figure “14,” the following: “85,”.

JOHN NYSTROM

S-3034

1 Amend House File 153 as amended, passed and
 2 reprinted by the House as follows:
 3 1. Page 8, by inserting after line 7 the
 4 following:
 5 “Sec. 75. Section 422.5, subsection 10, Code 1987,
 6 is amended to read as follows:
 7 10. In addition to the other taxes imposed by this
 8 section, a tax is imposed on the amount of a lump sum
 9 distribution for which the taxpayer has elected under
 10 section 402(e) of the Internal Revenue Code of 1954 to
 11 be separately taxed for federal income tax purposes
 12 for the tax year. The rate of tax is equal to twenty-
 13 five percent of the recomputed separate federal tax
 14 imposed on the amount of the lump sum distribution. A
 15 nonresident is liable for this tax only on that
 16 portion of the lump sum distribution allocable to
 17 Iowa. The total amount of the lump sum distribution
 18 subject to separate federal tax shall be included in
 19 net income for purposes of determining eligibility
 20 under the five thousand dollar or less exclusion. For
 21 purposes of this subsection, the “recomputed separate
 22 federal tax” means what the separate federal tax
 23 computed under section 402(e)(1)(B) of the Internal
 24 Revenue Code would be if in that section the figure
 25 “5” is “10” and the fraction “1/5” is 1/10.”
 26 2. Page 43, line 20, by inserting after the
 27 figure “3,” the following: “75,”.

JOHN NYSTROM

S-3035

1 Amend House File 153 as amended, passed and
2 reprinted by the House as follows:
3 1. Page 17, line 10, by striking the word
4 "subsection" and inserting the following:
5 "subsections".
6 2. Page 17, by inserting after line 14 the
7 following:
8 "NEW SUBSECTION. Subtract, to the extent included,
9 the amount received as a scholarship or fellowship by
10 a graduate research assistant at an institute of
11 higher education in the state to the extent it would
12 be excluded under section 117 of the Internal Revenue
13 Code in effect on December 31, 1986.
14 NEW SUBSECTION. Subtract, to the extent included,
15 the amounts paid or expenses incurred by the
16 taxpayer's employer for educational assistance to the
17 employee which would have been excluded under section
18 127 of the Internal Revenue Code but for the fact the
19 amount of the educational assistance furnished
20 exceeded the maximum exclusion amount in section
21 127(a)(2) of the Internal Revenue Code."
22 3. Page 20, by inserting after line 10 the
23 following:
24 "Sec. 95. Section 422.9, subsection 2, Code 1987,
25 is amended by adding the following new lettered
26 paragraphs:
27 NEW LETTERED PARAGRAPH. g. Add the amount of
28 interest paid, to the extent not already included, on
29 a student loan made under a federal or state
30 guaranteed student loan program.
31 NEW LETTERED PARAGRAPH. h. Add the amount of
32 educational and related expenses, to the extent not
33 already included, that are deductible under section
34 162 of the Internal Revenue Code in effect on December
35 31, 1986."
36 4. Page 43, line 20, by inserting after the
37 figure "14," the following: "95,".

JOHN NYSTROM
JIM LIND
JOY CORNING

1960

AMENDMENTS FILED

S-3036

1 Amend House File 153 as amended, passed, and
2 reprinted by the House as follows:
3 1. Page 20, by inserting after line 10 the
4 following:
5 "Sec. 105. Section 422.9, subsection 2, Code 1987,
6 is amended by adding the following new lettered
7 paragraph:
8 NEW LETTERED PARAGRAPH. g. Subtract the amount
9 paid by the taxpayer for medical and health insurance.
10 If the taxpayer has a deduction for medical care
11 expenses under section 213 of the Internal Revenue
12 Code, the taxpayer shall recompute for the purposes of
13 this subsection the amount of the deduction under
14 section 213 by excluding from the term "medical care"
15 defined in section 213 the amount paid by the taxpayer
16 for medical and health insurance."
17 2. Page 43, line 20, by inserting after the
18 figure "14," the following: "105,".

JACK RIFE

S-3037

1 Amend Senate File 162 as follows:
2 1. Page 4, line 23, by inserting after the word
3 "chapter." the following: "The auditor of state or a
4 certified public accounting firm appointed by the
5 auditor shall conduct annual audits of all accounts
6 and transactions of the corporation and other special
7 audits as the auditor of state, the general assembly,
8 or the governor deems necessary."

BOB CARR
RICHARD DRAKE

S-3038

1 Amend House File 153 as amended, passed and
2 reprinted by the House as follows:
3 1. Page 33, line 3, by inserting after the word
4 "Code." the following: "In making the adjustment
5 under section 56(c)(1) of the Internal Revenue Code,
6 interest and dividends from securities of state and
7 other political subdivisions exempt from federal
8 income tax net of amortization of any discount or

9 premium shall be subtracted from adjusted gross income
 10 under section 56(f) of the Internal Revenue Code and
 11 adjusted current earnings under section 56(g) of the
 12 Internal Revenue Code.”

13 2. Page 33, by inserting after line 26 the
 14 following:

15 “Sec. 115. Section 422.61, subsection 4, Code
 16 1987, is amended to read as follows:

17 4. “Net income” means the net income of the
 18 financial institution computed in accordance with
 19 section 422.35, with the exception that interest and
 20 dividends from federal securities shall not be
 21 subtracted, ~~no~~ federal income taxes paid or accrued
 22 shall not be subtracted, and notwithstanding the
 23 provisions of sections 262.41 and 262.51 or any other
 24 provisions of the law, income from obligations of the
 25 state and its political subdivisions and any amount of
 26 franchise taxes paid or accrued under this division
 27 during the taxable year shall be added. Any deduction
 28 disallowed under section 265(b) or 291(e) (1)(B) of
 29 the Internal Revenue Code shall be subtracted.”

30 3. Page 43, line 21, by striking the following:
 31 “and 33” and inserting in lieu thereof the following:
 32 “33, and 115”.

RICHARD DRAKE
 CHARLES BRUNER

S-3039

1 Amend Senate File 106 as follows:

2 1. Page 1, line 17, by inserting after the word
 3 “implement” the following: “annual”.

4 2. Page 1, line 24, by inserting after the word
 5 “termination” the following: “, except for
 6 termination of superintendents”.

7 3. Page 1, line 25, by striking the word
 8 “purusant” and inserting the following: “pursuant”.

COMMITTEE ON EDUCATION
 LARRY MURPHY, Chairperson

S-3040

1 Amend amendment S-3023 to Senate File 133 as follows:

2 1. Page 1, line 4, by inserting after the word
 3 “attending” the word “organized”.

4 2. Page 1, line 5, by striking the words “in a pool”.

JOHN PETERSON

S-3041

1 Amend House File 153, as amended, passed, and
2 reprinted by the House as follows:
3 1. Page 17, line 10, by striking the word
4 "subsection" and inserting the following:
5 "subsections".
6 2. Page 17, by inserting after line 14 the
7 following:
8 "NEW SUBSECTION. Subtract, to the extent included,
9 sixty percent of the excess of the section 1231 gains
10 over the section 1231 losses from the sale, exchange,
11 or conversion of livestock held for breeding purposes
12 as computed under section 1231 of the Internal Revenue
13 Code."

BERL E. PRIEBE

S-3042

1 Amend Senate File 180 as follows:
2 1. Page 10, lines 15 and 16, by striking the
3 words and figures "fifty thousand (50,000)" and
4 inserting in lieu thereof the words and figures "one
5 hundred thousand (100,000)".

LEONARD BOSWELL
JAMES RIORDAN

S-3043

1 Amend House File 153, as amended, passed and
2 reprinted by the House as follows:
3 1. Page 17, line 10, by striking the word
4 "subsection" and inserting the following:
5 "subsections".
6 2. Page 17, by inserting after line 14 the
7 following:
8 "NEW SUBSECTION. If the taxpayer has a net capital
9 gain, as defined in section 1222 of the Internal
10 Revenue Code, subtract, to the extent included, sixty
11 percent of the amount of the net capital gain. In the
12 case of an estate or trust, the amount subtracted
13 shall be computed by excluding the portion, if any, of
14 the gains for the taxable year from sales or exchanges
15 of capital assets which, under sections 652 and 662 of
16 the Internal Revenue Code, is includable by the income
17 beneficiaries as gain derived from the sale or
18 exchange of capital assets."

RICHARD VANDE HOEF
WILMER RENSINK
JACK HESTER

S-3044

1 Amend Senate File 133 as follows:
2 1. Page 2, lines 13 through 16, by striking the
3 following: "and attest that their income is less than
4 the United States poverty level as most recently
5 published by the United States department of health
6 and human services".

GEORGE KINLEY

S-3045

1 Amend House File 153, as amended, passed, and
2 reprinted by the House as follows:
3 1. Page 4, by inserting after line 9, the
4 following:
5 "(d) The exemption amount shall be reduced, but
6 not below zero, by an amount equal to twenty-five
7 percent of the amount by which the alternative minimum
8 taxable income of the taxpayer, computed without
9 regard to the exemption amount in this subparagraph,
10 exceeds the following:
11 (i) Seventy-five thousand dollars in the case of a
12 taxpayer described in subparagraph part (a).
13 (ii) One hundred twelve thousand five hundred
14 dollars in the case of a taxpayer described in
15 subparagraph part (b).
16 (iii) One hundred fifty thousand dollars in the
17 case of a taxpayer described in subparagraph part
18 (c)."
19 2. Page 26, line 6, by inserting after the word
20 "dollars." the following: "This exemption amount
21 shall be reduced, but not below zero, by an amount
22 equal to twenty-five percent of the amount by which
23 the alternative minimum taxable income of the
24 taxpayer, computed without regard to the exemption
25 amount in this paragraph, exceeds one hundred fifty
26 thousand dollars."
27 3. Page 33, line 3, by inserting after the word
28 "Code." the following: "In making the adjustment
29 under section 56(c)(1) of the Internal Revenue Code,
30 interest and dividends from securities of state and
31 other political subdivisions exempt from federal

32 income tax net of amortization of any discount or
 33 premium shall be subtracted from adjusted net book
 34 income under section 56(f) of the Internal Revenue
 35 Code and adjusted current earnings under section 56(g)
 36 of the Internal Revenue Code.”

37 4. Page 33, line 6, by inserting after the word
 38 “dollars.” the following: “This exemption amount
 39 shall be reduced, but not below zero, by an amount
 40 equal to twenty-five percent of the amount by which
 41 the alternative minimum taxable income of the
 42 taxpayer, computed without regard to the exemption
 43 amount in this paragraph, exceeds one hundred fifty
 44 thousand dollars.”

45 5. Page 33, by inserting after line 26 the
 46 following:

47 “Sec. 115. Section 422.61, subsection 4, Code
 48 1987, is amended to read as follows:

49 4. “Net income” means the net income of the
 50 financial institution computed in accordance with

Page 2

1 section 422.35, with the exception that interest and
 2 dividends from federal securities shall not be
 3 subtracted, ~~no~~ federal income taxes paid or accrued
 4 shall not be subtracted, and notwithstanding the
 5 provisions of sections 262.41 and 262.51 or any other
 6 provisions of the law, income from obligations of the
 7 state and its political subdivisions and any amount of
 8 franchise taxes paid or accrued under this division
 9 during the taxable year shall be added. Any deduction
 10 disallowed under section 265(b) or 291(e) (1)(B) of
 11 the Internal Revenue Code shall be subtracted.”

12 6. Page 43, line 21, by striking the following:
 13 “and 33” and inserting the following: “33, and 115”.

CHARLES BRUNER
 RICHARD F. DRAKE

S-3046

1 Amend Senate File 160 as follows:

2 1. Page 1, by inserting after line 9 the
 3 following:

4 “Sec. 2. This Act, being deemed of immediate
 5 importance, takes effect upon enactment.”

DONALD V. DOYLE

S-3047

- 1 Amend Senate File 162 as follows:
- 2 1. Page 1, by striking line 34 through page 2, line
- 3 2 and inserting in lieu thereof the following:
- 4 "economic development needs of the state. The corporation
- 5 is a".

LEE W. HOLT

S-3048

- 1 Amend amendment S-3024 to Senate File 162 as follows:
- 2 1. Page 1, by striking lines 23 through 31.

LEE W. HOLT

S-3049

- 1 Amend Senate File 155 as follows:
- 2 1. Page 1, by inserting after line 15 the
- 3 following:
- 4 "Sec. ____ . Section 1 of this Act shall not become
- 5 effective if the general assembly enacts an
- 6 appropriation to fund the implementation of the
- 7 federal Resource Conservation and Recovery Act permit
- 8 program for hazardous waste facilities by the
- 9 department of natural resources as provided in section
- 10 455B.411, subsections 5, 8, and 9, section 455B.412,
- 11 subsections 2 through 4, and sections 455B.413 through
- 12 455B.421, for the fiscal year beginning July 1, 1987
- 13 and ending June 30, 1988."

COMMITTEE ON ENVIRONMENT
AND ENERGY UTILITIES
PATRICK J. DELUHERY,
Chairperson

S-3050

- 1 Amend Senate File 162 as follows:
- 2 1. Page 8, line 6, by inserting after the word
- 3 "state" the following: "except for purposes of
- 4 chapter 20".

RICHARD DRAKE
DONALD E. GETTINGS

S-3051

- 1 Amend the amendment, S-3024, to Senate File 162 as
- 2 follows:
- 3 1. Page 1, by striking lines 8 through 12.
- 4 2. Page 1, by inserting after line 22 the
- 5 following:
- 6 "____. Page 9, line 2, by inserting after the word
- 7 "agencies," the following: "classroom teachers,
- 8 school district administrators, school district boards
- 9 of directors,"

WALLY HORN
RICHARD F. DRAKE
LARRY MURPHY

S-3052

- 1 Amend the amendment S-3024 to Senate File 162 as
- 2 follows:
- 3 1. Page 1, by striking lines 28 through 31 and
- 4 inserting the following: "regarding policy and
- 5 practices for use of educational technology in the
- 6 elementary and secondary schools."

WALLY HORN
RICHARD DRAKE
LARRY MURPHY

S-3053

- 1 Amend Senate File 70 as follows:
- 2 1. Page 1, by inserting before line 1 the
- 3 following:
- 4 "Section 1. Section 214.1, subsection 2, Code
- 5 1987, is amended to read as follows:
- 6 2. "Gasoline Motor vehicle fuel pump" ~~shall mean~~
- 7 ~~any means a~~ pump, meter, or similar measuring device
- 8 used for measuring gasoline motor vehicle fuel.
- 9 Sec. 2. Section 214.1, Code 1987, is amended by
- 10 adding the following new subsection:
- 11 **NEW SUBECTION. 3.** "Motor vehicle fuel" means a
- 12 substance or combination of substances which is
- 13 intended to be or is capable of being used for the
- 14 purpose of propelling or running by combustion any
- 15 internal combustion engine and is kept for sale or
- 16 sold for that purpose.

17 Sec. 3. Section 214.2, Code 1987, is amended to
18 read as follows:

19 214.2 LICENSE.

20 Every person who ~~shall use~~ uses or ~~display~~ displays
21 for use any public scale, pump, or meter used in
22 measuring the quantity of gasoline motor vehicle fuel
23 or fuel oil sold to consumer customers shall secure a
24 license for ~~said the~~ scale, pump, or meter from the
25 department.

26 Sec. 4. Section 214.3, Code 1987, is amended to
27 read as follows:

28 214.3 FEE.

29 The license for a public scale shall expire on
30 December 31 of each year, and for a gasoline motor
31 vehicle fuel pump or meter on June 30 of each year.
32 ~~A~~ ~~The~~ fee for each ~~said~~ license shall be four
33 dollars per annum ~~provided, however, except~~ that the
34 fee for gasoline motor vehicle fuel pumps and meters
35 shall be two dollars per annum if paid within one
36 month from the date ~~said the~~ license fee is due.

37 A license fee on every gasoline motor vehicle fuel
38 pump and meter is due the day ~~any such the~~ pump or
39 meter is placed in operation.

40 Sec. 5. Section 214.9, Code 1987, is amended to
41 read as follows:

42 214.9 SELF-SERVICE GASOLINE MOTOR VEHICLE FUEL
43 PUMPS.

44 Self-service gasoline motor vehicle fuel pumps ~~and~~
45 ~~self-service special fuel pumps~~ at service stations
46 may be equipped with automatic latch-open devices on
47 the fuel dispensing hose nozzle only if the nozzle
48 valve is the automatic closing type."

49 2. Page 1, line 3, by striking the word
50 "gasoline" and inserting the words "motor vehicle

Page 2

1 fuel".

2 3. Page 1, line 8, by striking the word
3 "gasoline" and inserting the words "motor vehicle
4 fuel".

5 4. Page 1, lines 17 and 18, by striking the words
6 "within ten days" and inserting the following:
7 "immediately, on a form provided by the department".

8 5. Title page, line 2, by striking the word
9 "gasoline" and inserting the following: "motor
10 vehicle fuel".

11 6. By renumbering as necessary.

S-3054

1 Amend Senate File 162 as follows:

2 1. Page 2, line 4, by striking the words "and
3 the" and inserting the following: "but is attached to
4 the department of cultural affairs for organizational
5 purposes only. The".

6 2. Page 2, line 12, by inserting after the word
7 "state." the following: "The income and assets of the
8 corporation shall not inure to the benefit of a member
9 of the board, the director, or an employee of the
10 corporation except as salary or reasonable
11 compensation for services."

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

14 "For the purposes of chapter 68B, the corporation
15 is a political subdivision."

16 4. Page 3, line 21, by inserting after the word
17 "board." the following: "The board is a governing
18 body for purposes of chapter 21."

19 5. Page 4, line 4, by inserting after the word
20 "compensation." the following: "The director's
21 compensation for a fiscal year shall not exceed the
22 maximum salary in the department director's salary
23 range three established for that fiscal year by the
24 general assembly."

25 6. Page 4, line 5, by inserting after the word
26 "adopt" the following: "and update".

27 7. Page 4, line 6, by inserting after the word
28 "state." the following: "Copies of the design plan
29 shall be transmitted to the governor and the general
30 assembly."

31 8. Page 4, line 31, by inserting after the word
32 "purposes." the following: "Any property given to the
33 corporation, except property belonging to the Iowa
34 public broadcasting board prior to July 1, 1987, may
35 be sold by the director with the approval of the
36 board."

37 9. Page 7, by striking lines 10 through 12 and
38 inserting the following: "maintaining educational
39 radio stations and other educational narrowcast
40 telecommunications systems and services. The
41 institutions and schools may enter into".

42 10. Page 12, by inserting after line 24 the
43 following:

44 "Sec. ____ . Section 303.1, subsections 1 and 4,
45 Code 1987, are amended to read as follows:

46 1. The department of cultural affairs is created.
47 The Except for the Iowa corporation for public
48 telecommunications, the department is under the
49 control of a director who shall be appointed by the
50 governor, subject to confirmation by the senate, and

Page 2

1 shall serve at the pleasure of the governor. The
2 salary of the director shall be set by the governor
3 within a range set by the general assembly.
4 4. The director may create, combine, eliminate,
5 alter or reorganize the organization of the department
6 by rule except for those matters prescribed by
7 ~~sections 303.75 through 303.83~~ chapter 302A."
8 11. Page 12, by inserting after line 33 the
9 following:
10 "Sec. ____ . Section 303.1, subsection 2, paragraph
11 b, Code 1987, is amended by striking the paragraph."
12 12. Page 13, by inserting after line 10 the
13 following:
14 "Sec. ____ . Section 303.1, Code 1987, is amended by
15 adding the following new subsection:
16 **NEW SUBSECTION. 7.** The Iowa corporation for
17 public telecommunications is an autonomous public
18 corporation which is attached to the department for
19 organizational purposes only."
20 13. Page 13, by inserting before line 11 the
21 following:
22 "Sec. ____ . Section 303.1A, unnumbered paragraph 1,
23 Code 1987, is amended to read as follows:
24 Except for those matters prescribed by ~~sections~~
25 ~~303.75 through 303.83~~ chapter 302A, the director
26 shall:
27 Sec. ____ . Section 303.1A, unnumbered paragraph 3,
28 Code 1987, is amended to read as follows:
29 The director may delegate the powers and duties of
30 that office to the administrators. The director is
31 not liable for the activities of the ~~division of~~
32 ~~public broadcasting~~ Iowa corporation for public
33 telecommunications."
34 14. Page 13, by striking lines 16 through 18 and
35 inserting the following: "perform other duties
36 assigned to it by the director, except for those
37 matters prescribed by ~~sections 303.75 through 303.83~~
38 chapter 302A. ~~The administrative services section may~~
39 ~~provide~~".

RICHARD DRAKE
ROBERT M. CARR

S-3055

- 1 Amend Senate File 180 as follows:
- 2 1. Page 10, lines 15 and 16, by striking the
- 3 words and figures "fifty thousand (50,000)" and
- 4 inserting in lieu thereof the words and figures "one
- 5 hundred thousand (100,000)".
- 6 2. Page 10, line 22, by striking the figure "4"
- 7 and inserting the figure "24".

COMMITTEE ON APPROPRIATIONS
JOE WELSH, Chairperson

S-3056

- 1 Amend amendment S-3032 to Senate File 133 as
- 2 follows:
- 3 1. Page 1, line 17, by inserting after the word
- 4 "dollar" the words "and twenty-five cents".
- 5 2. Page 1, by striking line 43 and inserting the
- 6 following: "9.
- 7 Sec. 3. Section 321.152, Code 1987, is amended by
- 8 adding the following new subsection:
- 9 NEW SUBSECTION. 5. Twenty-five cents of the
- 10 registration plate user permit fee collected under
- 11 section 111.85."

BERL E. PRIEBE

S-3057

- 1 Amend Senate File 56 as follows:
- 2 1. Page 1, by inserting before line 1, the
- 3 following:
- 4 "Section 1. Section 724.1, Code 1987, is amended
- 5 by adding the following new subsection:
- 6 NEW SUBSECTION. 9. An offensive weapon also
- 7 includes any small caliber, hand held firearm which
- 8 the commissioner of public safety so defines as an
- 9 offensive weapon by rule."
- 10 2. Title page, lines 1 and 2, by striking the
- 11 words "by a political subdivision".
- 12 3. By renumbering as necessary.

TOM MANN, Jr.

S-3058

1 Amend Senate File 56 as follows:
2 1. Page 1, line 1, by striking the words
3 "PROHIBITION OF".
4 2. Page 1, line 3, by striking the words "shall
5 not" and inserting the word "may".
6 3. Page 1, line 5, by inserting after the word
7 "of" the word "small".
8 4. Page 1, line 6, by inserting after the word
9 "firearms" the following: ", as defined by the
10 commissioner of public safety, but shall not enact
11 such ordinance for any other firearm".
12 5. Page 1, line 8, by inserting after the word
13 "ordinance" the following: ", or such part of an
14 ordinance, which regulates firearms other than small
15 firearms".

TOM MANN, Jr.

S-3059

1 Amend Senate File 56 as follows:
2 1. Page 1, by inserting before line 1 the
3 following:
4 "Section 1. Section 724.22, subsection 2, Code
5 1987, is amended to read as follows:
6 2. Except as provided in subsections 4 and 5, a
7 person who sells, loans, gives, or makes available a
8 pistol or revolver or ammunition for a pistol or
9 revolver to a person below the age of twenty-one
10 commits a ~~simple~~ a serious misdemeanor."
11 2. Page 1, by inserting after line 9 the
12 following:
13 "Sec. 2. NEW SECTION. 724.29 REPORT OF PISTOL OR
14 REVOLVER LOST OR STOLEN.
15 A person who possesses or owns a pistol or revolver
16 which is lost or stolen shall report the loss or theft
17 within twenty-four hours to a law enforcement agency
18 within the jurisdiction where the loss or theft
19 occurs. A violation of this section is a serious
20 misdemeanor.
21 Sec. 3. NEW SECTION. 724.30 STORAGE OF PISTOL OR
22 REVOLVER.
23 A person who possesses or owns a pistol or revolver
24 shall secure the pistol or revolver in a locked opaque
25 container when the pistol or revolver is not in the
26 person's immediate possession or control. A person

27 who fails to properly secure a pistol or revolver as
 28 required by this section is liable for damages to any
 29 person injured by the pistol or revolver if it is lost
 30 or stolen.

31 Sec. 4. NEW SECTION. 724.31 FINANCIAL
 32 RESPONSIBILITY FOR OWNERSHIP OF PISTOL OR REVOLVER.

33 1. A person who applies for a permit to acquire or
 34 carry a pistol or revolver under this chapter shall
 35 demonstrate proof of and maintain financial
 36 responsibility in an amount of at least one hundred
 37 thousand dollars to insure against injury caused by
 38 the negligent or criminal use of the person's pistol
 39 or revolver.

40 2. A sheriff shall ascertain compliance with the
 41 financial responsibility requirements of this section
 42 before issuing or reissuing a permit to carry or
 43 acquire a pistol or revolver.

44 3. A violation of this section is a serious
 45 misdemeanor."

46 3. Renumber as necessary.

TOM MANN, Jr.

S-3060

1 Amend Senate File 52 as follows:

2 1. Page 1, by inserting after line 11 the
 3 following:

4 "Sec. ____ . Section 537.2402, subsections 5 and 6,
 5 are amended by striking the subsections."

6 2. Title, line 1, by striking the word
 7 "reducing".

CHARLES BRUNER

S-3061

1 Amend Senate File 42 as follows:

2 1. Page 1, by striking lines 21 and 22 and

3 inserting the following: "amount appropriated."

LARRY MURPHY

HOUSE AMENDMENT TO
 SENATE CONCURRENT RESOLUTION 4

S-3062

1 Amend Senate Concurrent Resolution 4, as passed by
 2 the Senate, as follows:

3 1. By striking page 1, line 5 through page 3,
4 line 25, and inserting the following:
5 "WHEREAS, pursuant to section 262A.3, the state
6 board of regents prepared and within seven days after
7 the convening of the Seventy-second General Assembly
8 of the State of Iowa, First Session, submitted to the
9 Seventy-second General Assembly, First Session, for
10 approval the proposed ten-year building program for
11 each institution of higher learning under the
12 jurisdiction of the board, containing a list of the
13 buildings and facilities which the board deems
14 necessary to further the educational objectives of
15 the institutions, together with an estimate of the
16 cost of each of the buildings and facilities and an
17 estimate of the maximum amount of bonds which the
18 board expects to issue under chapter 262A for each
19 year of the fiscal biennium beginning July 1, 1987,
20 and ending June 30, 1989; and
21 WHEREAS, the projects contained in the building
22 program are deemed necessary for the proper
23 performance of the instructional, research, and
24 service functions of the institutions; and
25 WHEREAS, section 262A.4 provides that the state
26 board of regents, after authorization by a
27 constitutional majority of each House of the General
28 Assembly and approval by the Governor, may undertake
29 and carry out at the institutions of higher learning
30 under the jurisdiction of the board any project as
31 defined in chapter 262A; and
32 WHEREAS, chapter 262A authorizes the state board
33 of regents to borrow money and to issue and sell
34 negotiable revenue bonds to pay all or any part of
35 the cost of carrying out projects at any institution
36 payable solely from and secured by an irrevocable
37 pledge of a sufficient portion of the student fees
38 and charges and institutional income received by the
39 particular institution; and
40 WHEREAS, to further the educational objectives of
41 the institutions, and to foster economic growth in
42 this state, the state board of regents requests
43 authorization to undertake and carry out certain
44 projects at this time and to finance their costs by
45 borrowing money and issuing negotiable bonds under
46 chapter 262A in a total amount not to exceed sixty-
47 two million dollars, the remaining cost of the
48 projects to be financed by capital appropriations or
49 by federal or other funds lawfully available; NOW
50 THEREFORE,

Page 2

1 BE IT RESOLVED BY THE SENATE, THE HOUSE
 2 CONCURRING, That the proposed ten-year building
 3 program submitted by the state board of regents for
 4 each institution of higher learning under its
 5 jurisdiction is approved; and

6 BE IT FURTHER RESOLVED, That no commitment is
 7 implied or intended by approval to fund any portion
 8 of the proposed ten-year building program submitted
 9 by the state board of regents beyond the portion that
 10 is financed and approved by the Seventy-second
 11 General Assembly, First Session, and the Governor;
 12 and

13 BE IT FURTHER RESOLVED, That during the biennium
 14 which commences July 1, 1987, and which ends June 30,
 15 1989, the maximum amount of bonds which the state
 16 board of regents expects to issue under chapter 262A,
 17 unless additional bonding is authorized, is sixty-two
 18 million dollars, all or any part of which may be
 19 issued during the fiscal year ending June 30, 1988,
 20 and if all that amount should not be issued during
 21 the fiscal year ending June 30, 1988, any remaining
 22 balance may be issued during the fiscal year ending
 23 June 30, 1989, or thereafter, and this plan of
 24 financing is approved; and

25 BE IT FURTHER RESOLVED, That upon completion, the
 26 projects authorized to be carried out under this
 27 resolution shall not be used for the purpose of
 28 engaging in classified research; and

29 BE IT FURTHER RESOLVED, That the state board of
 30 regents is authorized to undertake, plan, construct,
 31 equip, and otherwise carry out the following projects
 32 and to pay all or any part of the cost of carrying
 33 out the projects by borrowing money and issuing
 34 negotiable revenue bonds under chapter 262A in a
 35 total amount not to exceed sixty-two million dollars:

36 <u>State University of Iowa</u>	
37 Laser laboratories	\$ 25,100,000
38 Fire and environmental safety projects	500,000
39 Engineering building addition	1,500,000
40 Old law center remodeling	4,325,000
41 Pharmacy remodeling	400,000
42 Cost of issuance of bonds	
43 <u>Iowa State University</u>	
44 Molecular biology building - planning	2,500,000
45 Fire and environmental safety projects	500,000
46 Home economics building--phase I	5,100,000
47 Agronomy building equipment	2,000,000
48 Animal science, outlying research	

AMENDMENTS FILED

1975

49 centers -- planning	624,000
50 University research park development	2,500,000

Page 3

1 Veterinary medicine research institute	
2 production laboratories	1,925,000
3 Electrical interconnection with city	
4 of Ames	2,000,000
5 Cost of issuance of bonds	
6 <u>University of Northern Iowa</u>	
7 Latham hall remodeling	3,360,000
8 Fire and environmental safety projects	450,000
9 Power plant addition	9,216,000
10 Cost of issuance of bonds;	
11	\$ 62,000,000

12 and

13 BE IT FURTHER RESOLVED, That the contracts for the
 14 construction of the projects authorized by this
 15 resolution shall contain a provision to the effect
 16 that the rate of wage for all persons employed by the
 17 contractors or subcontractors on the construction
 18 project shall be not less than the prevailing rate of
 19 wages for work of a similar nature in the locality in
 20 which the work is performed. If a dispute arises as
 21 to what are the prevailing rates of wages for work of
 22 a similar nature applicable to the contracts which
 23 cannot be adjusted by the contracting officer, the
 24 dispute shall be referred to the labor commissioner,
 25 and the labor commissioner's decision shall be
 26 conclusive on all parties to the contract. Such
 27 prevailing rates shall be stated in the invitation
 28 for bids and shall be included in proposals or bids
 29 for the work; and

30 BE IT FURTHER RESOLVED, That as a requirement for
 31 receiving authorization for the projects in this
 32 resolution, the state board of regents shall conduct
 33 a study relating to the appropriate disposition of
 34 the results of research conducted at the institutions
 35 under the state board of regents. Consideration
 36 shall be given during the study as to whether the
 37 results of research shall first be offered to Iowa-
 38 based companies. The study shall also recommend a
 39 policy on the obtaining of appropriate patents for
 40 tangible research results and a policy for conducting
 41 collaborative research between Iowa State University
 42 and the University of Iowa in the fields of laser
 43 technology, molecular biology, and other fields of
 44 common scientific research. A report of the study

45 together with recommendations shall be submitted to
46 the general assembly on or before January 15, 1988."

S-3063

1 Amend Senate File 155 as follows:

2 1. Page 1, line 8, by striking the word and
3 figures "5, 8 and 9" and inserting the following:
4 "~~5, 8 and 9~~ 6, 9, and 10".

5 2. Page 1, by inserting after line 15 the
6 following:

7 "Sec. ____ . Section 1 of this Act shall not become
8 effective if the general assembly enacts an
9 appropriation to fund the implementation of the
10 federal Resource Conservation and Recovery Act permit
11 program for hazardous waste facilities by the
12 department of natural resources as provided in
13 section 455B.411, subsections 6, 9, and 10, section
14 455B.412, subsections 2 through 4, and sections
15 455B.413 through 455B.421, for the fiscal year
16 beginning July 1, 1987 and ending June 30, 1988."

MICHAEL E. GRONSTAL

S-3064

1 Amend Senate File 162 as follows:

2 1. Page 4, line 12, by inserting after the word
3 "subdivisions" the following: "and private entities
4 including but not limited to institutions of higher
5 education and nonpublic schools".

RICHARD F. DRAKE
ROBERT M. CARR

S-3065

1 Amend Senate File 56 as follows:

2 1. Page 1, by striking lines 4 through 9 and
3 inserting the words "ordinance regulating the
4 possession of firearms within the possessor's own
5 home if the possession is otherwise lawful under the
6 laws of this state."

MICHAEL GRONSTAL

S-3066

1 Amend the Committee amendment, S-3053, to Senate
2 File 70 as follows:

3 1. Page 1, by inserting after line 39 the
4 following:

5 "Sec. ____ . Section 214.5, Code 1987, is amended
6 to read as follows:

7 214.5 LICENSE TO BE DISPLAYED INSPECTION
8 STICKERS.

9 For each scale, pump, or meter licensed, the
10 department shall issue an inspection sticker, which
11 shall not exceed two inches by two inches in size.
12 The ~~license plate~~ inspection sticker shall be
13 displayed prominently on the front of the scale, ~~or~~
14 pump ~~or meter~~, and the defacing or wrongful removal
15 of ~~such plate~~ the sticker shall be punished as
16 provided in chapter 189. Absence of ~~license plate~~
17 ~~shall be an inspection sticker~~ is prima-facie
18 evidence that the ~~weighing or measuring device scale,~~
19 ~~pump, or meter~~ is being operated contrary to law."

20 2. Page 1, line 45, by inserting after the word
21 "stations" the following: "and gas stations".

22 3. Page 2, by inserting after line 4 the
23 following:

24 "____ . Page 1, by striking lines 12 through 14
25 and inserting the following: "marked, dated, and
26 recorded by the inspector. If the owner of an
27 inspected and sealed pump is registered with the
28 department as a servicer in accordance with section
29 215.23, or employs a person so registered as a
30 servicer, the owner or other servicer"."

31 4. Page 2, by inserting after line 7 the
32 following:

33 "____ . Page 1, by inserting after line 19 the
34 following:

35 "Sec. ____ . Section 214.4, Code 1987, is
36 repealed."

37 5. Page 2, by striking lines 8 through 10 and
38 inserting the following:

39 "____ . Title page, by striking lines 1 and 2 and
40 inserting the following: "An Act relating to motor
41 vehicle fuel pumps and public scales by revising
42 provisions governing licensing, inspection,
43 calibration, and sealing by the department of
44 agriculture and land"."

45 6. By renumbering as necessary.

JIM LIND

S-3067

- 1 Amend Senate File 162 as follows:
- 2 1. Page 1, line 34 through page 2, line 2 by striking
- 3 the words "However, the corporation shall not provide
- 4 that school districts may use educational telecommunications
- 5 systems to meet the minimum educational standards for
- 6 accreditation."

LEE W. HOLT

S-3068

- 1 Amend the House amendment S-3062 to Senate Concurrent
- 2 Resolution 4 as follows:
- 3 1. Page 3, by striking lines 11 through 27.

CALVIN O. HULTMAN

S-3069

- 1 Amend amendment S-3045 to House File 153 as
- 2 amended, passed and reprinted by the House as
- 3 follows:
- 4 1. Page 1, by striking lines 27 through 44 and
- 5 inserting the following:
- 6 " ____ . Page 33, by striking lines 1 through 7 and
- 7 inserting the following: "taxable income under
- 8 section 56, except subsections (a)(4), (c)(1), (d),
- 9 (f), and (g), of the Internal Revenue Code, and add
- 10 losses as required by section 58 of the Internal
- 11 Revenue Code.
- 12 b. Make the adjustments provided in section
- 13 56(c)(1) of the Internal Revenue Code, except that in
- 14 making the calculation under sections 56(f)(1) and
- 15 56(g)(1) of the Internal Revenue Code the state
- 16 alternative minimum taxable income, computed without
- 17 regard to the adjustments made by this paragraph, the
- 18 exemption provided for in paragraph "d", and the
- 19 state alternative tax net operating loss described in
- 20 paragraph "e", shall be substituted for the items
- 21 described in sections 56(f)(1)(B) and 57(g)(1)(B) of
- 22 the Internal Revenue Code.
- 23 c. Apply the allocation and apportionment
- 24 provisions of section 422.60.
- 25 d. Subtract an exemption amount of forty thousand
- 26 dollars. This exemption amount shall be reduced, but
- 27 not below zero, by an amount equal to twenty-five
- 28 percent of the amount by which the alternative
- 29 minimum taxable income of the taxpayer, computed

30 without regard to the exemption amount in this
31 paragraph, exceeds one hundred fifty thousand
32 dollars.
33 e. In the case of a net operating loss beginning
34 after".
35 2. By renumbering as necessary.

RICHARD DRAKE
CHARLES BRUNER

S-3070

1 Amend Senate File 216 as follows:
2 1. Page 2, line 5, by inserting after the word
3 "adnexa" the words "and passage of an examination
4 prescribed by the board".

JULIA GENTLEMAN

S-3071

1 Amend Senate File 216 as follows:
2 1. Page 1, line 7, by inserting after the word
3 "oral" the word "nonnarcotic".

JULIA GENTLEMAN

S-3072

1 Amend Senate File 216 as follows:
2 1. Page 2, line 10, by striking the word
3 "education" and inserting the following: "didactic
4 education".
5 2. Page 2, by inserting after line 16 the
6 following: "The board shall also require that prior
7 to such utilization therapeutically certified
8 optometrists shall obtain at least an additional
9 fifty hours of approved supervised clinical training
10 directed specifically towards diagnosis and treatment
11 of glaucoma during the course of which they shall be
12 required to participate in the examination and
13 treatment of not less than one hundred eighty
14 glaucoma patients."

JULIA GENTLEMAN

S-3073

- 1 Amend Senate File 216 as follows:
- 2 1. Page 2, by inserting after line 19 the
- 3 following:
- 4 "Sec. ____ . NEW SECTION. 154.11 GLAUCOMA
- 5 PATIENTS REFERRED.
- 6 A therapeutically certified optometrist shall
- 7 immediately, after providing initial emergency
- 8 treatment, refer a patient to a person licensed under
- 9 chapter 148 or 150A if the patient is found to have
- 10 angle closure glaucoma or neovascular glaucoma."
- 11 2. By renumbering as necessary.

JEAN LLOYD-JONES

S-3074

- 1 Amend Senate File 216 as follows:
- 2 1. Page 2, by inserting after line 19 the
- 3 following:
- 4 "Sec. ____ . NEW SECTION. 154.11 PATIENT
- 5 REFERRAL.
- 6 A therapeutically certified optometrist shall
- 7 immediately refer a patient to a person licensed
- 8 under chapter 148 or 150A if the patient is found to
- 9 have a visual acuity not correctable beyond twenty-
- 10 forty."
- 11 2. By renumbering as necessary.

JEAN LLOYD-JONES

S-3075

- 1 Amend Senate File 216 as follows:
- 2 1. Page 2, by inserting after line 19 the
- 3 following:
- 4 "Sec. ____ . NEW SECTION. 154.11 PATIENT
- 5 REFERRAL.
- 6 A therapeutically certified optometrist shall
- 7 immediately refer a patient to a person licensed
- 8 under chapter 148 or 150A if the patient is found to
- 9 have an intraocular pressure over thirty millimeters
- 10 of mercury or a visual field defect."
- 11 2. By renumbering as necessary.

JEAN LLOYD-JONES

S-3076

- 1 Amend Senate File 198 as follows:
- 2 1. Page 2, line 21, by striking the word "by" and
- 3 inserting the following: "to".

JAMES D. WELLS
ALVIN V. MILLER

S-3077

- 1 Amend Senate File 162 as follows:
- 2 1. Page 9, line 4, by inserting after the word
- 3 "universities." the following: "At least one member
- 4 of the committee shall represent school districts of
- 5 five hundred or fewer enrollment, one shall represent
- 6 school districts with an enrollment between five
- 7 hundred one and seven thousand five hundred, and one
- 8 shall represent school districts of more than seven
- 9 thousand five hundred enrollment."

LARRY MURPHY

S-3078

- 1 Amend Senate File 216 as follows:
- 2 1. Page 2, by inserting after line 19 the
- 3 following:
- 4 "Sec. ____ . NEW SECTION. 154.11 ADVISORY BOARD.
- 5 1. An advisory board on the diagnosis and
- 6 treatment of glaucoma by optometrists shall be
- 7 appointed by the director of the Iowa department of
- 8 public health and shall exist until the board of
- 9 optometry examiners includes three therapeutically
- 10 certified optometrists who have diagnosed and treated
- 11 at least fifty patients with glaucoma. The advisory
- 12 board shall consist of one licensed pharmacist, two
- 13 licensed optometrists, two persons licensed under
- 14 chapter 148 or chapter 150A and two persons
- 15 representing the general public. Members shall serve
- 16 terms of four years and shall receive their actual
- 17 expenses and forty dollars per diem paid by the board
- 18 of optometry examiners.
- 19 2. The advisory board shall review and approve the
- 20 examinations, grading of the examinations, and
- 21 training of persons seeking to become licensed as

- 22 therapeutically certified optometrists.”
 23 2. By renumbering as necessary.

JULIA GENTLEMAN

S-3079

- 1 Amend Senate File 216 as follows:
 2 1. Page 2, by inserting after line 16 the
 3 following: “Upon completion of the additional forty-
 4 four hours of education, a therapeutically certified
 5 optometrist shall also pass an oral or written
 6 examination prescribed by the board.”

JULIA GENTLEMAN

S-3080

- 1 Amend Senate File 45 as follows:
 2 1. Page 1, line 16, by inserting after the word
 3 “by” the following: “the”.
 4 2. Page 1, line 18, by inserting after the word
 5 “serve.” the following: “The appointee shall not be
 6 an elected public officer.”
 7 3. Page 1, by inserting after line 23 the
 8 following:
 9 “Sec. ____ . Section 331.907, subsections 1 and 2,
 10 Code 1987, are amended to read as follows:
 11 1. The annual compensation of the auditor,
 12 treasurer, recorder, sheriff, county attorney, and
 13 supervisors shall be determined as provided in this
 14 section. The county compensation board annually shall
 15 review the compensation paid to comparable officers in
 16 other counties of this state, other states, private
 17 enterprise, and the federal government. The county
 18 compensation board shall prepare and adopt a
 19 recommended compensation schedule for the elective
 20 county officers. ~~Following completion of the~~
 21 ~~compensation schedule, the county compensation board~~
 22 ~~shall publish the compensation schedule in a newspaper~~
 23 ~~having general circulation throughout the county. The~~
 24 ~~publication shall also include a public notice of the~~
 25 ~~date and location of a hearing to be held by the~~
 26 ~~county compensation board not less than one week nor~~
 27 ~~more than three weeks from the date of notice. Upon~~
 28 ~~completion of the public hearing, the county~~
 29 ~~compensation board shall prepare a final compensation~~
 30 ~~schedule recommendation.~~

31 2. Annually during the month of December, the
32 county compensation board shall transmit its
33 recommended compensation schedule to the board of
34 supervisors. The board of supervisors shall review
35 and consider the recommended compensation schedule as
36 a part of its regular budget-making process and
37 determine the final compensation schedule for the
38 elected county officers which shall not exceed the
39 recommended compensation schedule. In determining the
40 final compensation schedule if the board of
41 supervisors wishes to reduce the amount of the
42 recommended compensation schedule, the amount of
43 salary increase proposed for each elected county
44 officer shall be reduced an equal percentage. A copy
45 of the final compensation schedule adopted by the
46 board of supervisors shall be filed with the county
47 budget at the office of the director of the department
48 of management. The final compensation schedule takes
49 effect on July 1 following its adoption by the board
50 of supervisors.”

Page 2

1 4. Title page, line 1, by striking the words “the
2 membership of the”.

COMMITTEE ON LOCAL
GOVERNMENT
ALVIN V. MILLER, Chairperson

S-3081

1 Amend House File 130 as passed by the House as
2 follows:
3 1. Page 1, by striking lines 5 through 7 and
4 inserting the following: “real estate, if different
5 that the vendee, and on all the vendee’s mortgages of
6 record. The vendee’s mortgages of record shall
7 include all assignees for collateral purposes.”

RICHARD VARN

1984

AMENDMENTS FILED

S-3082

- 1 Amend Senate File 200 as follows:
- 2 1. Page 3, line 8, by striking the words " upon
- 3 conviction," and inserting the following: "; upon
- 4 conviction;".

C. JOSEPH COLEMAN
DONALD V. DOYLE
BERL PRIEBE

S-3083

- 1 Amend Senate File 200 as follows:
- 2 1. Page 5, line 14, by inserting after the figure
- 3 "390-399" the following: "and adopted under chapter
- 4 17A which rules shall be to a date certain".

BERL PRIEBE
C. JOSEPH COLEMAN

S-3084

- 1 Amend Senate File 201 as follows:
- 2 1. Page 1, line 3, by striking the words "A person
- 3 whose appointment is".
- 4 2. Page 1, by striking lines 4 through 8.
- 5 3. Page 1, line 9, by strikiing the words "reason
- 6 for failure to file."

JULIA GENTLEMAN

S-3085

- 1 Amend Senate File 201 as follows:
- 2 1. Page 1, by inserting after line 33 the following:
- 3 "Sec. ____ . This Act, being deemed of immediate
- 4 importance, takes effect upon enactment."
- 5 2. Title, line 2, by inserting after the word "appointments"
- 6 the words " , and providing an effective date."

JOE J. WELSH

S-3086

- 1 Amend Senate File 219 as follows:
- 2 1. Page 6, by striking lines 1 through 19.

WILLIAM W. DIELEMAN

S-3087

- 1 Amend Senate File 219 as follows:
2 1. Page 6, by inserting after line 19 the
3 following:
4 "3. Notwithstanding subsection 1, a youth service
5 agency shall not do any of the following:
6 a. Develop a purchase of service unit for or
7 provide information, referral, or transportation to
8 any reproductive health care provider which offers
9 abortion, abortion procedures, counseling for
10 abortion, abortion referral, or dispensing of
11 abortifacients.
12 b. Make referral or provide transportation to any
13 reproductive health care provider without the express
14 written consent of the adolescent's parent or
15 guardian.
16 4. As used in this section, "adolescent" means a
17 person under eighteen years of age."

WILLIAM W. DIELEMAN

S-3088

- 1 Amend Senate File 263 as follows:
2 1. Title, line 1, by inserting after the word "to"
3 the words "the administration of Iowa revenue laws
4 pertaining to".

EDGAR H. HOLDEN

S-3089

- 1 Amend Senate File 263 as follows:
2 1. Page 7, by inserting after line 19 the
3 following new section:
4 "Sec. ____ . Section 422.47B, subsection 1,
5 paragraph c, Code 1987, is amended to read as follows:
6 c. The claim is filed on forms provided by the
7 department ~~and is filed during the three months~~
8 ~~following the fiscal year in which the purchase or~~
9 ~~rental was made not later than October 1, 1987.~~"
10 2. Renumber sections and correct internal
11 references as necessary in accordance with this
12 amendment.

RAY TAYLOR

S-3090

- 1 Amend Senate File 263 as follows:
- 2 1. By striking page 9, line 21 through page 10,
- 3 line 1.
- 4 2. Title page, by striking lines 6 through 8
- 5 and inserting in lieu thereof the following: "returns,
- 6 use tax penalty, and providing effective dates."
- 7 3. By renumbering as necessary.

CHARLES BRUNER

S-3091

- 1 Amend Senate File 267 as follows:
- 2 1. Page 1, by striking lines 23 through 25.

DONALD V. DOYLE

S-3092

- 1 Amend Senate File 282 as follows:
- 2 1. Page 1, by inserting after line 16 the
- 3 following:
- 4 "Sec. 2. Section 724.1, Code 1987, is amended by
- 5 adding the following new subsection as subsection 8
- 6 and renumbering the subsequent subsection:
- 7 NEW SUBSECTION. 8. A ballistic knife. A
- 8 ballistic knife is a knife with a detachable blade
- 9 which is propelled by a spring operated mechanism,
- 10 elastic material, or compressed gas."
- 11 2. By renumbering sections as required.

DONALD V. DOYLE

S-3093

- 1 Amend Senate File 148 as follows:
- 2 1. Page 4, by inserting after line 11 the
- 3 following:
- 4 "Sec. ____ . Notwithstanding the requirements of
- 5 this Act, no member appointed or elected prior to the
- 6 effective date of this Act shall be removed solely for
- 7 purposes of meeting gender requirements.
- 8 Sec. ____ . The gender requirements of this Act
- 9 shall have no force or effect if at the time for
- 10 election or appointment, no person of the correct

11 gender has complied with the filing requirements
12 contained in section 46.10 or has met the
13 qualifications of chapter 46.”

RICHARD F. DRAKE

S-3094

1 Amend Senate File 298 as follows:
2 1. Page 2, by inserting after line 18 the
3 following:
4 “Sec. ____ . Section 123.30, subsection 1, Code
5 1987, is amended by adding the following new
6 unnumbered paragraph:
7 NEW UNNUMBERED PARAGRAPH. A class “E” liquor
8 control license may be issued to a city council for
9 premises located within the limits of the city if
10 there are no class “E” liquor control licensees
11 operating within the limits of the city and no other
12 applications for a class “E” license for premises
13 located within the limits of the city at the time the
14 city council’s application is filed. If a class “E”
15 liquor control license is issued to a city council of
16 a city with a population of less than two thousand
17 persons, that license shall be the only class “E”
18 liquor control license issued by the division for
19 premises located within the limits of the city.”
20 2. By renumbering sections as required.

DONALD V. DOYLE

S-3095

1 Amend the House amendment, S-3062, to Senate
2 Concurrent Resolution 4, as passed by the Senate, as
3 follows:
4 1. Page 1, lines 46 and 47, by striking the words
5 “sixty-two million” and inserting the following:
6 “ninety-eight million five hundred thousand”.
7 2. Page 2, by striking lines 15 through 17 and
8 inserting the following: “unless additional bonding
9 is authorized, is ninety-eight million five hundred
10 thousand dollars, up to and including sixty-two
11 million dollars of which may be issued at any time
12 during the fiscal year ending June 30, 1988, and the
13 remainder of which may be issued on or after January
14 1, 1988 until June 30, 1988.”.
15 3. Page 2, line 32, by inserting after the figure

16 "262A" the following: "during the fiscal year
 17 beginning July 1, 1987, except as otherwise provided
 18 in this resolution,"
 19 4. By striking page 2, line 35, through page 3,
 20 line 10, and inserting the following:
 21 "Laser laboratories
 22 Fire and environmental safety projects
 23 Engineering building addition
 24 Old law center remodeling
 25 Pharmacy remodeling
 26 Cost of issuance of bonds
 27 Iowa State University
 28 Molecular biology building - planning
 29 Fire and environmental safety projects
 30 Home economics building--phase I
 31 Agronomy building equipment
 32 Animal science, outlying research
 33 centers -- planning
 34 University research park development
 35 Veterinary medicine research institute
 36 laboratories
 37 Electrical interconnection with city
 38 of Ames
 39 Cost of issuance of bonds
 40 University of Northern Iowa
 41 Latham hall remodeling
 42 Fire and environmental safety projects
 43 Power plant addition
 44 Cost of issuance of bonds; and".
 45 5. Page 3, by inserting after line 10 the
 46 following:
 47 "BE IT FURTHER RESOLVED, That the state board of
 48 regents is authorized to undertake, plan, construct,
 49 equip, and otherwise carry out the following projects
 50 and to pay all or any part of the cost of carrying out

Page 2

1 the projects by borrowing money and issuing negotiable
 2 revenue bonds under chapter 262A during the fiscal
 3 period beginning January 1, 1988 and ending June 30,
 4 1988, except as otherwise provided in this resolution,
 5 in a total amount not to exceed thirty-six million
 6 five hundred thousand dollars:
 7 Iowa State University
 8 Molecular biology building -- construction
 9 Meat irradiation facility
 10 Cost of issuance of bonds; and".

JOE WELSH
 RICHARD VARN

WALLY HORN
BILL HUTCHINS
EMIL J. HUSAK
JIM RIORDAN
LEONARD L. BOSWELL
CHARLES BRUNER
BERL E. PRIEBE
JOHN A. PETERSON
HURLEY W. HALL
ALVIN V. MILLER
EUGENE FRAISE
KENNETH SCOTT
JACK W. HESTER
LINN FUHRMAN
NORMAN J. GOODWIN
WILMER RENSINK
JOHN E. SOORHOLTZ
RICHARD VANDE HOEF

S-3096

- 1 Amend Senate File 183 as follows:
- 2 1. Page 1, line 6, by inserting after the figure
- 3 "1" the following: ", except that if a majority
- 4 approves the levy, it shall be imposed".

WILLIAM DIELEMAN

S-3097

- 1 Amend Senate Concurrent Resolution 15 as follows:
- 2 1. Page 1, line 13, by striking the figure "27"
- 3 and inserting in lieu thereof the figure "22".

BILL HUTCHINS
CALVIN O. HULTMAN

S-3098

- 1 Amend Senate File 17 as follows:
- 2 1. Page 1, by striking lines 12 and 13 and
- 3 inserting the following: "intentionally or
- 4 negligently, ~~is guilty of a simple misdemeanor~~ commits
- 5 the offense of cruelty to animals.
- 6 A person who commits the offense of cruelty to
- 7 animals through negligence is guilty of a simple

8 misdemeanor. A person who commits the offense of
 9 cruelty to animals intentionally is guilty of a
 10 serious misdemeanor. A person who commits the offense
 11 of cruelty to animals, whether negligently or
 12 intentionally, which results in serious injury to or
 13 the death of an animal, is guilty of an aggravated
 14 misdemeanor."

COMMITTEE ON JUDICIARY
 DONALD V. DOYLE, Chairperson

S-3099

1 Amend Senate File 298 as follows:
 2 1. Page 1, by striking lines 22 through 33.
 3 2. Page 5, by striking line 9 and inserting the
 4 following:
 5 "Sec. 14. Sections 123.26 and 455C.11, Code 1987,
 6 are repealed."
 7 3. Title page, by striking lines 6 through 8 and
 8 inserting the following: "fifty percent, by setting
 9 the bond for a class "E" license at a".
 10 4. By renumbering as necessary.

JOE J. WELSH

S-3100

1 Amend Senate File 298 as follows:
 2 1. Title, line 12, by inserting after the word
 3 "transfer," the following: "by providing for the
 4 issuance of a class "E" liquor control license to a
 5 city council in certain circumstances,".

DONALD V. DOYLE

S-3101

1 Amend Senate File 298 as follows:
 2 1. By striking page 2, line 19 through page 3,
 3 line 2.
 4 2. By striking page 3, line 21 through page 4,
 5 line 5.
 6 3. Title page, by striking lines 15 through 18
 7 and inserting the following: "liquor for sale, by
 8 removing the beverage container deposit on".

WILLIAM W. DIELEMAN

S-3102

- 1 Amend Senate File 298 as follows:
- 2 1. Page 1, line 14, by striking the words "~~sixty~~
- 3 ~~fifty~~" and inserting the following: "sixty".
- 4 2. Page 1, line 21, by striking the words "~~sixty~~
- 5 ~~fifty~~" and inserting the following: "sixty".
- 6 3. Title page, by striking lines 4 through 6 and
- 7 inserting the following: "case to be split, by
- 8 allowing identifying markers to be placed on".

WILLIAM W. DIELEMAN

S-3103

- 1 Amend Senate File 298 as follows:
- 2 1. Page 1, line 14, by striking the word "~~fifty~~
- 3 and inserting the following: "~~fifty-five~~".
- 4 2. Page 1, line 21, by striking the word "~~fifty~~
- 5 and inserting the following: "~~fifty-five~~".
- 6 3. Title page, line 6, by striking the word
- 7 "fifty" and inserting the word "fifty-five".

WILLIAM W. DIELEMAN

S-3104

- 1 Amend Senate File 298 as follows:

DIVISION S—3104A

- 2 1. By striking page 2, line 19 through page 3,
- 3 line 2.

DIVISION S—3104B

- 4 2. Page 3, by striking lines 19 and 20.

DIVISION S—3104C

- 5 3. By striking page 3, line 21 through page 4,
- 6 line 5.

DIVISION S—3104B (cont'd.)

- 7 4. Title page, lines 14 and 15, by striking the
- 8 words "by allowing the advertisement of alcoholic
- 9 liquor for sale."

DIVISION S—3104C (cont'd.)

10 5. Title page, lines 15 through 18, by striking
11 the words "by repealing the fifty percent goods and
12 services test to qualify for Sunday sales of alcoholic
13 beverages or beer under a liquor control license or
14 class "B" beer permit,".

EDGAR H. HOLDEN

S-3105

1 Amend House File 170 as passed by the House as
2 follows:
3 1. Page 1, by inserting after line 25 the
4 following:
5 "Sec. ____ . This Act, being deemed of immediate
6 importance, takes effect upon enactment."
7 2. Title page, line 2, by inserting after the
8 word "company" the words "and providing an effective
9 date".

COMMITTEE ON COMMERCE
WILLIAM PALMER, Chairperson

S-3106

1 Amend Senate File 298 as follows:
2 1. Page 3, line 20, by striking the word
3 "subsection." and inserting the following:
4 "subsection and inserting in lieu thereof the
5 following:
6 2. Any printed advertisement of the price or
7 selection of alcoholic beverages for sale at retail,
8 other than signs or other material within the premises
9 where the alcoholic beverages are sold, shall contain
10 the following warning in a print size in a proportion
11 to the largest print size used in the advertisement as
12 established by rule of the division: "WARNING: the
13 excessive consumption of alcoholic beverages may be
14 harmful to your health"."

RAY TAYLOR

S-3107

- 1 Amend Senate File 298 as follows:
- 2 1. Page 4, by inserting after line 5 the fol-
- 3 lowing:
- 4 "Sec. 9. Section 422.33, Code 1987, is amended by
- 5 adding the following new subsection:
- 6 NEW SUBSECTION. 8. For the purpose of this
- 7 section, a corporation whose sole activity in Iowa is
- 8 placing liquor in bailment pursuant to section 603 of
- 9 chapter 1246, 1986 Iowa Acts, is not doing business in
- 10 this state."
- 11 2. Page 5, by inserting after line 16 the
- 12 following:
- 13 "Sec. 17. Section 9 of this Act is retroactive to
- 14 July 1, 1986."
- 15 3. Title page, line 18, by inserting after the
- 16 word "permit," the following: "by providing that a
- 17 corporation only placing alcoholic liquor in bailment
- 18 with the division is not doing business in Iowa for
- 19 the purpose of determining its tax liability and
- 20 making the provision retroactive,".
- 21 4. By renumbering sections as required.

JOE J. WELSH
RICHARD F. DRAKE
WALLY E. HORN
JACK RIFE

S-3108

- 1 Amend Senate File 298 as follows:
- 2 1. By striking page 4, line 6 through page 5,
- 3 line 8 and inserting the following:
- 4 "Sec. 9. Section 455C.2, subsection 1, Code 1987,
- 5 is amended to read as follows:
- 6 1. Except purchases of alcoholic liquor as defined
- 7 in section 123.3, subsection 8, by holders of class
- 8 "A", "B", and "C", and "E" liquor control licenses, a
- 9 refund value of not less than five cents shall be paid
- 10 by the consumer on each beverage container sold in
- 11 this state by a dealer for consumption off the
- 12 premises. Upon return of the empty beverage container
- 13 upon which a refund value has been paid to the dealer
- 14 or person operating a redemption center and acceptance
- 15 of the empty beverage container by the dealer or
- 16 person operating a redemption center, the dealer or
- 17 person operating a redemption center shall return the

18 amount of the refund value to the consumer.

19 Sec. 10. Section 455C.4, subsection 3, Code 1987,

20 is amended to read as follows:

21 3. A dealer; ~~other than a state liquor store~~; or a
 22 distributor may refuse to accept and to pay the refund
 23 value of an empty wine container which is marked to
 24 indicate that it was sold by a state liquor store. ~~A~~
 25 ~~state liquor store may refuse to accept and to pay the~~
 26 ~~refund value of an empty wine container which is not~~
 27 ~~marked to indicate that it was sold by a state liquor~~
 28 ~~store.~~

29 Sec. 11. Section 455C.5, subsection 1, Code 1987,

30 is amended to read as follows:

31 1. Each beverage container sold or offered for
 32 sale in this state by a dealer shall clearly indicate
 33 by embossing or by a stamp, label or other method
 34 securely affixed to the container, the refund value of
 35 the container. The department shall specify, by rule,
 36 the minimum size of the refund value indication on the
 37 beverage containers. ~~Each beverage container~~
 38 ~~containing wine which is sold or offered for sale in a~~
 39 ~~state liquor store shall also be marked by embossing~~
 40 ~~or by stamp, label, or other method securely affixed~~
 41 ~~to the container to indicate that it was sold in a~~
 42 ~~state liquor store."~~

43 2. Title page, by striking lines 18 and 19, and
 44 inserting the following: "beer permit, by requiring
 45 class "E" licensees to collect and refund the beverage
 46 container deposit on containers of alcoholic liquor,
 47 by striking a".

JOHN A. PETERSON

S-3109

1 Amend Senate File 298 as follows:

2 1. Page 2, by striking line 15 and inserting the
 3 following: "cash payment or by means that ensures
 4 that the division will receive full payment in
 5 advance".

6 2. Title page, lines 11 and 12, by striking the
 7 words "through electronic funds transfer" and
 8 inserting the following: "by means that ensures that
 9 the division will receive full payment in advance of
 10 delivery".

ROBERT M. CARR
 WALLY E. HORN

S-3110

- 1 Amend Senate File 180 as follows:
- 2 1. Page 10, line 17, by striking the words and
- 3 figures "1986, and ending June 30, 1987" and inserting
- 4 the following: "1987, and ending June 30, 1988".

LEONARD BOSWELL

S-3111

- 1 Amend Senate File 298 as follows:
- 2 1. Page 1, line 33, by inserting after the figure
- 3 "123.22." the following: "A class "E" liquor control
- 4 licensee shall pay a salvage value of five cents on
- 5 the return of an empty, unbroken alcoholic liquor
- 6 container which has the Iowa identifying marker
- 7 affixed as prescribed by this section."
- 8 2. Title page, line 8, by inserting after the
- 9 word "division," the following: "by requiring class
- 10 "E" licensees to pay a five cent salvage value on the
- 11 return of an empty, unbroken alcoholic liquor
- 12 container which has the Iowa identifying marker
- 13 attached."

EDGAR H. HOLDEN

S-3112

- 1 Amend Senate File 288 as follows:

DIVISION S—3112A

- 2 1. Page 1, line 4, by inserting after the word
- 3 "name," the following: "gender,".

DIVISION S—3112B

- 4 2. Page 1, line 4, by striking the word
- 5 "residence" and inserting the following: "county of
- 6 residence".

COMMITTEE ON STATE
GOVERNMENT
BOB CARR, Chairperson

S-3113

- 1 Amend Senate File 298 as follows:
2 1. Page 1, line 10, by inserting after the
3 period the following new sentence: "However, a
4 corporation which sells liquor within the state
5 shall establish a taxable nexus within the state
6 in order to be subject to the state corporate
7 income tax for its sales within the state."

CHARLES BRUNER

S-3114

- 1 Amend Senate File 298 as follows:
2 1. Page 5, by inserting after line 16 the
3 following:
4 "Sec. ____ . This Act, being deemed of immediate
5 importance, takes effect upon its enactment."
6 2. Second title page, line 2, by inserting after
7 the word "depleted" the words ", and providing an
8 effective date".
9 3. Renumber sections and correct internal
10 references as necessary.

BOB CARR

S-3115

- 1 Amend Senate File 298 as follows:
2 1. Page 3, by inserting after line 18 the
3 following:
4 "Sec. ____ . Section 123.49, subsection 2, paragraph
5 f, Code 1987, is amended to read as follows:
6 f. Employ a person under ~~eighteen~~ twenty-one years
7 of age in the sale or serving of alcoholic ~~liquor,~~
8 ~~wine, or beer~~ beverages for consumption on the
9 premises where sold, ~~or employ a person under twenty-~~
10 one years of age in the sale of alcoholic beverages
11 from licensed premises for which the sale of alcoholic
12 beverages constitutes fifty percent or more of the
13 gross receipts from the licensed premises."
14 2. Title page, line 14, by inserting after the
15 word "fund," the following: "by raising the minimum
16 age to twenty-one for a person to be employed in the
17 sale of alcoholic beverages."
18 3. By renumbering as necessary.

BEVERLY HANNON

S-3116

1 Amend amendment, S-3094, to Senate File 298 as
2 follows:

DIVISION S—3116A

3 1. Page 1, line 14, by inserting after the word
4 "filed." the following: "The city council shall not
5 use public funds or issue general obligation bonds to
6 establish, operate, or maintain a city liquor store."

DIVISION S—3116B

7 2. Page 1, line 14, by inserting before the word
8 "If" the following: "If a city operated liquor store
9 loses money for any two successive months after the
10 first two months of operation, the city council shall
11 surrender its license to the division, liquidate any
12 remaining assets connected with the liquor store, and
13 cease operating the liquor store."

DIVISION S—3116C

14 3. Page 1, by striking lines 15 through 19 and
15 inserting the following: "liquor control license is
16 subsequently issued to a private person for premises
17 located within the limits of the city, the city
18 council shall surrender its license to the division,
19 liquidate any remaining assets connected with the
20 liquor store, and cease operating the liquor store."

EDGAR H. HOLDEN

S-3117

1 Amend Senate File 298 as follows:
2 1. Page 2, by inserting after line 18 the
3 following:
4 "Sec. ____ . Section 123.30, subsection 3, paragraph
5 e, Code 1987, is amended to read as follows:
6 e. Class "E". A class "E" liquor control license
7 may be issued and shall authorize the holder to
8 purchase alcoholic liquor from the division only and
9 to sell the alcoholic liquor to patrons for
10 consumption off the licensed premise and to other
11 liquor control licensees. A class "E" license shall
12 not be issued to premises ~~at which~~ if gasoline is sold

13 on or near the premises as a part of the common
14 business enterprise of the applicant for the license
15 or the applicant's lessor. A holder of a class "E"
16 liquor control license may hold other liquor control
17 licenses or wine or beer permits, but the premises
18 licensed under a class "E" liquor control license
19 shall be separate from other licensed premises.
20 However, the holder of a class "E" liquor control
21 license may also hold a class "B" wine or class "C"
22 beer permit or both for the premises licensed under a
23 class "E" liquor control license."
24 2. Title page, line 12, by inserting after the
25 word "transfer," the following: "by further
26 restricting the issuance of a class "E" license to
27 premises on or near which gasoline is sold,".
28 3. By renumbering sections as required.

ROBERT M. CARR
WALLY E. HORN

S-3118

1 Amend Senate File 298 as follows:
2 1. Page 3, by inserting after line 18 the
3 following:
4 "Sec. ____ . Section 123.49, subsection 2, paragraph
5 f, Code 1987, is amended to read as follows:
6 f. Employ a person under eighteen years of age in
7 the sale or serving of alcoholic liquor, wine, or beer
8 beverages for consumption on the premises where sold,
9 or employ a person under twenty-one years of age in
10 the sale of alcoholic beverages for consumption off
11 the premises from licensed premises for which the sale
12 of alcoholic beverages for consumption off the
13 premises constitutes fifty percent or more of the
14 gross receipts from the licensed premises."
15 2. Title page, line 14, by inserting after the
16 word "fund," the following: "by raising the minimum
17 age to twenty-one for a person to be employed in the
18 sale of alcoholic beverages for consumption off the
19 licensed premises,".
20 3. By renumbering as necessary.

BEVERLY HANNON

S-3119

1 Amend Senate amendment, S-3108, to Senate File 298
2 as follows:

DIVISION S—3119A

3 1. Page 1, by inserting before line 1 the
4 following:
5 “___ . Page 1, line 30, by inserting after the
6 word “warehouse.” the following: “The division shall
7 cooperate with the department of natural resources so
8 that only one identifying marker or mark is needed to
9 satisfy the requirements of this section and section
10 455C.5, subsection 1.”

DIVISION S—3110B

11 2. Page 1, by inserting after line 28 the
12 following:
13 “Sec. ___ . Section 455C.4, Code 1987, is amended
14 by adding the following new subsection:
15 NEW SUBSECTION. 4. A class “E” liquor control
16 licensee may refuse to accept and to pay the refund
17 value on an empty alcoholic liquor container from a
18 dealer or a redemption center or from a person acting
19 on behalf of or who has received empty alcoholic
20 liquor containers from a dealer or a redemption
21 center.”
22 3. By renumbering as necessary.

JULIA B. GENTLEMAN
WALLY E. HORN
ROBERT M. CARR

S-3120

1 Amend Senate File 101 as follows:
2 1. Page 4, line 35, by striking the words “in a
3 dealer’s inventory” and inserting the following: “put
4 in use from a dealer’s inventory”.
5 2. Page 5, line 2, by inserting after the word
6 “period” the following: “, but the purchaser is not
7 required to pay the tax at the time of purchase”.
8 3. Page 5, line 8, by inserting after the figure
9 “446.9.” the following: “Interest added as a penalty
10 for delinquent taxes shall be calculated to the
11 nearest whole dollar.”
12 4. Page 5, line 13, by inserting after the word
13 “section” the following: “unless the home is placed
14 in a mobile home park and not converted to real

15 property”.

16 5. Page 5, by inserting after line 14 the

17 following:

18 “Sec. ____ . Section 135D.24, subsection 6, Code

19 1987, is amended to read as follows:

20 6. Before a mobile home may be moved from its

21 present site, a tax clearance statement in the name of

22 the owner must be obtained from the county treasurer

23 of the county where the present site is located

24 certifying that taxes are not owing under this section

25 for previous years and that the taxes have been paid

26 for the current tax period. However, a tax clearance

27 statement shall not be required for a mobile home in a

28 manufacturer's or dealer's stock which is not used as

29 a place for human habitation. A tax clearance form is

30 not required to move an abandoned mobile home. A tax

31 clearance form is not required in eviction cases

32 provided the mobile home park owner or manager advises

33 the county treasurer that the tenant is being evicted.

34 If a dealer acquires a mobile home from a person other

35 than a manufacturer, the person shall provide a tax

36 clearance statement in the name of the owner of record

37 to the dealer. The tax clearance statement shall be

38 provided by the county treasurer and shall be made out

39 in quadruplicate. Two copies are to be provided to

40 the company or person transporting the mobile home

41 with one copy to be carried in the vehicle

42 transporting the mobile home. One copy is to be

43 forwarded to the county treasurer of the county in

44 which the mobile home is to be relocated and one copy

45 is to be retained by the county treasurer issuing the

46 tax clearance statement.”

47 6. Page 5, by inserting after line 29 the

48 following:

49 “Sec. ____ . Section 135D.25, Code 1987, is amended

50 by adding the following new unnumbered paragraph:

Page 2

1 NEW UNNUMBERED PARAGRAPH. When a mobile home is

2 removed from the county where delinquent taxes, both

3 regular or special, are owing, or when it is

4 administratively impractical to pursue tax collection

5 through the remedies of this section, all taxes, both

6 regular or special, penalties, interest, and costs

7 shall be abated by resolution of the county board of

8 supervisors. The resolution shall direct the county

9 treasurer to strike from the tax books the

10 reference to that mobile home.”

11 7. Amend the title, line 1, by inserting after

12 the word "taxes" the following: "and providing an
13 effective date".
14 8. Renumber sections and correct internal
15 references as necessary in accordance with this
16 amendment.

WILLIAM W. DIELEMAN

S-3121

1 Amend Senate File 148 as follows:
2 1. Page 1, line 10, by inserting after the word
3 "a" the word "simple".
4 2. Page 2, line 8, by inserting after the word
5 "a" the word "simple".

JEAN LLOYD-JONES

S-3122

1 Amend the amendment, S-3098, to Senate File 17 as
2 follows:
3 1. Page 1, by inserting after line 14 the
4 following:
5 " ____ . Title page, line 1, by striking the words
6 "to increase" and inserting the following: "relating
7 to".
8 ____ . Title page, lines 1 and 2, by striking the
9 words "animals to an aggravated misdemeanor." and
10 inserting the following: "animals.""

JAMES R. RIORDAN

S-3123

1 Amend House File 355, as passed by the House, as
2 follows:
3 1. Page 1, line 3, by inserting after the word
4 "services," the following: "if the department of
5 human services cooperates with and assists the
6 judicial department in the transfer and establishment
7 of a uniform collection services system for the
8 receipt and disbursement of child support payments in
9 the judicial department,".
10 2. Page 2, by inserting after line 11 the follow-
11 ing:
12 "Sec. ____ . The department of human services may

13 continue the use of the health maintenance
 14 organizations to provide medical and health care
 15 services to Title XIX recipients in the pilot project
 16 in Scott county. Any further use of health
 17 maintenance organizations in other counties for Title
 18 XIX purposes shall be suspended while the department
 19 does a comparison of savings and health services
 20 quality. The comparison shall be between the special
 21 case management approaches used in other states which
 22 had problems with the health maintenance organization
 23 methodology and the health maintenance organization
 24 approach used in the pilot project. The department
 25 shall use Dubuque county as the other county for the
 26 special case management comparison. The study shall
 27 continue for at least eighteen months and the
 28 department shall modify its rules to implement this
 29 study. The fiscal committee of the legislative
 30 council shall monitor the study and establish the
 31 methodology for making the comparison. The department
 32 must receive the approval of the fiscal committee to
 33 make any changes under this Act.”

34 3. Page 2, by inserting after line 19 the follow-
 35 ing:

36 “Sec. ____ . 1986 Iowa Acts, chapter 1246, section
 37 1, subsection 4, unnumbered paragraph 1, is amended to
 38 read as follows:

39 For establishment and maintenance
 40 of an ambassador’s program \$ 1,000,000
 41 250,000

42 Sec. ____ . 1986 Iowa Acts, chapter 1246, section 1,
 43 subsection 6, unnumbered paragraph 1, is amended to
 44 read as follows:

45 For establishment and maintenance
 46 of an export finance program \$ 1,000,000
 47 250,000”

48 4. Page 2, by striking lines 20 through 24.

49 5. By striking page 2, line 35 through page 3,
 50 line 23.

Page 2

1 6. Page 3, by striking lines 24 through 31.

2 7. Page 4, by inserting after line 3 the follow-
 3 ing:

4 “Sec. ____ . 1986 Iowa Acts, chapter 1246, section
 5 713, is amended to read as follows:

6 SEC. 713. 1985 Iowa Acts, chapter 254, section 1,
 7 subsection 1, paragraph b, is amended to read as
 8 follows:

9 b. For the fiscal year beginning

10 July 1, 1986 \$44,000,000

11 40,500,000

12 Sec. ____ . There is appropriated from the general
13 fund of the state for the fiscal year beginning July
14 1, 1986 and ending June 30, 1987, to the department of
15 agriculture and land stewardship, the following
16 amounts, or so much thereof as is necessary, to be
17 used for the following purposes:

18 1986-1987
19 Fiscal Year

20 1. Startup funding for the Iowa
21 grain quality program \$ 25,000

22 2. Startup funding of an organic
23 farming demonstration-education pro-
24 gram \$ 25,000

25 Sec. ____ . 1986 Iowa Acts, chapter 1249, section 4,
26 subsection 9, is amended to read as follows:

27 9. For a ~~solar~~ an ethanol and corn
28 starch project to be administered by
29 the center for industrial research and
30 service \$ 150,000"

31 8. Page 4, by striking lines 4 through 10.

32 9. Page 4, line 22, by inserting after the word
33 "renovation." the following: "Notwithstanding section
34 8.33, funds appropriated by this section which are
35 unexpended or unencumbered shall carry forward to the
36 1987-1988 fiscal year for the same purpose as
37 originally appropriated."

38 10. Page 4, by inserting after line 22 the
39 following:

40 "Sec. ____ . Notwithstanding section 8.55, the
41 moneys in the Iowa economic emergency fund on the
42 effective date of this Act are transferred to the
43 general fund of the state. Funds transferred to the
44 general fund of the state shall be used to defray
45 expenses incurred for the fiscal year beginning July
46 1, 1986 and ending June 30, 1987.

47 Sec. ____ . The transportation commission may
48 authorize the temporary transfer of funds between the
49 department's share of the RISE fund under section
50 315.4 to the primary road fund in an amount not to

Page 3

1 exceed twenty-five million dollars. Transferred funds
2 shall be repaid within ninety days to the fund from
3 which they came upon receipt of federal highway trust
4 fund reimbursements and not later than July 1, 1988.
5 However, the commission shall not authorize the
6 transfer of any RISE funds already allocated for

7 expenditure on a specific RISE project.

8 Sec. ____ .

9 1. The transportation commission may issue
10 anticipatory certificates in an amount not to exceed
11 fifty million dollars prior to July 1, 1987. If by
12 July 1, 1987, the state has not received the full
13 allotment of the appropriate federal highway trust
14 funds, the transportation commission may issue
15 additional anticipatory certificates. The total
16 amount of anticipatory certificates issued shall not
17 exceed seventy-five percent of the total federal
18 highway trust funds which would have accrued to the
19 state between October 1, 1986 and February 1, 1988.
20 However, the commission shall not issue more than one
21 hundred fifty million dollars in anticipatory
22 certificates. The certificates shall be retired as
23 federal highway trust funds are received but not later
24 than July 1, 1988.

25 2. The certificates shall be authorized by a
26 resolution adopted by the commission which shall
27 specify:

28 a. The primary road funds, specifying the year or
29 years, which are to be anticipated.

30 b. The amount of certificates authorized.

31 c. The denomination of each certificate.

32 d. The rate of interest which each certificate
33 shall bear which shall not exceed that permitted by
34 chapter 74A, payable annually.

35 e. The authorization for the chairperson of the
36 commission and the treasurer of state to sign and
37 countersign the certificates.

38 3. Each certificate shall specify on its face the
39 following information:

40 a. The annual accruing primary road funds, naming
41 the year, of which the certificate is anticipatory.

42 b. That the certificate shall be payable on or
43 before December 31 of a specified year.

44 c. That the certificate is payable solely from
45 accruing primary road funds.

46 4. The series of certificates which anticipate the
47 accruing of primary road funds during a specified year
48 shall be numbered consecutively and paid in the order
49 of the numbering.

50 5. Upon the signing of each of the certificates by

Page 4

1 the chairperson of the commission, the certificates
2 shall be delivered to the treasurer of state, who
3 shall countersign the certificates and pay the amount
4 of the certificates to the state department of
5 transportation.

6 6. The certificates shall be exempt from taxation.

7 7. The treasurer of state shall sell the
8 certificates. If the treasurer of state is unable to
9 sell the certificates for face value plus interest,
10 the treasurer of state may apply the certificates at
11 face value plus interest in payment of any warrants
12 duly authorized and issued for primary road work.

13 8. The treasurer of state shall enter on a record
14 to be kept and maintained by the treasurer of state
15 the name and address of all persons to whom the
16 certificates are issued, with a particular designation
17 of the certificate delivered to each person.

18 9. Any subsequent holder of a certificate may
19 present the certificate to the treasurer of state who
20 shall enter the subsequent holder's name and address
21 in place of the name and address of the previous
22 holder.

23 10. When the accruing funds on deposit with the
24 treasurer of state in the primary road fund, for a
25 year covered by the anticipatory certificates, are
26 sufficient to pay the first retirable certificate or
27 certificates, the treasurer of state shall, by
28 ordinary mail to the holder's address, as shown on the
29 records, promptly notify the holder of a certificate
30 of such fact. Thirty days following the mailing of
31 the notice to the holder of the certificate, all
32 interest on the certificate shall cease.

33 Sec. ____ . Section 598.22, Code 1987, is amended to
34 read as follows:

35 598.22 SUPPORT PAYMENTS -- CLERK OF COURT --
36 ~~COLLECTION SERVICES CENTER -- DEFAULTS -- SECURITY.~~

37 ~~This section applies to all initial or modified~~
38 ~~orders for support entered under this chapter, chapter~~
39 ~~252A, 252A, 252C, 675, or any other chapter of the~~
40 ~~Code. All orders or judgments for support entered on~~
41 ~~or before March 31, 1987, entered under chapter 252A,~~
42 ~~chapter 675, or this chapter which provide for~~
43 ~~temporary or permanent support payments shall direct~~
44 ~~the payment of those sums to the clerk of the district~~
45 ~~court for the use of the person for whom the payments~~
46 ~~have been awarded. All orders or judgments for~~
47 ~~support entered on or after April 1, 1987, shall~~
48 ~~direct the payment of those sums to the collection~~
49 ~~services center established pursuant to section~~
50 ~~252B-13. Payments to persons other than the clerk of~~

Page 5

1 the district court ~~and the collection services center~~
2 do not satisfy the support obligations created by the
3 orders or judgments, except as provided for trusts in
4 section 252D.1, 598.23, or this section or for tax
5 refunds or rebates in section 602.8102, subsection 47.
6 Upon a finding of previous failure to pay child
7 support, the court may order the person obligated for
8 permanent child support to make an assignment of
9 periodic earnings or trust income to the clerk of
10 court ~~or the collection services center established~~
11 ~~pursuant to section 252B.13~~ for the use of the person
12 for whom the assignment is ordered. The assignment of
13 earnings ordered by the court shall not exceed the
14 amounts set forth in 15 U.S.C. § 1673(b)(1982). The
15 assignment is binding on the employer, trustee, or
16 other payor of the funds two weeks after service upon
17 that person of notice that the assignment has been
18 made. The payor shall withhold from the earnings or
19 trust income payable to the person obligated the
20 amount specified in the assignment and shall transmit
21 the payments to the clerk ~~or the collection services~~
22 ~~center, as appropriate~~. However, for trusts governed
23 by the federal Retirement Equity Act of 1984, Pub. L.
24 No. 98-397, the payor shall transmit the payments to
25 the alternate payee in accordance with the federal
26 Act. The payor may deduct from each payment a sum not
27 exceeding two dollars as a reimbursement for costs.
28 An employer who dismisses an employee due to the entry
29 of an assignment order commits a simple misdemeanor.
30 An order or judgment entered by the court for
31 temporary or permanent support or for an assignment
32 shall be filed with the clerk. The orders have the
33 same force and effect as judgments when entered in the
34 judgment docket and lien index and are records open to
35 the public. The clerk ~~or the collection services~~
36 ~~center, as appropriate~~, shall disburse the payments
37 received pursuant to the orders or judgments within
38 ten working days of the receipt of the payments. All
39 moneys received or disbursed under this section shall
40 be entered in a record book kept by the clerk, ~~or the~~
41 ~~collection services center, as appropriate~~, which
42 shall be open to the public. The clerk ~~or the~~
43 ~~collection services center~~ shall not enter any moneys
44 paid in the record book if not paid directly to the
45 clerk ~~or the center, as appropriate~~, except as
46 provided for trusts in section 252D.1, 598.23 or this
47 section or for tax refunds or rebates in section
48 602.8102, subsection 47.

49 If the sums ordered to be paid in a support payment
50 order are not paid to the clerk ~~or the collection~~

Page 6

1 ~~services center, as appropriate,~~ at the time provided
2 in the order or judgment, the clerk ~~or the collection~~
3 ~~services center, as appropriate,~~ shall certify a
4 default to the court which may, on its own motion,
5 proceed as provided in section 598.23.

6 Prompt payment of sums required to be paid under
7 sections 598.11 and 598.21 shall be the essence of
8 such orders or judgments and the court may act
9 pursuant to section 598.23 regardless of whether the
10 amounts in default are paid prior to the contempt
11 hearing.

12 Upon entry of an order for support or upon the
13 failure of a person to make payments pursuant to an
14 order for support, the court may require the person to
15 provide security, a bond, or other guarantee which the
16 court determines is satisfactory to secure the payment
17 of the support. Upon the person's failure to pay the
18 support under the order, the court may declare the
19 security, bond, or other guarantee forfeited.

20 Sec. ____ . NEW SECTION. 602.1614 COLLECTION
21 SERVICES FOR SUPPORT PAYMENTS.

22 The judicial department shall establish a uniform
23 collection services system for the receipt and
24 disbursement of all support payments as defined in
25 section 598.1. The judicial department shall submit
26 an annual report to the governor and the general
27 assembly on the operations of the system.

28 Sec. ____ . Sections 252B.13 through 252B.17, and
29 252D.6, Code 1987, are repealed. 1986 Iowa Acts,
30 chapter 1246, sections 317 and 323, are repealed.

31 Sec. ____ . By January 1, 1988, the judicial depart-
32 ment shall standardize the procedures to be used by
33 the clerks of the district court in the collection and
34 disbursement of support obligations ordered by the
35 court and a detailed report of these procedures shall
36 be submitted to the general assembly."

37 11. Renumber sections and correct internal refer-
38 ences as are necessary in accordance with this
39 amendment.

COMMITTEE ON APPROPRIATIONS
JOE J. WELSH, Chairperson

S-3124

1 Amend Senate File 263 as follows:
2 1. By striking page 9, line 23 through page 10,
3 line 1 and inserting the following:
4 "A person who knowingly resists or obstructs anyone
5 known by the person to be an officer or employee of
6 the department of revenue and finance in the
7 performance of any act which is within the scope of
8 the lawful duty or authority of that officer or
9 employee commits a simple misdemeanor. However, if a
10 person commits an interference with official acts, as
11 defined in this section, and in so doing inflicts
12 bodily injury other than serious injury, that person
13 commits a serious misdemeanor. If a person commits an
14 interference with official acts, as defined in this
15 section, and in so doing inflicts or attempts to
16 inflict serious injury, or displays a dangerous
17 weapon, as defined in section 702.7, or is armed with
18 a firearm, that person commits an aggravated
19 misdemeanor. The terms "resist" and "obstruct", as
20 used in this section, do not include verbal harassment
21 unless the verbal harassment is accompanied by a
22 present ability and apparent intention to execute a
23 verbal threat physically."

WILLIAM W. DIELEMAN

S-3125

1 Amend Senate File 219 as follows:
2 1. Page 4, lines 28 and 29, by striking the words
3 "contraception and family planning,".

WILLIAM W. DIELEMAN

S-3126

1 Amend Senate File 219 as follows:
2 1. Page 2, by striking line 31 through page 4, line 4.
3 2. Title, by striking lines 4 and 5 and inserting in
4 lieu thereof the following: "and services, and establishing".

RAY TAYLOR

S-3127

- 1 Amend Senate File 219 as follows:
2 1. Page 3, by inserting after line 30 the following:
3 "7. Pregnancy prevention programs which teach and
4 encourage teen sexual abstinence."

RAY TAYLOR

S-3128

- 1 Amend Senate File 333 as follows:
2 1. Page 1, line 2, by striking the word
3 "subsection" and inserting the following:
4 "subsections".
5 2. Page 2, by inserting after line 15 the
6 following:
7 "NEW SUBSECTION. 9. Develop and implement
8 evaluation and examination instruments to measure the
9 effects of instruction by means of telecommunications
10 on student achievement, socialization, intellectual
11 growth, motivation, and other related factors deemed
12 relevant by the state board, for the development of an
13 educational data base. The state board shall consult
14 with the state board of regents and the teacher
15 education departments at its institutions, other
16 approved teacher education departments located within
17 private colleges and universities, educational
18 research agencies or facilities, and other agencies
19 deemed appropriate by the state board, in developing
20 and implementing the instruments.
21 Sec. ____ . NEW SECTION. 279.46 PARTICIPATION IN
22 MEASUREMENT OF LEARNING VIA TELECOMMUNICATIONS.
23 The board of directors of each school district
24 utilizing telecommunications as an instructional tool
25 shall participate in the measurement and evaluation of
26 the students prescribed by the state board of
27 education under section 256.7, subsection 9. However,
28 a student receiving curriculum by means of
29 telecommunications whose parent or guardian requests
30 that the student not participate in the evaluation or
31 examination shall not be included in the evaluation or
32 examination."

LARRY MURPHY

S-3129

1 Amend Senate File 311 as follows:
 2 1. Page 1, by striking lines 27 through 31, and
 3 inserting the following:
 4 "Sec. 3. CONDITIONAL EFFECTIVE DATE AND APPLICA-
 5 TION. This Act takes effect from and after the date
 6 federal legislation, which modifies 23 U.S.C. § 154 by
 7 approving speed limits of at least sixty-five miles
 8 per hour becomes law. If the modification to 23
 9 U.S.C. § 154 allowing speed limits of at least sixty-
 10 five miles per hour does not apply to all fully
 11 controlled-access, divided, multilaned highways, this
 12 Act applies only to such highways for which a sixty-
 13 five mile per hour speed limit is permissible under
 14 the modification to 23 U.S.C. § 154."

DON E. GETTINGS
 RICHARD F. DRAKE

S-3130

1 Amend Senate File 323 as follows:
 2 1. Page 1, by inserting after line 26 the
 3 following:
 4 "A pupil enrolled in a contiguous school district
 5 is not eligible to participate in interscholastic
 6 athletic contests and athletic competitions during the
 7 first year of enrollment under this section except for
 8 an interscholastic sport in which the district of
 9 residence and the contiguous school district jointly
 10 participate."

BEVERLY HANNON

S-3131

1 Amend Senate File 323 as follows:
 2 1. Page 1, line 17, by inserting after the word
 3 "residence" the following: "as opportunity for
 4 academic instruction is defined by the state board of
 5 education in rules adopted under chapter 17A".

BEVERLY HANNON

AMENDMENTS FILED

2011

S-3132

1 Amend the Committee on Appropriations amendment, S-
2 3123, to House File 355, as passed by the House, as
3 follows:
4 1. Page 3, line 7, by inserting after the word
5 "project" the following: "prior to July 1, 1988".

RICHARD DRAKE
JOE J. WELSH

S-3133

1 Amend the Committee on Appropriations amendment, S-
2 3123, to House File 355, as passed by the House, as
3 follows:
4 1. Page 2, line 21, by striking the figure
5 "25,000" and inserting the following: "50,000".
6 2. Page 2, line 24, by striking the figure
7 "25,000" and inserting the following: "50,000".
8 3. Page 2, line 30, by striking the figure
9 "150,000" and inserting the following: "~~150,000~~
10 30,000".

JIM LIND

S-3134

1 Amend the Committee on Appropriations amendment, S-
2 3123, to House File 355, as passed by the House, as
3 follows:
4 1. Page 2, by inserting after line 3 the
5 following:

6 "Sec. ____ . 1986 Iowa Acts, chapter 1246, section
7 501, subsection 3, is amended to read as follows:

8 3. INDEMNITY FUND AND ESCROW.

9 From the general fund of the state as an
10 advance for administration of the indemnity
11 fund and escrow provision created by the 1986
12 Iowa Acts, Senate File 2116, for not more than
13 five full-time equivalent positions \$ 100,000

50,000

15 It is a condition of the funds appropriated by this
16 subsection that the general fund be reimbursed from
17 the interest accruing to the indemnity fund, no later
18 than June 30, 1987, for the advance made by this
19 subsection. Notwithstanding 1986 Iowa Acts, Senate
20 File 2116, section 33, only interest accruing to the
21 indemnity fund may be used for administration costs of
22 the indemnity fund. In addition, interest accruing to

23 the indemnity fund may be used for the expenses of
 24 administration of the escrow provision, subject to the
 25 approval of the Iowa grain indemnity fund board,
 26 notwithstanding 1896 Iowa Acts, Senate File 2416,
 27 section 33."

EMIL J. HUSAK
 JOE WELSH

S-3135

1 Amend the Committee on Appropriations amendment, S-
 2 3123, to House File 355, as passed by the House, as
 3 follows:
 4 1. Page 2, by inserting after line 39 the
 5 following:
 6 "Sec. ____ . There is appropriated from the general
 7 fund of the state for the fiscal year beginning July
 8 1, 1986 and ending June 30, 1987 to the department of
 9 justice the sum of one hundred thousand (100,000)
 10 dollars, or so much thereof as is necessary, to be
 11 used for the same purposes and to supplement funds
 12 appropriated by 1986 Iowa Acts, chapter 1246, section
 13 414."

EMIL J. HUSAK

S-3136

1 Amend Senate File 69 as follows:
 2 1. Page 1, line 25, by striking the word "bonds".
 3 2. Title, line 2, by striking the word "bonds".

EDGAR H. HOLDEN

S-3137

1 Amend Senate File 197 as follows:
 2 1. Page 5, line 13, by inserting after the word
 3 "dead" the following: ", or by means of a continuous
 4 intravenous injection of a substance or substances in
 5 a lethal quantity sufficient to cause death, until the
 6 person is pronounced dead in accordance with accepted
 7 standards of medical practice".

RAY TAYLOR

S-3138

- 1 Amend the Committee on Appropriations amendment, S-
2 3123, to House File 355, as passed by the House, as
3 follows:
4 1. Page 1, line 47, by striking the figure
5 "250,000" and inserting the following: "500,000".

LEONARD L. BOSWELL

S-3139

- 1 Amend the Committee on Appropriations amendment, S-
2 3123, to House File 355, as passed by the House as
3 follows:
4 1. Page 2, by striking lines 22 through 24.

JOHN JENSEN

S-3140

- 1 Amend Senate File 101 as follows:
2 1. Page 4, line 35, by striking the words "in a
3 dealer's inventory" and inserting the following: "put
4 in use from a dealer's inventory".
5 2. Page 5, line 2, by inserting after the word
6 "period" the following: ", but the purchaser is not
7 required to pay the tax at the time of purchase".
8 3. Page 5, line 8, by inserting after the figure
9 "446.9." the following: "The owner of a mobile home
10 who sells the mobile home between July 1 and December
11 31 and obtains a tax clearance statement is
12 responsible only for the September tax payment and is
13 not required to pay taxes for subsequent tax periods.
14 Interest added as a penalty for delinquent taxes shall
15 be calculated to the nearest whole dollar."
16 4. Page 5, line 13, by inserting after the word
17 "section" the following: "unless the home is placed
18 in a mobile home park and not converted to real
19 property".
20 5. Page 5, by inserting after line 14 the
21 following:
22 "Sec. ____ . Section 135D.24, subsection 6, Code
23 1987, is amended to read as follows:
24 6. Before a mobile home may be moved from its
25 present site, a tax clearance statement in the name of
26 the owner must be obtained from the county treasurer

27 of the county where the present site is located
28 certifying that taxes are not owing under this section
29 for previous years and that the taxes have been paid
30 for the current tax period. However, a tax clearance
31 statement shall not be required for a mobile home in a
32 manufacturer's or dealer's stock which is not used as
33 a place for human habitation. A tax clearance form is
34 not required to move an abandoned mobile home. A tax
35 clearance form is not required in eviction cases
36 provided the mobile home park owner or manager advises
37 the county treasurer that the tenant is being evicted.
38 If a dealer acquires a mobile home from a person other
39 than a manufacturer, the person shall provide a tax
40 clearance statement in the name of the owner of record
41 to the dealer. The tax clearance statement shall be
42 provided by the county treasurer and shall be made out
43 in quadruplicate. Two copies are to be provided to
44 the company or person transporting the mobile home
45 with one copy to be carried in the vehicle
46 transporting the mobile home. One copy is to be
47 forwarded to the county treasurer of the county in
48 which the mobile home is to be relocated and one copy
49 is to be retained by the county treasurer issuing the
50 tax clearance statement."

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1 6. Page 5, by inserting after line 29 the
2 following:
3 "Sec. ____ . Section 135D.25, Code 1987, is amended
4 by adding the following new unnumbered paragraph:
5 NEW UNNUMBERED PARAGRAPH. When a mobile home is
6 removed from the county where delinquent taxes, both
7 regular or special, are owing, or when it is
8 administratively impractical to pursue tax collection
9 through the remedies of this section, all taxes, both
10 regular or special, penalties, interest, and costs
11 shall be abated by resolution of the county board of
12 supervisors. The resolution shall direct the county
13 treasurer to strike from the tax books the reference
14 to that mobile home."
15 7. Amend the title, line 1, by inserting after
16 the word "taxes" the following: "and providing an
17 effective date".
18 8. Renumber sections and correct internal
19 references as necessary in accordance with this
20 amendment.

S-3141

- 1 Amend Senate File 337 as follows:
- 2 1. Page 1, line 24, by striking the word
- 3 "department" and inserting in lieu thereof the words
- 4 "~~department~~ commission".

FORREST SCHWENGELS

S-3142

- 1 Amend Senate File 285 as follows:
- 2 1. Page 1, line 20, by striking the word "twenty"
- 3 and inserting the word "seventeen".
- 4 2. Page 1, line 22, by striking the word "two"
- 5 and inserting the word "three".
- 6 3. Page 1, by striking lines 25 through 29 and
- 7 inserting the following: "interest and the
- 8 description of the land on or under which the mineral
- 9 interest is located, which description may be provided
- 10 by a schedule filed with the recorder of each county
- 11 where the land is situated, listing each grantee or
- 12 buyer and the date of the deed, contract, or other
- 13 document or instrument creating the carved out mineral
- 14 interest. Upon the expiration of the twenty-year
- 15 period without a claim being timely filed as provided
- 16 in this section, if notice was given pursuant to
- 17 section 614.44 by the owner of the real estate out of
- 18 which the mineral interest was carved and neither the
- 19 lessee nor the owner of the mineral interest renewed
- 20 the claim within ninety days from receipt of the
- 21 notice, the mineral interest shall lapse and".
- 22 4. Page 2, line 6, by inserting after the word
- 23 "of" the following: "or option to lease".
- 24 5. Page 2, by striking lines 8 through 13 and
- 25 inserting the following:
- 26 "A mineral interest is deemed to be used when it is
- 27 being leased for mineral exploration or upon recording
- 28 of a lease or option, or short form or memorandum of
- 29 lease or option, with the recorder of the county where
- 30 the mineral interest is situated, or when there are
- 31 any minerals produced or when operations are being
- 32 conducted for injection, withdrawal, storage, or
- 33 disposal of fluid substances, or when rentals or
- 34 royalties or other payments are being paid or have
- 35 been paid by the owner or the user of the interest for
- 36 the purpose of delaying or enjoying the use or
- 37 exercise of the interest, or when expenditures are
- 38 being incurred in the exploration of the mineral

39 interest or its development, or when any such
40 activity”.

41 6. Page 2, line 19, by inserting after the word
42 “owner” the following: “or on behalf of the owner”.

43 7. By striking page 2, line 23 through page 3,
44 line 9 and inserting the following:

45 “Sec. ____ . NEW SECTION. 614.44 NOTICE TO OWNERS
46 AND LESSEES OF MINERAL INTEREST -- LAPSE IS SUBJECT TO
47 LEASE.

48 1. The owner of the real estate out of which the
49 mineral interest was carved shall serve written notice
50 of the lapse upon the owner of the carved out mineral

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1 interest and upon the lessee of the mineral interest,
2 if a lease is recorded, by using one of the following
3 methods:

4 a. By delivery of the notice to the owner of the
5 mineral interest and to the lessee, if any, with
6 acceptance of service signed by the owner of the
7 mineral interest and the lessee, respectively.

8 b. By serving the notice personally, or if
9 personal service cannot be achieved, by mailing the
10 notice by certified mail with postage prepaid, and the
11 service is deemed to be completed when the notice is
12 enclosed in a sealed envelope, addressed to the owner
13 of the mineral interest and to the lessee at their
14 last known mailing addresses and deposited in a mail
15 receptacle provided by the United States postal
16 service, and by publication, on the same conditions
17 and in the same manner as provided for the service of
18 original notice to parties who cannot be located and
19 served by delivery and signed acceptance or by
20 personal service, except that when notice is served by
21 publication, no affidavit is required and the service
22 by publication is deemed to be completed on the day of
23 last publication.

24 2. The notice shall include the name and address
25 of the owner of the real estate out of which the
26 mineral interest was carved, a description of the
27 owned real estate, the name and address of the owner
28 of the mineral interest, and the name and address of
29 the lessee of the mineral interest, if any. The
30 notice shall state that the mineral interest will
31 lapse and revert to the owner of the real estate out
32 of which it was carved unless renewed, shall state the
33 expiration date and shall set forth the procedures for
34 filing a claim under section 614.41 or otherwise
35 establishing that the mineral interest is being used,

36 and shall state that the owner of the real estate out
37 of which the mineral interest was carved or the lessee
38 has ninety days after receipt of the notice to renew
39 the claim.

40 3. A lapse of a mineral interest pursuant to
41 section 614.41 is subject to any lease of the interest
42 of record existing at the time of the lapse. The
43 lessee, if any, thereafter shall be".

44 8. Page 3, line 19, by inserting after the word
45 "filed" the following: "and the claim will be renewed
46 for an additional twenty-year period from the date of
47 filing".

48 9. By numbering and renumbering as necessary.

MICHAEL E. GRONSTAL

S-3143

1 Amend the Committee on Appropriations amendment, S-
2 3123, to House File 355, as passed by the House as
3 follows:

4 1. Page 2, line 37, by inserting after the word
5 "appropriated." the words "Funds appropriated by this
6 section shall not be used for moving the present
7 offices of the auditor of state, the secretary of
8 state, or the treasurer of state from their present
9 location in the state house or for remodeling or
10 renovating space to which the offices of the auditor
11 of state, the secretary of state or the treasurer of
12 state may be moved."

JULIA GENTLEMAN

S-3144

1 Amend Senate File 4 as follows:

2 1. Page 1, line 18, by striking the words "at the
3 person's expense".

TOM MANN, JR.

S-3145

1 Amend Senate File 4 as follows:

2 1. Page 1, by inserting after line 18 the
3 following:

4 "4. A person convicted pursuant to subsection 1 or

5 2, and where, pursuant to an ordered examination, a
 6 venereal disease is found to be present, shall
 7 disclose the names, and addresses if known, to the
 8 court of those persons with whom the person
 9 participated in a sex act.

10 The period of time for which the names of those
 11 persons shall be revealed begins six months prior to
 12 the date of arrest and extends through the date of
 13 conviction. The court shall cause the individuals
 14 named to be notified concerning the possibility that
 15 they may have been exposed to a venereal disease.”

BEVERLY A. HANNON

S-3146

1 Amend Senate File 297 as follows:

2 1. Page 1, by inserting after line 19 the
 3 following:

4 “Sec. ____ . **NEW SECTION. 601A.6A REASONABLE**
 5 **ACCOMMODATION BY EMPLOYER.**

6 1. An employer shall make reasonable accommodation
 7 to the known physical or mental limitations of an
 8 otherwise qualified handicapped employee or applicant
 9 for employment unless the employer can demonstrate
 10 that the accommodation would impose an undue hardship
 11 on the operation of its program.

12 2. Reasonable accommodation may include the
 13 following:

14 a. Making facilities used by employees readily
 15 accessible to and usable by handicapped persons.

16 b. Job restructuring, part-time or modified work
 17 schedules, acquisition or modification of equipment or
 18 devices, the provision of readers or interpreters, and
 19 other similar actions.

20 3. Reasonable accommodation may require more than
 21 a de minimis expenditure as long as it does not impose
 22 an undue hardship on the operation of the employer's
 23 program.

24 4. In determining whether an accommodation would
 25 impose an undue hardship on the operation of an
 26 employer's program, factors to be considered include
 27 all of the following:

28 a. The overall size of the employer's program with
 29 respect to number of employees, number and type of
 30 facilities, and size of budget.

31 b. The type of the employer's operation, including
 32 the composition and structure of the employer's

33 workforce.

34 c. The nature and cost of the accommodation
35 needed.

36 5. An employer shall not deny any employment
37 opportunity to a qualified handicapped employee or
38 applicant if the basis for the denial is the need to
39 make reasonable accommodation to the physical or
40 mental limitations of the employee or applicant.”

41 2. Page 2, by inserting after line 8 the
42 following:

43 “Sec. ____ . Section 601A.16, Code 1987, is amended
44 by adding the following new subsection:

45 NEW SUBSECTION. 7. An action brought pursuant to
46 this chapter may be joined with any other action,
47 except an administrative proceeding.”

48 3. Title page, line 2, by inserting after the
49 word “accommodation,” the following: “requiring
50 employers to make reasonable accommodations to

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1 handicapped employees and applicants, providing for
2 joinder of actions,”.

3 4. By renumbering as necessary.

TOM MANN, Jr.

S-3147

1 Amend the Appropriations Committee amendment, S-3123,
2 to House File 355, as passed by the House as follows:

3 1. Page 1, by striking line 48.

EUGENE S. FRAISE

S-3148

1 Amend the Committee on Appropriations amendment, S-
2 3123, to House File 355, as passed by the House, as
3 follows:

4 1. Page 1, line 41, by striking the figure

5 “250,000” and inserting the following: “500,000”.

LEONARD L. BOSWELL
DAVID M. READINGER

S-3149

- 1 Amend the Committee on Appropriations amendment, S-
 2 3123, to House File 355, as passed by the House, as
 3 follows:
 4 1. Page 1, by striking lines 49 and 50.

MICHAEL E. GRONSTAL

S-3150

- 1 Amend the Committee on Appropriations amendment,
 2 S-3123, to House File 355 as passed by the House as
 3 follows:
 4 1. Page 1, by striking lines 3 through 9.
 5 2. By striking page 4, line 33 through page 6,
 6 line 36.

MICHAEL E. GRONSTAL

S-3151

- 1 Amend Senate File 311 as follows:
 2 1. Page 1, by striking lines 27 through 31, and
 3 inserting the following:
 4 "Sec. 3. CONDITIONAL EFFECTIVE DATE AND APPLICA-
 5 TION. This Act takes effect from and after the date
 6 federal legislation, which modifies 23 U.S.C. § 154 by
 7 approving speed limits of at least sixty-five miles
 8 per hour becomes law. If the modification to 23
 9 U.S.C. § 154 allowing speed limits of at least sixty-
 10 five miles per hour does not apply to all fully
 11 controlled-access, divided, multilaned highways, this
 12 Act applies only to such highways or sections of
 13 highways for which a sixty-five mile per hour speed
 14 limit is permissible under the modification to 23
 15 U.S.C. § 154."

DON E. GETTINGS
RICHARD F. DRAKE

S-3152

- 1 Amend Senate File 77 as follows:
 2 1. Page 1, by striking lines 12 and 13 and
 3 inserting the following: "state agencies concerned
 4 with archaeological ~~salvage or the products thereof~~
 5 research. The state archaeologist shall specifically
 6 coordinate all activities involving burial grounds and

7 native American holy places with native American
8 leaders designated by the Indian community in Iowa.
9 The state archaeologist may”.
10 2. Page 1, by striking line 23 and inserting the
11 following: “aboriginal mortuary site, earthwork, and
12 sites of religious or spiritual significance
13 including, but not”.
14 3. Page 1, by striking line 27 and inserting the
15 following: “remains or features including altars and
16 crying stations are located.”
17 4. Page 2, by striking line 13 and inserting the
18 following: “remains and investigating and reporting
19 upon native American holy places pursuant to this
20 section.”
21 5. Page 2, by inserting after line 18 the
22 following:
23 “Sec. ____ . Section 716.5, unnumbered paragraph 2
24 and subsections 1 and 2, Code 1987, are amended by
25 striking the unnumbered paragraph and the
26 subsections.”

JEAN LLOYD-JONES

S-3153

1 Amend Senate File 4 as follows:
2 1. Page 1, line 14, by striking the words
3 “venereal disease” and inserting the following: “any
4 sexually transmitted disease which is required by
5 administrative rule to be reported to the Iowa
6 department of public health”.
7 2. Page 1, line 16, by striking the word
8 “venereal” and inserting the following: “sexually
9 transmitted”.

JIM LIND

S-3154

1 Amend the Committee on Appropriations amendment, S-
2 3123, to House File 355, as passed by the House as
3 follows:
4 1. Page 3, line 15, by striking the words “The
5 total”.
6 2. Page 3, by striking lines 16 through 19.

RICHARD F. DRAKE

S-3155

1 Amend Senate amendment S-3123 to House File 355
 2 as follows:
 3 1. Page 1, by striking lines 12 through 33
 4 and inserting in lieu thereof the following:
 5 ""Sec. ____ . The department of human services shall
 6 not implement any mandatory coverage system for
 7 Title XIX recipients for enrollment in health
 8 maintenance organizations. The department shall
 9 work to develop policies and guidelines to implement
 10 on a pilot basis a special case management program
 11 for Title XIX enrollees, after reviewing programs in
 12 place in other states. The department, in consul-
 13 tation with the legislative fiscal bureau and under
 14 monitoring by the fiscal committee of the legislative
 15 council, shall develop a methodology to evaluate
 16 and compare the effectiveness of the provision of
 17 Title XIX services through case management and
 18 through health maintenance organizations, in terms of
 19 both cost and health outcomes. The evaluation shall
 20 continue for at least eighteen months subsequent to
 21 the implementation of the programs. Administrative
 22 rule 498--88.3(3) is rescinded.""

CHARLES BRUNER
 JOE J. WELSH

S-3156

1 Amend Senate File 4 as follows:
 2 1. Page 1, line 6, by striking the words "~~an~~
 3 ~~aggravated a serious~~" and inserting the following: "an
 4 aggravated".

JIM LIND

S-3157

1 Amend the Committee on Appropriations amendment,
 2 S-3123, to House File 355 as passed by the House as
 3 follows:
 4 1. Page 1, by striking lines 3 through 9.
 5 2. By striking page 4, line 33 through page 6,
 6 line 36.

JULIA GENTLEMAN

S-3158

1 Amend the Committee on Appropriations amendment, S-
2 3123, to House File 355, as passed by the House, as
3 follows:

4 1. Page 2, by inserting after line 46 the follow-
5 ing:

6 "Sec. ____ . The department of general services
7 shall not obtain a letter of credit to enter into
8 lease-purchase agreements for the fiscal period
9 beginning July 1, 1986 and ending June 30, 1988, and
10 the department shall not enter into any new lease-
11 purchase agreements for any expenditure in excess of
12 \$100,000 for the fiscal period beginning July 1, 1986
13 and ending June 30, 1988."

JOE J. WELSH

S-3159

1 Amend Senate File 221 as follows:

2 1. Page 1, by inserting after line 14 the
3 following:

4 "Sec. ____ . Section 135.91, Code 1987, is amended
5 by adding the following new unnumbered paragraph:
6 NEW UNNUMBERED PARAGRAPH. A hospice is exempt from
7 section 135.63."

C. JOSEPH COLEMAN

S-3160

1 Amend Senate File 374 as follows:

2 1. Page 8, line 27, by striking the word
3 "regulations" and inserting the following:
4 "regulations rules".

5 2. Page 11, line 2, by inserting after the figure
6 "212" the word "degrees".

7 3. Page 25, by striking lines 20 through 24.

8 4. By renumbering sections as necessary.

COMMITTEE ON JUDICIARY
DONALD V. DOYLE, Chairperson

S-3161

1 Amend Senate File 373 as follows:

2 1. Page 5, by inserting after line 21 the
3 following:

4 "Sec. ____ . Section 321.23, subsection 4, Code
5 1987, is amended to read as follows:

6 4. Any vehicle which does not meet the equipment
7 requirements of this chapter due to the particular use
8 for which it is designed or intended, may be
9 registered by the department upon payment of
10 appropriate fees and after inspection and
11 certification by the department that the vehicle is
12 not in an unsafe condition ~~and will not endanger any~~
13 ~~person~~. A person is not required to have a
14 certificate of title to register a vehicle under this
15 subsection. If the owner elects to have a certificate
16 of title issued for the vehicle, a fee of ten dollars
17 shall be paid by the person making the application
18 upon issuance of a certificate of title. If the
19 department's inspection reveals that that vehicle may
20 be safely operated only under certain conditions or on
21 certain types of roadways, the department may restrict
22 the registration to limit operation of the vehicle to
23 the appropriate conditions or roadways. This
24 subsection shall not apply to snowmobiles as defined
25 in section 321G.1. Section 321.382 does not apply to
26 a vehicle registered under this subsection which is
27 operated exclusively by a handicapped person who has
28 obtained a special identification device as provided
29 in section 601E.6, providing the special
30 identification device is carried in the vehicle and
31 shown to any peace officer on request."
32 2. By renumbering as necessary.

COMMITTEE ON JUDICIARY
DONALD V. DOYLE, Chairperson

S-3162

1 Amend Senate File 55 as follows:

2 1. Page 1, by inserting after line 18 the
3 following:

4 "Sec. ____ . Section 99B.7, subsection 2, paragraph
5 c, unnumbered paragraph 1, is amended by striking the
6 unnumbered paragraph."

7 2. Title, line 3, by inserting after the word
8 "revoked" the following: ", and removing the

9 prohibition against conducting games of skill, games
10 of chance, and raffles on the premises of a liquor
11 control licensee or beer permittee”.

COMMITTEE ON
STATE GOVERNMENT
ROBERT M. CARR, Chairperson

S-3163

1 Amend Senate File 122 as follows:
2 1. Page 1, line 13, by inserting after the word
3 “program.” the following: “Students exempted from the
4 physical education requirement by participation in a
5 marching band program shall wear ankle weights of not
6 less than five pounds of total weight while practicing
7 for marching band.”

JIM LIND

S-3164

1 Amend Senate File 282 as follows:
2 1. Page 1, by inserting after line 16 the
3 following:
4 “Sec. ____ . Section 724.1, Code 1987, is amended by
5 adding the following new subsection as subsection 5
6 and renumbering the subsequent subsections:
7 NEW SUBSECTION. 5. A ballistic knife. A
8 ballistic knife is a knife with a detachable blade
9 which is propelled by a spring-operated mechanism,
10 elastic material, or compressed gas.
11 Sec. ____ . Section 724.1, subsection 5, Code 1987,
12 is amended to read as follows:
13 5 6. Any part or combination of parts either
14 designed or intended to be used to convert any device
15 into an offensive weapon as described in subsections 1
16 to 4 through 5 of this section, or to assemble into
17 such an offensive weapon, except magazines or other
18 parts, ammunition, or ammunition components used in
19 common with lawful sporting firearms or parts
20 including but not limited to barrels suitable for
21 refitting to sporting firearms.”
22 2. By renumbering sections as required.

DONALD V. DOYLE

S-3165

- 1 Amend Senate File 292 as follows:
 2 1. Page 1, by striking lines 1 and 2, and
 3 inserting the following:
 4 "Section 1. NEW SECTION. 100.19 COMBUSTION AND
 5 TOXICITY TESTING OF PRODUCTS USED IN BUILDING
 6 CONSTRUCTION."
 7 2. Page 1, by inserting after line 20 the
 8 following:
 9 "4. The data filing system and testing rules
 10 required by this section shall be implemented by the
 11 state fire marshal by July 1, 1990."
 12 3. Title page, line 2, by inserting after the
 13 word "system" the following: "and related matters".

COMMITTEE ON
 STATE GOVERNMENT
 ROBERT M. CARR, Chairperson

S—3166

- 1 Amend House File 334, as amended, passed and
 2 reprinted by the House as follows:
 3 1. Title, line 1, by inserting after the word
 4 "to" the words "the administration of Iowa revenue
 5 laws pertaining to".

EDGAR H. HOLDEN

S-3167

- 1 Amend Senate File 122 as follows:
 2 1. By striking everything after the enacting
 3 clause and inserting the following:
 4 "Section 1. Section 256.11, subsection 6,
 5 paragraph g, Code 1987, is amended by striking the
 6 paragraph and inserting the following:
 7 g. All students physically able shall be required
 8 to participate in physical education activities during
 9 each semester they are enrolled in school. A minimum
 10 of one-eighth unit each semester shall be required.
 11 Physical education shall include those physical and
 12 mental activities that will increase cardiovascular
 13 endurance, muscular strength and power, flexibility,
 14 weight regulating, improve bone development, improve
 15 posture, and constructive use of leisure time.

16 Physical education shall also include health issues,
17 including the effects of alcohol, tobacco, drugs, and
18 poisons on the human body, the characteristics of
19 communicable diseases, including venereal diseases,
20 and current crucial health issues. A student shall
21 not be excused from the physical education course by
22 enrolling in a course or participating in an
23 opportunity offered in lieu of physical education
24 involving written material, oral information, or
25 research relating to physical education or by
26 participating in physical activity outside of the
27 physical education course in lieu of the course.
28 Sec. 2. Section 256.11, subsection 6, paragraph j,
29 Code 1987, is amended by striking the paragraph.”
30 2. Title page, by striking lines 1 through 3 and
31 inserting the following: “An Act relating to physical
32 education activities for students enrolled in grades
33 nine through twelve.”

LARRY MURPHY

S-3168

1 Amend Senate File 239 as follows:
2 1. By striking everything after the enacting
3 clause and inserting the following:
4 “Section 1. Section 321A.3, Code 1987, is amended
5 by adding the following new subsection:
6 NEW SUBSECTION. 4. The abstract of operating
7 record provided under this section shall designate
8 which speeding violations are for ten miles per hour
9 or less over the legal speed limit in speed zones that
10 have a legal speed limit greater than thirty-five
11 miles per hour.
12 Sec. 2. Section 507B.4, Code 1987, is amended by
13 adding the following new subsection:
14 NEW SUBSECTION. 12. Failure of a person to comply
15 with section 516B.3.
16 Sec. 3. NEW SECTION. 516B.3 MINOR TRAFFIC
17 VIOLATIONS NOT CONSIDERED IN ESTABLISHING RATES.
18 a. The commissioner shall require that insurance
19 companies transacting business in this state not
20 consider speeding violations for ten miles per hour or
21 less over the legal speed limit in speed zones that
22 have a legal speed limit greater than thirty-five
23 miles per hour for the purpose of establishing rates
24 for motor vehicle insurance charged by the insurer and
25 shall require that insurance companies not cancel or
26 refuse to renew any such policy for such violations.

27 In any twelve-month period, this section applies only
28 to the first two such violations which occur.

29 b. If the rate for motor vehicle insurance is
30 based on an operating record of a period longer than
31 twelve months in length, the twelve-month periods
32 under paragraph "a" shall not overlap.

33 Sec. 4. Section 516B.3, created under this Act
34 applies to insurance policies which are issued or
35 renewed on or after the effective date of this Act."

36 2. Title page, by striking lines 1 through 7 and
37 inserting the following: "An Act relating to certain
38 minor traffic violations by prohibiting their
39 consideration when establishing rates for motor
40 vehicle insurance and making penalties applicable."

KENNETH SCOTT

S-3169

1 Amend Senate File 360 as follows:

DIVISION S—3169A

2 1. Page 1, by striking lines 1 through 13.

DIVISION S—3169B

3 2. Page 4, by striking lines 9 through 11 and
4 inserting the following:

5 "The board may, with approval of sixty percent of
6 the voters, voting in a regular or special election in
7 the school district, make extended time contracts not
8 to exceed twenty".

9 3. Page 7, by striking lines 10 through 17.

10 4. Page 12, by striking lines 11 and 12 and
11 inserting the following: "the tax levied in this
12 section shall be placed in a fund which shall be
13 called the liability fund and expended only for the".

14 5. Page 13, by striking lines 7 through 27.

15 6. Title page, line 2, by striking the words
16 "liability levy, for" and inserting the following:
17 "liability levy".

DIVISION S—3169A (cont'd.)

- 18 7. Title page, by striking line 3 and inserting
19 the following: "for additional".
20 8. By renumbering as necessary.

COMMITTEE ON
WAYS AND MEANS
CHARLES BRUNER, Chairperson

S-3170

- 1 Amend Senate File 301 as follows:
2 1. Page 1, line 4, by inserting after the word
3 "for" the following: "perishable products, stored in
4 Iowa-made refrigerators, and".
5 2. Page 1, line 15, by inserting after the word
6 "state." the following: "Next to the computer would
7 be located a VCR player displaying a video of the most
8 recent Iowa general assembly."
9 3. Page 1, line 17, by inserting after the word
10 "state." the following: "All reservations shall be
11 guaranteed and if the reservations are not honored the
12 participating business commits a simple misdemeanor."
13 4. Page 1, line 19, by inserting after the word
14 "shops." the following: "All signs shall be made
15 through prison industries in the colors pink and
16 blue."
17 5. Page 1, line 29, by inserting after the word
18 "size" the following: ", the parking lot shall be at
19 least four acres in size covered by at least twelve
20 inches of concrete,".
21 6. Page 1, line 32, by inserting after the word
22 "buildings" the following: "and parking lots".

JIM LIND

S-3171

- 1 Amend Senate File 340 as follows:
2 1. Page 1, by inserting after line 31 the
3 following:
4 "If the inmate to be tested pursuant to this
5 section is working in Iowa state industries, or
6 working pursuant to section 246.809, the cost of the
7 test shall be paid out of wages earned by the inmate
8 as provided under section 246.801.
9 Sec. 3. Section 246.801, subsection 2, Code 1987,

10 is amended by adding the following new paragraph d and
11 relettering the current paragraph d paragraph e.
12 NEW PARAGRAPH. d. Make it feasible to require
13 that the inmates pay all or some portion of the cost
14 of a test required under section 140.16.”

JIM LIND

S-3172

1 Amend Senate File 353 as follows:
2 1. Page 1, line 9, by inserting after the word
3 “ring.” the following: “An exemption for the debtor’s
4 interest in a wedding ring does not apply if the
5 debtor is divorced and is not married at the time the
6 exemption is claimed. An exemption for the debtor’s
7 interest in an engagement ring does not apply if the
8 debtor is not married within six months after the date
9 the exemption is claimed.”

JIM LIND

S-3173

1 Amend House File 334 as amended, passed and
2 reprinted by the House as follows:
3 1. By striking page 9, line 21 through page 10,
4 line 4.
5 2. Title page, by striking lines 6 through 8 and
6 inserting the following: “returns, use tax penalty,
7 and providing effective dates.”

DONALD V. DOYLE
WILLIAM W. DIELEMAN
TOM MANN, JR.

S-3174

1 Amend amendment, S-3169 to Senate File 360 as
2 follows:
3 1. Page 1, by striking lines 3 through 8.

EDGAR H. HOLDEN
JIM RIORDAN

S-3175

1 Amend House File 334, as amended, passed and
2 reprinted by the House, as follows:
3 1. Page 7, by inserting after line 19 the
4 following new section:
5 "Sec. ____ . Section 422.47B, subsection 1,
6 paragraph c, Code 1987, is amended to read as follows:
7 c. The claim is filed on forms provided by the
8 department ~~and is filed during the three months~~
9 ~~following the fiscal year in which the purchase or~~
10 ~~rental was made not later than October 1, 1987 for a~~
11 purchase or rental made between July 1, 1985 and June
12 30, 1987."
13 2. Renumber sections and correct internal
14 references as necessary in accordance with this
15 amendment.

RAY TAYLOR

S-3176

1 Amend Senate File 13 as follows:
2 1. Page 1, lines 8 and 9, by striking the words
3 and figures: "unless the buyer fails to comply with
4 the requirements of subsection 6 or 7".
5 2. By striking page 1, line 15 through page 5,
6 line 3.

JOHN PETERSON

S-3177

1 Amend Senate File 4 as follows:
2 1. Page 1, by inserting after line 18 the
3 following:
4 "4. The department shall maintain the confidential
5 nature of the information collected in a manner which
6 prevents the identification of persons who are victims
7 of acquired immune deficiency syndrome."

AL STURGEON

S-3178

- 1 Amend Senate File 397 as follows:
- 2 1. Page 1, line 8, by inserting after the word
- 3 "assist" the words "eligible recipients of public
- 4 energy assistance programs".
- 5 2. Page 1, by striking lines 10 through 12 and
- 6 inserting the following: "and gas public utilities."

RICHARD VARN
AL STURGEON

S-3179

- 1 Amend Senate File 104 as follows:
- 2 1. Page 1, by inserting before line 1 the
- 3 following:
- 4 "Section 1. Section 235A.13, subsection 9, is
- 5 amended to read as follows:
- 6 9. "Multidisciplinary team" means a group of
- 7 individuals who possess knowledge and skills related
- 8 to the diagnosis, assessment, and disposition of child
- 9 abuse cases and who are professionals practicing in
- 10 the disciplines of medicine, public health, mental
- 11 health, social work, child development, education,
- 12 law, juvenile probation, or law enforcement, or a
- 13 group established pursuant to section 235B.1,
- 14 subsection 3, paragraph "a".
- 15 Sec. 2. Section 235B.1, subsection 1, Code 1987,
- 16 is amended to read as follows:
- 17 1. As used in this ~~section~~ chapter, "dependent
- 18 adult abuse" means:
- 19 a. Any of the following as a result of the willful
- 20 or negligent acts or omissions of a caretaker:
- 21 (1) Physical injury to or unreasonable confinement
- 22 or cruel punishment of a dependent adult.
- 23 (2) The commission of a sexual offense under
- 24 chapter 709 or section 726.2 with or against a
- 25 dependent adult.
- 26 (3) Exploitation of a dependent adult which means
- 27 the act or process of taking unfair advantage of a
- 28 dependent adult or the adult's physical or financial
- 29 resources for one's own personal or pecuniary profit
- 30 by the use of undue influence, harassment, duress,
- 31 deception, false representation, or false pretenses.
- 32 (4) The deprivation of the minimum food, shelter,
- 33 clothing, supervision, physical and mental health
- 34 care, and other care necessary to maintain a dependent
- 35 adult's life or health.
- 36 b. The deprivation of the minimum food, shelter,
- 37 clothing, supervision, physical and mental health

38 care, and other care necessary to maintain a dependent
39 adult's life or health as a result of the acts or
40 omissions of the dependent adult.

41 Sec. 3. Section 235B.1, Code 1987, is amended by
42 adding the following new subsection:

43 NEW SUBSECTION. 2A. "Dependent adult" means a
44 person eighteen years of age or older who is unable to
45 protect the person's own interests or unable to
46 adequately perform or obtain services necessary to
47 meet essential human needs, as a result of a physical
48 or mental condition which requires assistance from
49 another, or as defined by departmental rule.

50 Sec. 4. Section 235B.1, subsection 3, Code 1987,

Page 2

1 is amended to read as follows:

2 3. The department of human services shall operate
3 a program relating to the providing of services in
4 cases of dependent adult abuse. The program shall
5 emphasize the reporting and evaluation of dependent
6 adult abuse of an adult who is unable to protect the
7 adult's own interests or unable to perform or obtain
8 essential services. The program shall include:
9 a. The establishment of multidisciplinary teams to
10 provide leadership at the local and district levels in
11 the delivery of services to victims of dependent adult
12 abuse. A team shall include a membership of
13 individuals who possess knowledge and skills related
14 to the diagnosis, assessment, and disposition of
15 dependent adult abuse cases and who are professionals
16 practicing in the disciplines of medicine, public
17 health, mental health, social work, law, law
18 enforcement, and other disciplines relative to
19 dependent adults. Members of the team shall include,
20 but are not limited to, persons representing the area
21 agencies on aging, county attorneys, health care
22 providers, and others involved in advocating or
23 providing services for dependent adults.
24 b. Provisions for information sharing and case
25 consultation among service providers, care providers,
26 and victims of dependent adult abuse.
27 c. Procedures for referral of cases among service
28 providers, including the referral of victims of
29 dependent adult abuse residing in licensed health care
30 facilities."

31 2. Page 2, by inserting after line 10 the
32 following:

33 "Sec. ____ . Section 235B.1, subsection 4, paragraph
34 b, Code 1987, is amended to read as follows:

35 b. The department of human services shall inform
 36 the appropriate county attorneys of any reports.
 37 County attorneys, law enforcement agencies,
 38 multidisciplinary teams ~~as defined in section 235A-13,~~
 39 ~~subsection 9,~~ and social services agencies in the
 40 state shall cooperate and assist in the evaluation
 41 upon the request of the department. County attorneys
 42 and appropriate law enforcement agencies shall also
 43 take any other lawful action necessary or advisable
 44 for the protection of the dependent adult.
 45 Sec. ____ . Section 235B.1, subsection 7, is amended
 46 by adding the following new unnumbered paragraph:
 47 **NEW UNNUMBERED PARAGRAPH.** It shall be unlawful for
 48 any person or employer to discharge, suspend, or
 49 otherwise discipline a person required to report or
 50 voluntarily reporting an instance of suspected

Page 3

1 dependent adult abuse pursuant to subsection 4,
 2 cooperating or assisting the department of human
 3 services in evaluating a case of dependent adult
 4 abuse, or participating in judicial proceedings
 5 relating to the reporting or assistance based solely
 6 upon the person's reporting or participation relative
 7 to the instance of dependent adult abuse. A person or
 8 employer found in violation of this paragraph shall,
 9 upon conviction, be guilty of a simple misdemeanor."
 10 3. Page 2, line 12, by striking the word
 11 "subsection" and inserting the word "subsections".
 12 4. Page 2, by inserting after line 20, the
 13 following:
 14 "**NEW SUBSECTION. 9.** The department of inspections
 15 and appeals shall adopt rules which require licensed
 16 health care facilities to separate an alleged
 17 dependent adult abuser from a victim following an
 18 allegation of perpetration of abuse and prior to the
 19 completion of an investigation of the allegation.
 20 Sec. ____ . **NEW SECTION. 235B.2 INFORMATION,**
 21 **EDUCATION, AND TRAINING PROGRAMS.**
 22 1. The department of elder affairs, in cooperation
 23 with the department of human services, shall conduct a
 24 public information and education program. The
 25 elements and goals of the program include but are not
 26 limited to:
 27 a. Informing the public regarding the laws
 28 governing dependent adult abuse and the reporting
 29 requirements for dependent adult abuse.
 30 b. Providing care givers with information
 31 regarding services to alleviate the emotional,

32 psychological, physical, or financial stress
33 associated with the care giver and dependent adult
34 relationship.

35 c. Changing public attitudes regarding the role of
36 a dependent adult in society.

37 2. The department of human services, in
38 cooperation with the department of elder affairs,
39 shall institute a program of education and training
40 for persons, including members of provider groups and
41 family members, who may be in contact with dependent
42 adult abuse. The program shall include but is not
43 limited to instruction regarding recognition of
44 dependent adult abuse and the procedure for the
45 reporting of suspected abuse.

46 3. The content of the continuing education
47 required pursuant to chapter 258A for a licensed
48 professional providing care or service to a dependent
49 adult shall include, but is not limited to, the
50 responsibilities, obligations, powers, and duties of a

Page 4

1 person regarding the reporting of suspected dependent
2 adult abuse, and training to aid the professional in
3 identifying instances of dependent adult abuse.

4 4. The department of inspections and appeals shall
5 provide training to investigators regarding the
6 collection and preservation of evidence in the case of
7 suspected dependent adult abuse.

8 Sec. ____ . **NEW SECTION. 726.8 WANTON NEGLECT OR**
9 **NONSUPPORT OF A DEPENDENT ADULT.**

10 1. A person commits wanton neglect of a dependent
11 adult if the person knowingly acts in a manner likely
12 to be injurious to the physical, mental, or moral
13 welfare of a dependent adult. Wanton neglect of a
14 dependent adult is a serious misdemeanor.

15 2. A person who, being able to do so, fails or
16 refuses to provide support for a dependent adult
17 commits nonsupport. "Support" for the purpose of this
18 subsection, means any support which has been fixed by
19 court order, or, in the absence of any order or
20 decree, the minimal requirements of food, clothing, or
21 shelter. Nonsupport is a class "D" felony.

22 3. A person alleged to have committed wanton
23 neglect or nonsupport of a dependent adult shall be
24 charged with the respective offense unless a charge
25 may be brought based upon a more serious offense, in
26 which case the charge of the more serious offense
27 shall supersede the less serious charge.

28 4. For the purposes of this section, "dependent

29 adult” means a dependent adult as defined in section
 30 235B.1, subsection 2A.”

31 Sec. ____ . MONITORING AND REPORTING. The
 32 legislative fiscal bureau shall monitor the reporting
 33 of dependent adult abuse, the conducting of dependent
 34 adult abuse investigations, and the workload and
 35 performance of the personnel of the department of
 36 human services and department of inspections and
 37 appeals regarding dependent adult abuse investigators
 38 in order to determine the effect of the provisions of
 39 this Act relative to workload and performance
 40 standards of the departments. The bureau shall report
 41 its findings to the general assembly by February 1,
 42 1988. The department of elder affairs, department of
 43 human services, and department of inspections and
 44 appeals shall cooperate with the legislative fiscal
 45 bureau in the implementation of this section.

46 Sec. ____ . EFFECTIVE DATE. Section 5 of this Act
 47 shall be effective July 1, 1988.”

48 5. Title page, by striking lines 1 through 3 and
 49 inserting the following: “An Act relating to
 50 dependent adult abuse and providing penalties.”

Page 5

1 6. Renumber as necessary.

COMMITTEE ON HUMAN RESOURCES
 BEVERLY A. HANNON, Chairperson

S-3180

1 Amend Senate File 360 as follows:

2 1. Page 4, line 17, by striking the word
 3 “schoolhouse” and inserting the following:
 4 “schoolhouse capital projects”.

5 2. Page 10, line 29, by striking the word
 6 “schoolhouse” and inserting the following: “capital
 7 projects”.

8 3. Page 12, line 5, by striking the word
 9 “schoolhouse” and inserting the following: “capital
 10 projects”.

11 4. Page 16, lines 25 and 26, by striking the
 12 words “four and two-tenths” and inserting the
 13 following: “three and fifteen-hundredths”.

14 5. Page 16, line 30, by striking the words “three
 15 and fifteen hundredths” and inserting the following:
 16 “seventy-five”.

17 6. Page 16, line 31, by striking the words "four
18 and two-tenths" and inserting the following: "three
19 and fifteen-hundredths".

LARRY MURPHY
WALLY HORN
CHARLES H. BRUNER

S-3181

1 Amend Senate File 424 as follows:
2 1. Page 3, line 11, by striking the words "use
3 by" and inserting the words "or on behalf of".
4 2. Page 3, line 11, by inserting after the word
5 "committee." the words "The provisions of this
6 paragraph are in addition to any other reporting
7 requirements of this chapter and any reporting rules
8 adopted by either house of the general assembly."

EDGAR H. HOLDEN

S-3182

1 Amend the Gentleman amendment, S-3084, to Senate
2 File 201, as follows:
3 1. Page 1, by striking lines 2 through 6 and
4 inserting the following:
5 "___ . Page 1, line 6, by striking the word
6 "proof" and inserting the following: "a notarized
7 statement".
8 ___ . Page 1, line 8, by striking the words "proof
9 of a" and inserting the following: "a notarized
10 statement of the"."

PATRICK DELUHERY

S-3183

1 Amend Senate File 364 as follows:
2 1. Page 1, lines 22 through 25, by striking the
3 words "Not less than one million (1,000,000) dollars
4 of the appropriation is to be used to support
5 assistance programs for returning cattle producers in
6 the state."
7 2. Page 1, lines 30 through 33, by striking the
8 words "Grants provided for under agreements to support
9 assistance programs for returning cattle producers

10 shall be made on or after February 1, 1987, but before
 11 December 31, 1987.”
 12 3. Page 2, lines 2 through 4, by striking the
 13 words “Notwithstanding section 8.33, moneys
 14 appropriated by this section for assistance programs
 15 for returning cattle producers shall revert to the
 16 general fund on December 1, 1988.”

BERL E. PRIEBE

S-3184

1 Amend Senate File 200 as follows:
 2 1. Title page, lines 4 and 5, by striking the
 3 words “and providing penalties” and inserting the
 4 following: “providing penalties, and providing an
 5 effective date”.

C. JOSEPH COLEMAN

S-3185

1 Amend House File 371, as passed by the House, as
 2 follows:
 3 1. Page 5, line 14, by inserting after the figure
 4 “390-399” the following: “and adopted under chapter
 5 17A which rules shall be to a date certain”.

BERL PRIEBE
 C. JOSEPH COLEMAN

S-3186

1 Amend Senate File 209 as follows:
 2 1. By striking everything after the enacting
 3 clause and inserting the following:
 4 “Section 1. NEW SECTION. 476.1C APPLICABILITY OF
 5 AUTHORITY -- CERTAIN GAS UTILITIES.
 6 1. Gas public utilities having less than two
 7 thousand customers are not subject to the regulation
 8 authority of the utilities board under this chapter
 9 unless otherwise specifically provided. Sections
 10 476.10, 476.20, 476.21, and 476.51 apply to such gas
 11 utilities.
 12 Gas public utilities having less than two thousand
 13 customers shall keep books, accounts, papers and
 14 records accurately and faithfully in the manner and

15 form prescribed by the board. The board may inspect
16 the accounts of the utility at any time.

17 A gas public utility having less than two thousand
18 customers may make effective a new or changed rate,
19 charge, schedule, or regulation after giving written
20 notice of the proposed new or changed rate, charge,
21 schedule, or regulation to all affected customers
22 served by the public utility. The notice shall inform
23 the customers of their right to petition for a review
24 of the proposal to the utilities board within sixty
25 days after notice is served if the petition contains
26 the signatures of at least one hundred of the gas
27 utility's customers. The notice shall state the
28 address of the utilities board. The new or changed
29 rate, charge, schedule, or regulation takes effect
30 sixty days after such valid notice is served unless a
31 petition for review of the new or changed rate,
32 charge, schedule, or regulation signed by at least one
33 hundred of the gas utility's customers is filed with
34 the board prior to the expiration of the sixty-day
35 period.

36 If such a valid petition is filed with the board
37 within the sixty-day period, any new or changed rate,
38 charge, schedule, or regulation shall take effect,
39 under bond or corporate undertaking, subject to refund
40 of all amounts collected in excess of those amounts
41 which would have been collected under the rates or
42 charges finally approved by the board. The board
43 shall within five months of the date of filing make a
44 determination of just and reasonable rates based on a
45 review of the proposal, applying established
46 regulatory principles. The board may call upon the
47 gas public utility and its customers to furnish
48 factual evidence in support of or opposition to the
49 new or changed rate, charge, schedule, or regulation.
50 If the gas public utility disputes the finding, the

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1 utility may within twenty days file for further
2 review, and the board shall docket the case as a
3 formal proceeding under section 476.6, subsection 7,
4 and set the case for hearing. The gas public utility
5 shall submit factual evidence and written argument in
6 support of the filing.

7 A gas public utility having less than two thousand
8 customers shall not make effective a new or changed
9 rate, charge, schedule, or regulation which relates to
10 services for which a rate change is pending within
11 twelve months following the date the petition to

12 review the prior proposed rate, charge, schedule, or
13 regulation was filed with the board or until the board
14 has made its determination of just and reasonable
15 rates, whichever date is earlier, unless the utility
16 applies to the board for authority and receives
17 authority to make a subsequent rate change at an
18 earlier date.

19 Gas public utilities having less than two thousand
20 customers shall not make or grant any unreasonable
21 preferences or advantages as to rates or services to
22 any person or subject any person to any unreasonable
23 prejudice or disadvantage. Rates charged by a gas
24 public utility having less than two thousand customers
25 for transportation of customer-owned gas shall not
26 exceed the actual cost of such transportation services
27 including a fair rate of return.

28 2. If, as a result of a review of a proposed new
29 or changed rate, charge, schedule, or regulation of a
30 gas public utility having fewer than two thousand
31 customers, the consumer advocate alleges in a filing
32 with the board that the utility rates are excessive,
33 the disputed amounts shall be specified by the
34 consumer advocate in the filing. The gas public
35 utility shall, within the time prescribed by the
36 board, file a bond or undertaking approved by the
37 board conditioned upon the refund in a manner
38 prescribed by the board of amounts collected after the
39 date of the filing which are in excess of rates or
40 charges finally determined by the board to be lawful.
41 If after formal proceeding and hearing pursuant to
42 section 476.6 the board finds that the utility rates
43 are unlawful, the board shall order a refund, with
44 interest, of amounts collected after the date of
45 filing of the petition that are determined to be in
46 excess of the amounts which would have been collected
47 under the rates finally approved. However, the board
48 shall not order a refund that is greater than the
49 amount specified in the petition, plus interest. If
50 the board fails to render a decision within ten months

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1 following the date of filing of the petition, the
2 board shall not order a refund of any excess amounts
3 that are collected after the expiration of that ten-
4 month period and prior to the date the decision is
5 rendered.

6 Sec. 2. Section 476.6, subsection 7, Code 1987, is
7 amended to read as follows:

8 7. HEARING SET. After the filing of an

9 application for new or changed rates, charges,
 10 schedules, or regulations by a public utility subject
 11 to rate regulation, the board, prior to the expiration
 12 of thirty days after the filing date, shall docket the
 13 case as a formal proceeding and set the case for
 14 hearing unless the new or changed rates, charges,
 15 schedules, or regulations are approved by the board.
 16 In the case of a gas public utility having less than
 17 two thousand customers, the board shall docket a case
 18 as a formal proceeding and set the case for hearing as
 19 provided in section 476.1C. In the case of a rural
 20 electric cooperative, the board may docket the case as
 21 a formal proceeding and set the case for hearing prior
 22 to the proposed effective date of the tariff. The
 23 board shall give notice of formal proceedings as it
 24 deems appropriate. The docketing of a case as a
 25 formal proceeding suspends the effective date of the
 26 new or changed rates, charges, schedules, or
 27 regulations until the rates, charges, schedules, or
 28 regulations are approved by the board, except as
 29 provided in subsection 13.

30 Sec. 3. The utilities board of the utilities
 31 division of the department of commerce shall submit
 32 copies of its intended action on rules required under
 33 section 1 of this Act to the administrative rules
 34 coordinator pursuant to chapter 17A within thirty days
 35 from the effective date of this Act.

36 Sec. 4. This Act, being deemed of immediate
 37 importance, takes effect upon enactment.”

38 2. Title page, line 4, by inserting after the
 39 word “regulation” the words “and providing an
 40 effective date”.

COMMITTEE ON ENVIRONMENT
 AND ENERGY UTILITIES
 PATRICK J. DELUHERY, Chairperson

S-3187

1 Amend Senate File 350 as follows:

- 2 1. Page 1, line 5, by striking the word “a” and
- 3 inserting the following: “an ex officio nonvoting”.
- 4 2. Page 1, line 6, by inserting after the word
- 5 “area” the following: “or designate an individual to
- 6 serve as a member”.
- 7 3. Page 1, by striking lines 8 through 22 and
- 8 inserting the following: “amended to read as follows:
- 9 1. BOARD OF DIRECTORS. The board of directors of
- 10 an area education agency shall consist of not less

11 than five nor more than nine members, each a resident
 12 of and elected in the manner provided in this section
 13 from a director district that is approximately equal
 14 in population to the other director districts in the
 15 area education agency plus two ex officio nonvoting
 16 members, one of whom is a member of the board of
 17 directors of the corresponding merged area and one of
 18 whom is the area school superintendent, or the
 19 superintendent's designee. Each elected director
 20 shall serve a three-year term which commences at the
 21 organization meeting. The ex officio member who is a
 22 member of the board of the corresponding merged area
 23 shall be selected annually by the board of the
 24 corresponding merged area."

25 4. Page 2, by striking lines 13 through 18 and
 26 inserting the following: "district not less than five
 27 nor more than nine members who are elected from
 28 director districts by the electors of the respective
 29 districts plus two ex officio nonvoting members, one
 30 of whom is a member of the board of directors of the
 31 corresponding area education agency and one of whom is
 32 the area education agency administrator, or the
 33 administrator's designee. ~~Members~~ Elected members of
 34 the board".

35 5. Page 3, line 2, by striking the word "member"
 36 and inserting the following: "ex officio member who
 37 is a member".

RAY TAYLOR
 LARRY MURPHY

S-3188

1 Amend Senate File 302 as follows:

2 1. Page 1, by inserting after line 29 the
 3 following:

4 "Sec. ____ . This Act takes effect July 1, 1987
 5 providing that legislation is enacted by the general
 6 assembly before July 1, 1987 which provides a fair and
 7 equitable funding formula for the implementation of
 8 this Act."

9 2. Title page, line 1, by inserting after the
 10 word "injury" the following: "and providing a
 11 conditional effective date".

COMMITTEE ON HUMAN RESOURCES
 BEVERLY HANNON, Chairperson

S-3189

- 1 Amend Senate File 104 as follows:
- 2 1. Page 2, lines 6 and 7, by striking the words
- 3 "state department of public health" and inserting the
- 4 following: "department of inspections and appeals".

AL STURGEON

S-3190

- 1 Amend Senate File 373 as follows:
- 2 1. By striking page 4, line 11 through page 5,
- 3 line 11.
- 4 2. By renumbering as necessary.

COMMITTEE ON JUDICIARY
DONALD V. DOYLE, Chairperson

S-3191

- 1 Amend Senate File 374 as follows:
- 2 1. Page 11, by inserting after line 25 the
- 3 following:
- 4 "Sec. ____ . Section 177.3, subsection 3, Code 1987,
- 5 is amended to read as follows:
- 6 3. The secretary of agriculture or the secretary's
- 7 designee.
- 8 Sec. ____ . Section 178.3, subsection 4, Code 1987,
- 9 is amended to read as follows:
- 10 4. The secretary of agriculture or the secretary's
- 11 designee.
- 12 Sec. ____ . Section 186.1, Code 1987, is amended to
- 13 read as follows:
- 14 186.1 MEETINGS AND ORGANIZATION OF SOCIETY.
- 15 The state horticultural society shall hold meetings
- 16 each year, at ~~such~~ times as it may fix, for the
- 17 transaction of business. The officers and board of
- 18 directors of the society shall be chosen as provided
- 19 for in the constitution of the society, for the period
- 20 and in the manner prescribed therein, but the
- 21 secretary of agriculture or the secretary's designee
- 22 shall be a member of the board of directors and of the
- 23 executive committee. Any vacancy in the offices
- 24 filled by the society may be filled by the executive
- 25 committee for the unexpired portion of the term."
- 26 2. Page 16, by inserting after line 3 the

27 following:

28 "Sec. ____ . Section 317.8, Code 1987, is amended to

29 read as follows:

30 317.8 DUTY OF SECRETARY OF AGRICULTURE OR
 31 SECRETARY'S DESIGNEE.

32 The secretary of agriculture ~~shall be or the~~
 33 secretary's designee is vested with the following
 34 duties, powers and responsibilities:

35 1. The secretary ~~or the secretary's designee~~ shall
 36 serve as state weed commissioner, and shall co-operate
 37 with all boards of supervisors and weed commissioners,
 38 and shall furnish blank forms for reports made by the
 39 supervisors and commissioners.

40 2. The secretary ~~or the secretary's designee~~ may,
 41 upon recommendation of the state botanist, temporarily
 42 declare noxious any new weed appearing in the state
 43 which possesses the characteristics of a serious pest.

44 3. The secretary ~~or the secretary's designee~~ shall
 45 aid the supervisors in the interpretation of the weed
 46 law, and make suggestions to promote extermination of
 47 noxious weeds.

48 4. The secretary ~~or the secretary's designee~~ shall
 49 aid the supervisors in enforcement of the weed law as
 50 it applies to all state lands, state parks and primary

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1 roads, and may impose a maximum penalty of a ten
 2 dollar fine for each day, up to ten days, that the
 3 state agency in control of land fails to comply with
 4 an order for destruction of weeds made pursuant to
 5 this chapter."

6 3. By renumbering sections as necessary.

COMMITTEE ON JUDICIARY
 DONALD V. DOYLE, Chairperson

S-3192

1 Amend Senate File 4 as follows:

2 1. Page 1, line 18, by inserting after the word
 3 "expense." the following: "A person required to
 4 undergo examination or treatment for disease under
 5 this section who does not possess sufficient income or
 6 estate to make payment of the costs of the examination
 7 or treatment in whole or in part shall be considered a
 8 state patient and the costs of the examination or

9 treatment shall be paid as provided in section
10 252.25."

RAY TAYLOR
TOM MANN, JR.

S-3193

- 1 Amend Senate File 5 as follows:
2 1. By striking page 2, line 29 through page 3,
3 line 5.
4 2. By renumbering as necessary.

RICHARD DRAKE
HURLEY W. HALL

S-3194

- 1 Amend Senate File 342 as follows:
2 1. By striking everything after the enacting
3 clause and inserting the following:
4 "Section 1. Section 446.9, subsections 1 and 2,
5 Code 1987, are amended to read as follows:
6 1. A notice of the time and place of the annual
7 tax sale shall be served upon the person in whose name
8 the real estate subject to sale is taxed. The
9 treasurer shall serve the notice by sending it by
10 regular first class mail to the person's last known
11 address not later than May 1 of each fiscal year. The
12 notice shall contain a description of the real estate
13 to be sold which is clear, concise, and sufficient to
14 distinguish the real estate to be sold from all other
15 parcels. It shall also contain the amount of
16 delinquent taxes, both regular and special, for which
17 the real estate is liable each year, the amount of the
18 penalty; and interest; and ten dollars representing
19 costs; all to be incorporated as a single sum. The
20 owner of the real estate shall be charged ten dollars
21 representing all costs. If the real estate is owned
22 by two or more persons, the charge for costs shall be
23 ten dollars. If the owner has two or more parcels of
24 real estate, the charge for costs shall be ten
25 dollars. The delinquent taxes, penalty, interest, and
26 costs shall be incorporated into a single sum. The
27 notice shall contain a statement that, after the sale,
28 if the real estate is not redeemed within the period
29 provided in chapter 447, the right to redeem expires
30 and a deed may be issued.
31 2. Publication of the time and place of the annual

32 tax sale shall be made once by the treasurer in an
 33 official newspaper in the county at least one week,
 34 but not more than three weeks, before the day of sale.
 35 The publication shall contain a description of the
 36 real estate to be sold that is clear, concise, and
 37 sufficient to distinguish the real estate to be sold
 38 from all other parcels. All items offered for sale
 39 pursuant to section 446.18 may be indicated by an "s"
 40 or by an asterisk. The publication shall also contain
 41 the name of the person in whose name the real estate
 42 to be sold is taxed, the amount of delinquent taxes,
 43 both regular and special, for which the real estate is
 44 liable for each year, the amount of the penalty; and
 45 interest; and ten dollars representing costs; all to
 46 be incorporated as a single sum. The owner of the
 47 real estate shall be charged ten dollars representing
 48 all costs. If the real estate is owned by two or more
 49 persons, the charge for costs shall be ten dollars.
 50 If the owner has two or more parcels of real estate,

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1 the charge for costs shall be ten dollars. The
 2 delinquent taxes, penalty, interest, and costs shall
 3 be incorporated into a single sum. The publication
 4 shall contain a statement that, after the sale, if the
 5 real estate is not redeemed within the period provided
 6 in chapter 447, the right to redeem expires and a deed
 7 may be issued."

COMMITTEE ON LOCAL
 GOVERNMENT
 ALVIN MILLER, Chairperson

S-3195

1 Amend Senate File 139 as follows:
 2 1. Page 1, by inserting before line 1 the
 3 following:
 4 "Section 1. LEGISLATIVE FINDINGS.
 5 The general assembly finds and declares as follows:
 6 1. Any prolonged farm crisis that threatens the
 7 existence or stability of agricultural producers has a
 8 side effect upon agriculturally related industries and
 9 rural communities which do not have a diversified
 10 economy but rely heavily on the agricultural producers
 11 or agriculturally related industries.
 12 2. Foreign competition, where the competition is

13 from cheaper prices as a result of lower labor and
14 material costs, results in plant closings, business
15 failures, and the transformation of our industrial
16 makeup to newer and different types of industries.

17 3. Technological advances in various aspects of
18 many industries have occurred at greater frequencies
19 than in the past resulting in the need of many
20 businesses to retool, add new machinery, develop new
21 processes, or retrain workers. Some businesses are
22 able to profitably adjust to these advances while
23 others find it very difficult if not impossible. In
24 addition these technological advances offer
25 opportunities for new industries to develop.

26 4. At times of high inflation rates, large federal
27 deficits, or negative trade balances, the interest
28 rates trend higher making it very difficult for
29 agricultural producers and small businesses, which
30 represent the principal pursuits of the inhabitants of
31 this state, to find affordable capital for operating
32 expenses and servicing of existing debt on operation,
33 machinery, and real estate loans. This difficulty in
34 finding affordable capital often results in a number
35 of these enterprises contracting their operations or
36 failing to maintain profitable operations. This, in
37 turn, affects other businesses, both large and small,
38 that rely on the enterprises as suppliers, middlemen,
39 or consumers.

40 5. Small businesses account for the large majority
41 of jobs in this and other states. Small businesses
42 are continuously seeking to start up operations which
43 may be in traditional areas or in new areas as a
44 result of the change in technology or consumer tastes.
45 These new operations have one thing in common risk.
46 As the risk increases the availability of capital or
47 availability of adequate affordable capital decreases.
48 This may result in some businesses not being able to
49 begin operations with a resulting loss in new jobs and
50 additional income for the communities.

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1 6. The effect on the economy of this state,
2 locally and as a whole, of the situations described in
3 subsections 1 through 5 and other adverse economic
4 conditions is to increase unemployment, give impetus
5 to migration of state residents, and lower the tax
6 bases. These effects result in the inability of the
7 state and its political subdivisions to provide needed
8 services to and to improve the health and welfare of
9 its inhabitants. In order to combat the conditions

10 and situations affecting the ability of the state and
 11 its political subdivisions to provide for the needs,
 12 health, and welfare of its inhabitants, which are
 13 public purposes, economic development, involving but
 14 not limited to, the creation, maintenance, and
 15 expansion of business, industry, and farming and
 16 providing for increased employment, must occur.
 17 7. Because economic development with its component
 18 parts is the answer to maintaining employment in the
 19 state, retaining population, and keeping and
 20 increasing the tax bases, which will enable the state
 21 and its political subdivisions to continue to provide
 22 for the health and welfare of its inhabitants, the
 23 state, its cities, and its counties need to provide
 24 assistance in order for economic development to become
 25 a reality.

26 Sec. 2. NEW SECTION. 15A.1 ECONOMIC DEVELOPMENT
 27 -- PUBLIC PURPOSE.

28 Economic development is a public purpose for which
 29 the state, a city, or a county may provide grants,
 30 loans, guarantees, and other financial assistance to
 31 or for the benefit of private persons."

32 2. Title page, by striking line 1 and inserting
 33 the following: "An Act relating to economic
 34 development, by declaring economic development as a
 35 public purpose and by allowing money received from the
 36 county government".

37 3. By renumbering sections to conform with this
 38 amendment.

COMMITTEE ON LOCAL
 GOVERNMENT
 ALVIN MILLER, Chairperson

S-3196

1 Amend House File 371, as passed by the House, as
 2 follows:

3 1. Page 3, line 8, by striking the words " , upon
 4 conviction," and inserting the following: " ; upon
 5 conviction,".

C. JOSEPH COLEMAN
 DONALD V. DOYLE
 BERL PRIEBE

S-3197

- 1 Amend Senate File 399 as follows:
- 2 1. Page 1, line 7, by striking the word "one-
- 3 half" and inserting the word "one".
- 4 2. Page 2, line 8, by striking the words "fifty
- 5 cents" and inserting the words "one dollar".

COMMITTEE ON TRANSPORTATION
C. JOSEPH COLEMAN, Chairperson

S-3198

- 1 Amend Senate File 308 as follows:
- 2 1. By striking everything after the enacting
- 3 clause and inserting the following:
- 4 "Section 1. Section 321.52, subsection 3,
- 5 unnumbered paragraph 2, Code 1987, is amended to read
- 6 as follows:
- 7 However, upon application the department upon a
- 8 showing of good cause may issue a certificate of title
- 9 after the fourteen-day period for a junked vehicle for
- 10 which a junking certificate has been issued. For
- 11 purposes of this subsection, "good cause" means that
- 12 the junking certificate was obtained by mistake or
- 13 inadvertence. In addition, the department may adopt
- 14 rules on reinstating titles on junked vehicles twenty-
- 15 five years old or older. If a person's application to
- 16 the department is denied, the person may seek judicial
- 17 review as provided under sections 17A.19 and 17A.20."

COMMITTEE ON TRANSPORTATION
C. JOSEPH COLEMAN, Chairperson

S-3199

- 1 Amend Senate File 347 as follows:
- 2 1. Page 1, by striking line 22 and inserting the
- 3 following: "one two hundred fifty nor more than five
- 4 hundred one thousand".
- 5 2. Page 1, by striking lines 24 through 26 and
- 6 inserting the following: "facility is cited, however,
- 7 the director may waive the penalty if the violation is
- 8 corrected within the time specified in the citation."
- 9 3. By striking page 1, line 27 through page 2,
- 10 line 14.

COMMITTEE ON HUMAN RESOURCES
BEVERLY HANNON, Chairperson

S-3200

1 Amend Senate File 369 as follows:

- 2 1. Page 1, by striking lines 4 through 6 and
3 inserting the following:
4 "1. "Merged area" means the same as defined in
5 section 280A.2."
6 2. Page 1, line 9, by striking the word and
7 figure "area XIV" and inserting the following: "the
8 merged area".
9 3. Page 1, lines 10 and 11, by striking the word
10 and figure "area XIV" and inserting the following:
11 "the merged area".
12 4. Page 1, line 13, by striking the word and
13 figure "area XIV" and inserting the following: "the
14 merged area".
15 5. Page 1, line 14, by striking the word and
16 figure "area XIV" and inserting the following: "the
17 merged area".
18 6. Page 2, line 22, by striking the word and
19 figure "area XIV" and inserting the following: "the
20 merged area".
21 7. Page 2, line 25, by striking the word and
22 figure "area XIV" and inserting the following: "the
23 merged area".
24 8. Page 2, line 30, by striking the word and
25 figure "area XIV" and inserting the following: "the
26 merged area".
27 9. Page 2, line 31, by striking the word and
28 figure "area XIV" and inserting the following: "the
29 merged area".
30 10. Page 2, line 35, by striking the word and
31 figure "area XIV's" and inserting the following: "the
32 merged area's".

COMMITTEE ON SMALL BUSINESS
AND ECONOMIC DEVELOPMENT
LEONARD BOSWELL, Chairperson

S-3201

1 Amend Senate File 92 as follows:

- 2 1. Page 1, by inserting before line 1 the
3 following:
4 "Section 1. Section 99D.13, Code 1987, is amended

5 to read as follows:

6 99D.13 UNCLAIMED WINNINGS.

7 1. Winnings provided in section 99D.11 not claimed
8 by the person who placed the wager within sixty days
9 of the close of the racing meet during which the wager
10 was placed shall be forfeited.

11 2. Winnings forfeited under subsection 1 shall
12 escheat to the state and be paid over to the director
13 of revenue and finance and ~~to the extent appropriated~~
14 ~~by the general assembly shall be used for the benefit~~
15 ~~of the department of agriculture and land stewardship~~
16 ~~to the extent necessary to administer section 99D.22~~
17 ~~and the remainder shall be deposited as provided in~~
18 ~~chapter 556. as follows:~~

19 a. Ten percent shall be allocated to the depart-
20 ment of agriculture and land stewardship to pay costs
21 incurred by the department in the administration of
22 this chapter.

23 b. Thirty percent shall be paid to the licensee to
24 be used for capital improvements to the racetrack.

25 c. Thirty percent shall be remitted to the
26 treasurer of the city in which the racetrack is
27 located and shall be deposited in the general fund of
28 the city.

29 d. Thirty percent shall be remitted to the county
30 treasurer of the county in which the racetrack is
31 located and shall be deposited in the county general
32 fund."

33 2. Page 1, line 1, by striking the word and
34 figure "Section 1" and inserting the following: "Sec.
35 2".

36 3. Page 1, line 27, by striking the word "This"
37 and inserting the following: "Section 2 of this".

38 4. Title page, lines 1 through 3, by striking the
39 words "payments due to breeders of race-winning Iowa-
40 whelped dogs from the Iowa horse and dog breeders fund
41 and providing a retroactive effective date" and
42 inserting the following: "Iowa pari-mutuel wagering
43 Act by providing for the payments due to breeders of
44 race-winning Iowa-whelped dogs from the Iowa horse and
45 dog breeders fund, providing for the allocation of
46 unclaimed winnings and providing a retroactive
47 effective date".

COMMITTEE ON
STATE GOVERNMENT
ROBERT M. CARR, Chairperson

S-3202

1 Amend Senate File 221 as follows:

2 1. Page 1, by inserting after line 14 the
3 following:

4 "Sec. ____ . Section 135.91, Code 1987, is amended

5 by adding the following new unnumbered paragraph:

6 NEW UNNUMBERED PARAGRAPH. A hospice is exempt from
7 section 135.63."

8 2. Page 1, line 20, by inserting after the word
9 "hospital" the following: "which does not meet
10 medicare and/or joint committee on accreditation of
11 hospitals standards for hospice care".

COMMITTEE ON HUMAN RESOURCES
BEVERLY R. HANNON, Chairperson

S-3203

1 Amend Senate File 373 as follows:

2 1. Page 6, by inserting after line 9 the
3 following:

4 "Sec. ____ . Section 422.43, subsections 3, 4, 5,
5 and 7, Code 1987, are amended to read as follows:

6 3. ~~The There is imposed a tax thus imposed covers~~
7 upon all receipts from the operation of games of
8 skill, games of chance, raffles and bingo games as
9 defined in chapter 99B, and musical devices, weighing
10 machines, shooting galleries, billiard and pool
11 tables, bowling alleys, pinball machines, slot-
12 operated devices selling merchandise not subject to
13 the general sales taxes and on all receipts from
14 devices or systems where prizes are in any manner
15 awarded to patrons and upon the receipts from fees
16 charged for participation in any game or other form of
17 amusement, and generally upon the gross receipts from
18 any source of amusement operated for profit, not
19 specified in this section, and upon the gross receipts
20 from which no tax is collected for tickets or
21 admission, but no tax shall be imposed upon any
22 activity exempt from sales tax under section 422.45,
23 subsection 3. Every person receiving gross receipts
24 from the sources defined in this section is subject to
25 all provisions of this division relating to retail
26 sales tax and other provisions of this chapter as
27 applicable.

28 4. There is imposed a ~~like rate of tax of four~~
29 percent upon the gross receipts from the sales of

30 engraving, photography, retouching, printing, and
31 binding services. For the purpose of this division,
32 the sales of engraving, photography, retouching,
33 printing, and binding services are sales of tangible
34 property.

35 5. There is imposed a like rate of tax of four
36 percent upon the gross receipts from the sales of
37 vulcanizing, recapping, and retreading services. For
38 the purpose of this division, the sales of
39 vulcanizing, recapping, and retreading services are
40 sales of tangible property.

41 7. There is ~~hereby~~ imposed a like rate of tax of
42 four percent upon the gross receipts from the renting
43 of any and all rooms, apartments, or sleeping quarters
44 in any hotel, motel, inn, public lodging house,
45 rooming house, or tourist court, or in any place where
46 sleeping accommodations are furnished to transient
47 guests for rent, whether with or without meals.
48 "Renting" and "rent" include any kind of direct or
49 indirect charge for such rooms, apartments, sleeping
50 quarters, or the use thereof. For the purposes of

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1 this division, such renting is regarded as a sale of
2 tangible personal property at retail. However, such
3 tax shall not apply to the gross receipts from the
4 renting of a room, apartment, or sleeping quarters
5 while rented by the same person for a period of more
6 than thirty-one consecutive days.

7 Sec. ____ . Section 422.45, subsection 1, Code 1987,
8 is amended to read as follows:

9 1. The gross receipts from sales of tangible
10 personal property and services rendered, furnished, or
11 performed which this state is prohibited from taxing
12 under the Constitution or laws of the United States or
13 under the Constitution of this state.

14 Sec. ____ . Section 422.57, subsection 1, Code 1987,
15 is amended to read as follows:

16 1. A notice authorized or required under this
17 division may be given by mailing the notice to the
18 person for whom it is intended, addressed to that
19 person at the address given in the last return filed
20 by the person pursuant to this division, or if no
21 return has been filed, then to any address obtainable.
22 The mailing of the notice is presumptive evidence of
23 the receipt of the notice by the person to whom
24 addressed. Any period of time which is determined
25 according to this division by the giving of notice
26 commences to run from the date of ~~registration and~~

27 ~~posting mailing~~ of the notice.”

28 2. By renumbering as necessary.

COMMITTEE ON JUDICIARY
DONALD V. DOYLE, Chairperson

S-3204

1 Amend Senate File 373 as follows:

2 1. Page 1, by inserting after line 19 the
3 following:

4 “Sec. ____ . Section 86.24, subsection 5, Code 1987,
5 is amended by striking the subsection.

6 Sec. ____ . Section 86.26, Code 1987, is amended to
7 read as follows:

8 86.26 JUDICIAL REVIEW.

9 Judicial review of decisions or orders of the
10 industrial commissioner ~~shall not be to the district~~
11 ~~court but shall be made directly to the supreme court,~~
12 ~~notwithstanding may be sought in accordance with~~
13 ~~chapter 17A; the Iowa administrative procedure Act.~~
14 Petitions Notwithstanding chapter 17A, petitions for
15 judicial review shall may be filed with the clerk of
16 the supreme court as are other actions for appeal or
17 review in the district court of the county in which
18 the hearing under section 86.17 was held. The supreme
19 court may transfer the action to the court of appeals.
20 Such a review proceeding shall be accorded priority
21 over other matters pending before the district court.

22 Sec. ____ . Section 86.29, Code 1987, is amended to
23 read as follows:

24 86.29 THE JUDICIAL REVIEW PETITION.

25 ~~In the Notwithstanding chapter 17A, in a petition~~
26 ~~for judicial review of a final agency decision of the~~
27 ~~industrial commissioner in a contested case under this~~
28 ~~chapter or chapter 85, 85A, 85B, or 87, the opposing~~
29 ~~party shall be named the respondent, and the agency~~
30 ~~shall not be named as a respondent.~~

31 Sec. ____ . Section 86.32, Code 1987, is amended to
32 read as follows:

33 86.32 COSTS OF JUDICIAL REVIEW.

34 In proceedings for judicial review of compensation
35 cases the clerk of the supreme court shall charge no
36 fee for any service rendered except the filing and
37 ~~docketing fees fee~~ and transcript fees when the
38 transcript of the ~~contested case proceeding a judgment~~
39 is required. The taxation of costs on judicial review
40 shall be in the discretion of the supreme court.

41 Sec. ____ . Section 86.39, Code 1987, is amended to

42 read as follows:

43 86.39 FEES -- APPROVAL -- LIEN.

44 All fees or claims for legal, medical, hospital,
45 and burial services rendered under this chapter and
46 chapters 85, 85A, 85B, and 87 are subject to the
47 approval of the industrial commissioner, and no lien
48 for such service is enforceable without the approval
49 of the amount of the lien by the industrial
50 commissioner. For services rendered in the district

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1 court ~~or and~~ appellate court courts, the attorney's
2 fee is subject to the approval of a judge of the
3 district court.

4 Sec. ____ . Section 86.42, Code 1987, is amended to
5 read as follows:

6 86.42 JUDGMENT BY DISTRICT COURT ON AWARD.

7 Any party in interest may present a certified copy
8 of an order or decision of the commissioner, from
9 which a timely petition for judicial review has not
10 been filed or if judicial review has been filed, which
11 has not had execution or enforcement stayed as
12 provided in section 17A.19, subsection 5, or an order
13 or decision of a deputy commissioner from which a
14 timely appeal has not been taken within the agency and
15 which has become final by the passage of time as
16 provided by rule and section 17A.15, or an agreement
17 for settlement approved by the commissioner, and all
18 papers in connection therewith, to the district court
19 ~~of the county in which the hearing under section 86-17~~
20 ~~was held, of Polk county, or of the county in which~~
21 ~~the petitioner resides or has its principal place of~~
22 ~~business where judicial review of the agency action~~
23 ~~may be commenced.~~ The court shall render a decree or
24 judgment and cause the clerk to notify the parties.
25 The decree or judgment, in the absence of a petition
26 for judicial review or if judicial review has been
27 commenced, in the absence of a stay of execution or
28 enforcement of the decision or order of the industrial
29 commissioner, or in the absence of an act of any party
30 which prevents a decision of a deputy industrial
31 commissioner from becoming final, has the same effect
32 and in all proceedings in relation thereto is the same
33 as though rendered in a suit duly heard and determined
34 by the court."

35 2. By renumbering as necessary.

COMMITTEE ON JUDICIARY
DONALD V. DOYLE, Chairperson

S-3205

- 1 Amend Senate File 373 as follows:
- 2 1. Page 7, by inserting after line 15 the
- 3 following:
- 4 "Sec. ____ . Section 809.21, Code 1987, is amended
- 5 by adding the following new unnumbered paragraph:
- 6 NEW UNNUMBERED PARAGRAPH. Notwithstanding chapter
- 7 25A, the state of Iowa and employees of the state are
- 8 not liable for a claim arising from the retention,
- 9 sale, gift, or transfer of property pursuant to this
- 10 section."

COMMITTEE ON JUDICIARY
DONALD V. DOYLE, Chairperson

S-3206

- 1 Amend Senate File 2 as follows:
- 2 1. By striking page 4, line 21 through page 6,
- 3 line 12.

COMMITTEE ON JUDICIARY
DONALD V. DOYLE, Chairperson

S-3207

- 1 Amend Senate File 370 as follows:
- 2 1. Page 1, by striking lines 17 through 19 and inserting
- 3 in lieu thereof the following: "artistic, scientific,
- 4 or cultural value."

RICHARD VANDE HOEF

S-3208

- 1 Amend Senate File 420 as follows:

DIVISION S--3208A

- 2 1. Page 1, line 3, by striking the word
- 3 "division" and inserting the word "department".
- 4 2. Page 1, line 8, by striking the word
- 5 "division" and inserting the word "department".

DIVISION S—3208B

6 3. Title page, by striking lines 1 and 2 and
7 inserting the following: “An Act relating to the
8 method to be used by the department of employment
9 services for reporting unemployment statistics.”

JAMES D. WELLS

S-3209

1 Amend Senate File 360 as follows:
2 1. Page 1, line 25, by inserting after the word
3 “benefits” the following: “paid outside the general
4 fund limits”.
5 2. Page 6, by striking line 20 and inserting the
6 following:
7 “291.13 GENERAL AND SCHOOLHOUSE, CAPITAL PROJECTS,
8 AND LIABILITY FUNDS.”
9 3. Page 6, line 29, by inserting after the word
10 “certified.” the following: “The money collected by
11 the liability levy authorized by the board shall be
12 called the liability fund and may be used only for the
13 purposes for which it is authorized or certified.”
14 4. Page 7, by striking line 5 and inserting the
15 following: “general fund and the schoolhouse, the
16 capital projects fund, and the liability fund held”.
17 5. Page 12, line 11, by striking the word
18 “general” and inserting the following: “liability”.
19 6. Page 15, by striking lines 24 through 27 and
20 inserting the following: “tax authorized under
21 section 442.2 or 442.9. Miscellaneous income includes
22 property tax levied under the provisions of section
23 618A.7, to fund the costs of tort liability insurance
24 for the school district.”
25 7. Page 15, by striking lines 32 and 33 and
26 inserting the following: “general fund of a school
27 district.”
28 8. Page 19, line 19, by inserting after the word
29 “costs” the following: “in excess of any tax
30 limitation imposed by statute”.
31 9. Page 20, line 23, by inserting after the word
32 “section” the following: “in excess of any limitation
33 imposed by statute”.

EDGAR H. HOLDEN

S-3211

- 1 Amend Senate File 370 as follows:
- 2 1. Page 6, by striking line 20.

TOM MANN, Jr.

S-3211

- 1 Amend Senate File 360 as follows:
- 2 1. Page 4, lines 7 and 8, by striking the words
- 3 and figures "paragraphs 2 and 3, Code 1987, are" and
- 4 inserting the following: "paragraph 2, Code 1987,
- 5 is".
- 6 2. Page 4, by striking lines 9 through 11 and in-
- 7 serting the following: "The board may, with approval
- 8 of sixty percent of the voters, voting in a regular or
- 9 special election in the school district, make extended
- 10 time contracts not to exceed twenty".
- 11 3. Page 4, line 18, by striking the words
- 12 "capital projects and equipment" and inserting the
- 13 following: "voted".
- 14 4. By striking page 4, line 19, through page 5,
- 15 line 8.
- 16 5. Page 6, line 17, by inserting after the word
- 17 "purposes." the following: "Funds expended by a
- 18 school district for new construction of a school lunch
- 19 facility must first be approved by the voters of the
- 20 district."
- 21 6. Page 8, line 32, by striking the words "or
- 22 without notice" and inserting the following: "or
- 23 without notice the approval of the voters at a regular
- 24 school election using the procedure specified in
- 25 section 278.2".
- 26 7. Page 10, lines 17 and 18, by striking the
- 27 words "proceeds of" and inserting the following:
- 28 "proceeds of amount approved by the voters for
- 29 anticipation of collection of the tax from".
- 30 8. Page 11, by striking lines 10 and 11 and
- 31 inserting the following:
- 32 "2. Opening roads to schoolhouses or buildings."
- 33 9. Page 11, line 12, by striking the words
- 34 "buildings or".
- 35 10. Page 11, by striking lines 15 through 17.
- 36 11. Page 11, line 18, by inserting after the word
- 37 "libraries" the following: "but not library
- 38 buildings".
- 39 12. Page 11, lines 22 and 23, by striking the
- 40 words "improving, or expanding" and inserting the
- 41 following: "or improving".
- 42 13. Page 11, line 30, by inserting after the

- 43 figure "28E." the following: "Annually, the board
44 must reapprove the rental."
45 14. Page 11, by striking line 35.
46 15. Page 20, line 25, by inserting after the word
47 "Sections" the following: "279.26,".

EDGAR H. HOLDEN
JACK HESTER

S-3212

- 1 Amend Senate File 280 as follows:
2 1. Page 1, by striking lines 21 through 35.
3 2. Page 2, by striking lines 17 through 21 and
4 inserting the following: "that section. However, any
5 commitment to a facility regulated by and operated
6 under chapter 135C, shall be in accordance with
7 section 135C.23."
8 3. Page 2, by striking lines 24 through 28 and
9 inserting the following:
10 "NEW UNNUMBERED PARAGRAPH. A judge, magistrate, or
11 judicial hospitalization referee shall make all
12 placements to a county care facility pursuant to
13 section 135C.23."
14 4. Renumber as necessary.

COMMITTEE ON HUMAN RESOURCES
BEVERLY HANNON, Chairperson

S-3213

- 1 Amend Senate File 323 as follows:
2 1. Page 1, line 5, by striking the words "a
3 contiguous" and inserting the following: "another".
4 2. Page 1, line 6, by striking the word
5 "contiguous" and inserting the following: "other".
6 3. Page 1, line 14, by striking the words "a
7 contiguous" and inserting the following: "another".

JOY CORNING
BEVERLY HANNON

S-3214

- 1 Amend Senate File 323 as follows:
- 2 1. Page 1, line 32, by striking the word "year."
- 3 and inserting the following: "year, provided that the
- 4 receiving district is not sending students to the
- 5 district of residence under this section. When school
- 6 districts are exchanging students under this section,
- 7 the district of residence shall pay the receiving
- 8 district the district cost per pupil of the district
- 9 of residence."

JOY CORNING
BEVERLY HANNON

S-3215

- 1 Amend Senate File 323 as follows:
- 2 1. Page 2, by inserting after line 11 the
- 3 following:
- 4 "Sec. ____ . Notwithstanding sections 279.13 through
- 5 279.18 and sections 279.20 through 279.24, the
- 6 employment contracts of teachers and administrators
- 7 may be terminated for declining enrollment reasons
- 8 during the period from thirty-five to sixty-five days
- 9 following the effective date of this Act."

JOY CORNING
BEVERLY HANNON

S-3216

- 1 Amend Senate File 323 as follows:
- 2 1. Page 1, line 2, by striking the figure "1987"
- 3 and inserting the following: "1988".
- 4 2. Page 2, by striking lines 7 through 13.

JOY CORNING
BEVERLY HANNON

S-3217

- 1 Amend Senate File 323 as follows:
- 2 1. Page 1, by inserting after line 8 the
- 3 following:
- 4 "The number of course offerings in the district of
- 5 residence, when compared to the number of course

6 offerings in the receiving school district, shall have
7 no standing in determining whether the district of
8 residence is providing an appropriate opportunity for
9 academic instruction. The sole determinant of whether
10 the district or residence is providing an appropriate
11 opportunity for academic instruction shall be the
12 academic program which the parent or guardian has
13 outlined for the child. The course outline shall list
14 the courses that the child has completed thus far in
15 the child's academic career and the courses which the
16 child would take if the courses were available to the
17 child. The list of courses taken and proposed to be
18 taken shall include all courses required as minimum
19 education standards in Iowa. The department of
20 education shall determine which, if any, contiguous
21 school district can provide an appropriate opportunity
22 for academic instruction."

JOY CORNING
BEVERLY HANNON

S-3218

1 Amend Senate File 323 as follows:
2 1. Page 1, by striking lines 27 through 29 and
3 inserting the following: "A child who was permitted
4 to attend school in a contiguous district pursuant to
5 this section shall be counted in the district of
6 residence pursuant to section 442.4, until the child
7 graduates, or moves out of the district of residence,
8 whichever comes first, and shall not be counted by the
9 receiving district for the same period of time."

JOY CORNING
BEVERLY HANNON

S-3219

1 Amend Senate File 323 as follows:
2 1. Page 1, by striking lines 4 through 8 and
3 inserting the following: "school district may apply
4 to have the child enrolled in another school district
5 in accordance with section 280.16."
6 2. Page 1, line 13, by striking the word
7 "intends" and inserting the following: "applies".
8 3. Page 1, by inserting after line 19 the
9 following:
10 "The department of education shall determine, not

11 later than February 1, whether the provisions of
 12 section 280.16 are applicable. If the department
 13 finds that section 280.16 applies, it shall inform the
 14 district of residence and the receiving district."

15 4. Page 2, by striking line 6 and inserting the
 16 following:

17 "Sec. 2. Section 280.16, Code 1987, is amended by
 18 striking the section and inserting in lieu thereof the
 19 following:

20 280.16 INSTRUCTIONAL PROGRAM REVIEW.

21 Pursuant to procedures established in section
 22 282.9, a student's parent or guardian may obtain from
 23 the department of education a review of a school
 24 district's academic program on either of the following
 25 grounds:

26 1. That the student has been or is about to be
 27 denied entry or continuance in an instructional
 28 program appropriate for that student.

29 2. That the student has been or is about to be
 30 required to enter or continue in an instructional
 31 program that is inappropriate for that student.

32 If the state board of education finds that a
 33 student has been denied an appropriate instructional
 34 program, or is required to enter an inappropriate
 35 instructional program, the state board shall order the
 36 resident district to provide or make provision for an
 37 appropriate instructional program for that student.
 38 The district of residence may provide an appropriate
 39 instructional program through regular course
 40 offerings, sharing course offerings with other school
 41 districts, or by offering courses through
 42 telecommunications. If the district cannot offer the
 43 requested courses by any of these means during the
 44 following academic year, the state board of education
 45 shall assign the student to the nearest school
 46 district which offers the requested courses and
 47 academic program as part of its regular academic
 48 course offering."

JOY CORNING
 BEVERLY HANNON

S-3220

1 Amend Senate File 312 as follows:

2 1. Page 1, line 16, by striking the word "device"
 3 and inserting the following: "device, subject to
 4 control under chapter 306B or 306C and for which
 5 compensation is required to be paid under 23 U.S.C. §

6 131(g).”

7 2. Page 1, line 19, by inserting after the figure
8 “306C.16.” the following: “The sole intent of this
9 section is to comply with 23 U.S.C. § 131(g), and it
10 is otherwise not intended that this section in any
11 manner relinquish any powers of political subdivisions
12 relating to the control and removal of advertising
13 devices through police power.”

JEAN LLOYD-JONES

S-3221

1 Amend Senate File 440 as follows:

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

4 “Section 1. Section 600A.10, unnumbered paragraph
5 1, and subsections 1 through 3, Code 1987, are amended
6 to read as follows:

7 A grandparent of a child may petition the district
8 court for grandchild visitation rights when any of the
9 following circumstances occur:

10 1. ~~The parent of the child, who is the child of~~
11 ~~the grandparent, has died.~~

12 2. ~~The child has been placed in a foster home.~~

13 3. ~~The parental rights of the parent of the child,~~
14 ~~who is the child of the grandparent, are terminated~~
15 ~~pursuant to section 232.117 or 600A.9 or a petition to~~
16 ~~terminate parental rights has been filed pursuant to~~
17 ~~section 232.111 or 600A.5~~ parents of the child are
18 divorced, and the parent who is not the child of the
19 grandparent has legal custody of the child, and the
20 spouse of the child's custodial parent has been issued
21 a final adoption decree pursuant to section 600.13.”

22 2. Title page, line 2, by inserting after the
23 word “wedlock” the following: “or adopted by a
24 stepparent”.

25 3. By renumbering as necessary.

DONALD V. DOYLE
DAVID R. READINGER

S-3222

1 Amend Senate File 441 as follows:

2 1. Page 8, by striking lines 10 through 17.

EDGAR H. HOLDEN

S-3223

- 1 Amend Senate File 441 as follows:
- 2 1. Page 1, by striking lines 26 through 28 and
- 3 inserting the following: "two of whom are elementary
- 4 or secondary school classroom teachers; two of whom
- 5 are administrators or supervisors in an elementary or
- 6 secondary school and are not classroom teachers; and
- 7 three of whom are not classroom teachers,
- 8 administrators, or supervisors, and who shall
- 9 represent the general public."
- 10 2. Page 1, by striking lines 30 through 34 and
- 11 inserting the following: "practice of teaching in
- 12 Iowa. Board members shall be".
- 13 3. Page 4, line 27, by inserting after the word
- 14 "teacher's" the following: ", administrator's, or
- 15 supervisor's".
- 16 4. Page 8, by striking lines 5 through 8 and
- 17 inserting the following: "to staggered terms. The
- 18 terms of one teacher and one public member shall
- 19 expire on April 30, 1988; one administrator or
- 20 supervisor and one public member shall expire on April
- 21 30, 1989; and one teacher, one administrator or
- 22 supervisor, and one public member".

EDGAR H. HOLDEN

S-3224

- 1 Amend Senate File 323 as follows:
- 2 1. Page 1, by striking lines 5 through 8 and inserting
- 3 in lieu thereof the following: "a public school in a
- 4 contiguous school district."
- 5 2. Page 1, by striking lines 14 through 17 and
- 6 inserting in lieu thereof the following: "a public
- 7 school in a contiguous school district. The board of the".

RAY TAYLOR

S-3225

- 1 Amend Senate File 441 as follows:
- 2 1. Page 1, by striking lines 25 through 28 and
- 3 inserting the following: "department of commerce.
- 4 The board consists of nine members, three of whom are
- 5 elementary or secondary school classroom teachers;
- 6 three of whom are education professionals but who are

7 not classroom teachers, including one school
8 administrator, one representative from an institution
9 with an approved teacher preparation program, and one
10 representative from a merged area school; and three of
11 whom represent the general public, such as individuals
12 interested and knowledgeable in the educational
13 process who may or may not be classroom teachers or
14 education professionals but who shall not be employed
15 as classroom teachers or education professionals
16 during the individual's term."

17 2. Page 8, by striking lines 5 through 9 and
18 inserting the following: "to staggered terms. The
19 terms of one member from each of the three categories
20 of members shall expire on April 30 of each of the
21 next three years."

JOY B. CORNING

S-3226

1 Amend Senate File 441 as follows:

2 1. Page 1, by striking lines 26 through 28 and
3 inserting the following: "two of whom are elementary
4 or secondary school classroom teachers; one of whom is
5 a superintendent of a school district and one of whom
6 is a principal in an elementary or secondary school
7 and are not classroom teachers; and three of whom are
8 not classroom teachers, superintendents, or
9 principals, and who shall represent the general
10 public."

11 2. Page 1, by striking lines 30 through 34 and
12 inserting the following: "practice of teaching in
13 Iowa. Board members shall be".

14 3. Page 4, line 27, by inserting after the word
15 "teacher's" the following: ", administrator's, or
16 supervisor's".

17 4. Page 8, by striking lines 5 through 8 and
18 inserting the following: "to staggered terms. The
19 terms of one teacher and one public member shall
20 expire on April 30, 1988; one superintendent or
21 principal and one public member shall expire on April
22 30, 1989; and one teacher, one superintendent or
23 principal, and one public member".

EDGAR H. HOLDEN

S-3227

- 1 Amend Senate File 424 as follows:
2 1. Page 1, by inserting before line 1 the
3 following:
4 "Section 1. Section 56.2, subsection 4, unnumbered
5 paragraph 2, Code 1987, is amended to read as follows:
6 "Contribution" shall not include services provided
7 without compensation by individuals volunteering their
8 time on behalf of a candidate's committee or political
9 committee or a state or county statutory political
10 committee except when organized or provided on a
11 collective basis by a business, trade association,
12 labor union, or any other organized group or
13 association. "Contribution" shall not include
14 refreshments served at a campaign function so long as
15 such refreshments do not exceed fifty dollars in value
16 or transportation provided to a candidate so long as
17 its value computed at a rate of twenty cents per mile
18 does not exceed one hundred dollars in value in any
19 one reporting period. "Contribution" shall not
20 include something provided to a candidate for the
21 candidate's personal consumption or use and not
22 intended for or on behalf of the candidate's
23 committee."
24 2. By striking page 2, line 35 through page 3,
25 line 13 and inserting the following:
26 "Sec. 5. Section 56.6, subsection 1, paragraph c,
27 Code 1987, is amended to read as follows:
28 c. A candidate's committee of a state officeholder
29 shall file a letter report to be received within
30 fourteen days of the receipt of any contribution ~~from~~
31 ~~a political committee or from a lobbyist registered~~
32 ~~under the rules adopted by either house of the general~~
33 ~~assembly~~ while the general assembly is in session.
34 The letter report shall notify the commission of the
35 following:
36 (1) The name of the candidate's committee.
37 (2) The name and complete address of the ~~political~~
38 ~~committee or registered lobbyist person~~ making the
39 contribution.
40 (3) The amount of the contribution.
41 (4) The date the contribution was received.
42 (5) In the event the contribution was caused by a
43 fundraiser, an explanation of the sponsor and type of
44 event held."

EDGAR H. HOLDEN
ROBERT M. CARR

S-3228

1 Amend Senate File 453 as follows:

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

4 "Sec. 2. Section 331.430, Code 1987, is amended by
5 adding the following new subsection:

6 NEW SUBSECTION. 5. The debt service tax levy for
7 general obligation bonds of a county is limited to
8 taxable property located in the area of the county,
9 outside the corporate limits of a city, where the
10 bonds are issued for the purpose of funding
11 improvements or services within the area outside the
12 corporate limits of a city of the same type as
13 provided by a city within its corporate limits,
14 including water, sewer, sewage treatment, solid waste
15 disposal, housing, economic development or drainage,
16 except as otherwise agreed by a city and a county in a
17 joint agreement pursuant to chapter 28E."

GEORGE KINLEY

S-3229

1 Amend Senate File 342 as follows:

2 1. By striking everything after the enacting
3 clause and inserting the following:

4 "Section 1. Section 446.9, subsections 1 and 2,
5 Code 1987, are amended to read as follows:

6 1. A notice of the time and place of the annual
7 tax sale shall be served upon the person in whose name
8 the real estate subject to sale is taxed. The
9 treasurer shall serve the notice by sending it by
10 regular first class mail to the person's last known
11 address not later than May 1 of each fiscal year. The
12 notice shall contain a description of the real estate
13 to be sold which is clear, concise, and sufficient to
14 distinguish the real estate to be sold from all other
15 parcels. It shall also contain the amount of
16 delinquent taxes, both regular and special, for which
17 the real estate is liable each year, the amount of the
18 penalty, interest, and ~~ten dollars~~ the actual cost of
19 publication representing costs, all to be incorporated
20 as a single sum. The notice shall contain a statement
21 that, after the sale, if the real estate is not
22 redeemed within the period provided in chapter 447,
23 the right to redeem expires and a deed may be issued.
24 2. Publication of the time and place of the annual
25 tax sale shall be made once by the treasurer in an
26 official newspaper in the county at least one week,
27 but not more than three weeks, before the day of sale.

28 The publication shall contain a description of the
 29 real estate to be sold that is clear, concise, and
 30 sufficient to distinguish the real estate to be sold
 31 from all other parcels. All items offered for sale
 32 pursuant to section 446.18 may be indicated by an "s"
 33 or by an asterisk. The publication shall also contain
 34 the name of the person in whose name the real estate
 35 to be sold is taxed, the amount of delinquent taxes,
 36 both regular and special, for which the real estate is
 37 liable for each year, the amount of the penalty,
 38 interest, and ~~ten dollars~~ the actual cost of
 39 publication representing costs, all to be incorporated
 40 as a single sum. The publication shall contain a
 41 statement that, after the sale, if the real estate is
 42 not redeemed within the period provided in chapter
 43 447, the right to redeem expires and a deed may be
 44 issued."

EUGENE FRAISE
 BERL E. PRIEBE
 ALVIN MILLER

S-3230

1 Amend the amendment, S-3169, to Senate File 360 as
 2 follows:
 3 1. Page 1, by inserting after line 2 the
 4 following:
 5 "____. Page 1, line 26, by striking the word
 6 "levy" and inserting the following: "budget".
 7 _____. Page 2, line 13, by striking the word "levy"
 8 and inserting the following: "budget".
 9 _____. Page 3, line 24, by striking the word "levy"
 10 and inserting the following: "budget".
 11 2. Page 1, by inserting after line 8 the
 12 following:
 13 "____. Page 5, line 8, by striking the word "levy"
 14 and inserting the following: "budget".
 15 _____. Page 5, line 35, by striking the word
 16 "levy" and inserting the following: "budget".
 17 _____. Page 6, line 22, by striking the word "levy"
 18 and inserting the following: "budget".
 19 3. Page 1, by inserting after line 9 the
 20 following:
 21 "____. Page 7, by striking line 35, and inserting
 22 the following: "agreement may be levied or budgeted
 23 in excess of any tax or budget limitation."
 24 _____. Page 8, line 1, by striking the words "a tax"

25 levied" and inserting the following: "an amount
 26 budgeted".
 27 ____ . By striking page 8, line 25, through page
 28 10, line 18.
 29 ____ . Page 10, line 20, by striking the word
 30 "LEVY" and inserting the following: "BUDGET".
 31 ____ . Page 10, by striking lines 21 through 28 and
 32 inserting the following:
 33 "The board of directors of a school district shall
 34 adopt a budget for the purposes specified in this
 35 section and transmit the budget to the appropriate
 36 county board of supervisors and city councils pursuant
 37 to section 298.4. The amount of the budget shall not
 38 exceed the revenue that would be received if a tax
 39 levy of one dollar and eight cents per thousand
 40 dollars of assessed valuation were levied on all of
 41 the property in the school district. The amount paid
 42 pursuant to a loan agreement continued under section
 43 297.35 shall be subtracted when determining the total
 44 budget allowed under this section."
 45 ____ . Page 10, line 29, by striking the words
 46 "from the tax" and inserting the following: "received
 47 from the cities and county for the capital projects
 48 and equipment budget".
 49 ____ . Page 12, line 7, by striking the word "LEVY"
 50 and inserting the following: "BUDGET"."

Page 2

1 4. Page 1, by striking lines 10 through 13 and
 2 inserting the following:
 3 "____ . Page 12, by striking lines 8 through 11,
 4 and inserting the following:
 5 "The board of directors of a school district shall
 6 adopt a budget for the purposes specified in this
 7 section and transmit the budget to the appropriate
 8 county board of supervisors and city councils pursuant
 9 to section 298.4. The revenue received from the
 10 cities and county for the liability budget shall be
 11 placed in the general".
 12 ____ . Page 12, by inserting after line 22 the
 13 following:
 14 "Sec. ____ . NEW SECTION. 298.4 LEVIES BY COUNTIES
 15 AND CITIES.
 16 The board of directors of each school district
 17 shall determine the total amount to be raised for the
 18 sum of its liability budget and its capital projects
 19 and equipment budget under this chapter. It shall
 20 determine, on the basis of the percent of the
 21 population of the school district residing in the

22 unincorporated area of the county and the percent that
 23 resides in each city located wholly or partially
 24 within the school district compared to the total
 25 population of the school district, the percent of the
 26 total cost to be paid by each constituent unit. The
 27 county auditor shall transmit a listing of the portion
 28 of its budget estimate in dollars to each affected
 29 county board of supervisors and city council. The
 30 unincorporated part of each county shall be considered
 31 as a separate unit. Annually each county board of
 32 supervisors shall review the budget estimate for the
 33 unincorporated portion of the county and appropriate
 34 for school district purposes its share in the county
 35 rural services fund budget. Annually each city
 36 council shall review the budget estimate for the city
 37 and appropriate for school district purposes its share
 38 in the city general fund budget. Each city and county
 39 shall contribute its share on an equitable basis by
 40 population. With approval of a city council, the
 41 county treasurer may withhold the city's portion of
 42 the taxes collected for a city to meet the city's
 43 contribution for school district purposes under this
 44 section and deliver a receipt to the city clerk for
 45 the amount withheld."

46 ____ . Page 12, line 31, by striking the word
 47 "levy" and inserting the following: "budget."

48 5. Page 1, by inserting after line 14 the
 49 following:

50 "____ . Page 13, line 32, by striking the word

Page 3

1 "levy" and inserting the following: "budget".

2 ____ . Page 13, by inserting after line 32 the
 3 following:

4 "Sec. ____ . Section 331.424, subsection 2, Code
 5 1987, is amended by adding the following new lettered
 6 paragraph:

7 NEW LETTERED PARAGRAPH. c. For capital projects
 8 and equipment and liability purposes of school
 9 districts under chapter 298.

10 Sec. ____ . Section 384.12, Code 1987, is amended by
 11 adding the following new subsection:

12 NEW SUBSECTION. 20. A tax sufficient to pay for
 13 the capital projects and equipment and liability
 14 purposes of school districts."

15 ____ . Page 15, line 25, by striking the word
 16 "under" and inserting the following: "under".

17 ____ . Page 15, line 26, by striking the word and
 18 figures "section ~~618A.7~~, 298.3" and inserting the

19 following: "~~section 613A.7, or amount budgeted~~".
20 ____ . Page 15, line 33, by striking the word
21 "levy" and inserting the following: "budget".
22 ____ . Page 19, line 17, by striking the word
23 "levy" and inserting the following: "budget".
24 ____ . Page 20, line 24, by striking the word
25 "levy" and inserting the following: "budget".
26 ____ . Page 20, line 25, by inserting after the
27 figure "297.5" the following: ", 297.36".
28 6. Page 1, by striking lines 15 through 19 and
29 inserting the following:
30 "____ . Title page, by striking lines 2 and 3 and
31 inserting the following: "capital projects and
32 equipment budget, for a liability budget, for
33 additional".
34 ____ . Title page, line 6, by striking the words
35 "execution and"."

RAY TAYLOR

S-3231

1 Amend Senate File 13 as follows:
2 1. Page 1, by striking everything after the
3 enacting clause and inserting the following:
4 "Section 1. Section 554.9307, subsection 1, Code
5 1987, is amended by striking the subsection and
6 inserting in lieu thereof the following:
7 1. A buyer in the ordinary course of business as
8 defined in section 554.1201, subsection 9, takes free
9 of a security interest created by that person's seller
10 even though the security interest is perfected and
11 even though the buyer knows of its existence.
12 However, a buyer who in the ordinary course of
13 business buys a farm product from a seller engaged in
14 farming operations shall take subject to a security
15 interest created by the seller if the buyer is
16 notified of the interest as required under a
17 centralized filing system established by the secretary
18 of state pursuant to the federal Food Security Act of
19 1985, Pub. L. No. 99-198 § 1324. For purposes of this
20 section, a buyer or buyer in the ordinary course of
21 business includes any commission merchant, selling
22 agent, or other person engaged in the business of
23 receiving livestock as defined in section 189A.2 on
24 commission for or on behalf of another.
25 Sec. 2. Section 554.9307, Code 1987, is amended by
26 striking subsections 4 through 9.
27 Sec. 3. This Act, being deemed of immediate

28 importance, takes effect ten days after the Act has
29 been approved by the governor or ten days after the
30 Act has been passed over the governor's objection.
31 The provisions contained in this Act shall apply
32 retroactively to all security interests granted on or
33 after December 23, 1986."

BERL E. PRIEBE

S-3232

1 Amend the Committee on Transportation amendment, S-
2 3198, to Senate File 308 as follows:

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

5 "Section 1. Section 321.24, unnumbered paragraph
6 1, Code 1987, is amended to read as follows:

7 321.24 ISSUANCE OF REGISTRATION AND CERTIFICATE OF
8 TITLE.

9 Upon receipt of the application for title and
10 payment of the required fees for motor vehicle,
11 trailer, or semitrailer, the county treasurer shall,
12 when satisfied as to the application's genuineness and
13 regularity, and, in the case of a mobile home, that
14 taxes are not owing under chapter 135D, issue a
15 certificate of title and, except for a mobile home, a
16 registration receipt and shall file the application,
17 the manufacturer's or importer's certificate,
18 certificate of title, or other evidence of ownership,
19 as prescribed by the department. The registration
20 receipt shall be delivered to the owner and shall
21 contain upon its face the date issued, the name and
22 address of the owner, the registration number assigned
23 to the vehicle, the title number assigned to the owner
24 of the vehicle, the amount of the fee paid, the amount
25 of tax paid pursuant to section 423.7, type of fuel
26 used and a description of the vehicle as determined by
27 the department and upon the reverse side a form for
28 notice of transfer of the vehicle. The county
29 treasurer shall maintain in the county record system
30 information contained on the registration receipt.
31 The information shall be accessible by registration
32 number and shall be open for public inspection during
33 reasonable business hours. Copies the department
34 requires shall be sent to the department in the manner
35 and at the time the department directs. The
36 certificate of title shall contain upon its face the
37 identical information required upon the face of the
38 registration receipt. In addition, the certificate of

39 title shall contain a statement of the owner's title,
40 the amount of tax paid pursuant to section 423.7, the
41 name and address of the previous owner, any notation
42 which appeared on previous foreign titles concerning
43 the condition of the vehicle and a statement of all
44 security interests and encumbrances as shown in the
45 application, upon the vehicle described including the
46 nature of the security interest, date of notation and
47 name and address of the secured party. The
48 certificate shall bear the seal of the county
49 treasurer, the signature of the county treasurer or
50 that of the deputy county treasurer, and shall provide

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1 space for the signature of the owner. The owner shall
2 sign the certificate of title in the space provided
3 with pen and ink upon its receipt. The certificate of
4 title shall contain upon the reverse side a form for
5 assignment of title or interest and warranty by the
6 owner, for reassignments by a licensed dealer and for
7 application for a new certificate of title by the
8 transferee as provided in this chapter. All
9 certificates of title shall be typewritten or printed
10 by other mechanical means. The original certificate
11 of title shall be delivered to the owner if no
12 security interest or encumbrance appears thereon.
13 Otherwise the certificate of title shall be delivered
14 by the county treasurer to the person holding the
15 first security interest or encumbrance as shown in the
16 certificate. The county treasurer shall maintain in
17 the county records system information contained on the
18 certificate of title. The information shall be
19 accessible by title certificate number for a period of
20 three years from the date of notification of
21 cancellation of title or that a new title has been
22 issued as provided in this chapter. Copies the
23 department requires shall be sent to the department in
24 the manner and at the time the department directs.
25 The department shall designate a uniform system of
26 title numbers to indicate the county of issuance."
27 2. Page 1, by inserting after line 17, the
28 following:
29 "___ . Title, line 2, by striking the words "for
30 which a junking certificate has been issued"."

JOE WELSH
RICHARD F. DRAKE

S-3233

1 Amend Senate File 360 as follows:

- 2 1. Page 1, line 26, by striking the word "levy"
3 and inserting the following: "budget".
- 4 2. Page 2, line 13, by striking the word "levy"
5 and inserting the following: "budget".
- 6 3. Page 3, line 24, by striking the word "levy"
7 and inserting the following: "budget".
- 8 4. Page 5, line 8, by striking the word "levy"
9 and inserting the following: "budget".
- 10 5. Page 5, line 35, by striking the word "levy"
11 and inserting the following: "budget".
- 12 6. Page 6, line 22, by striking the word "levy"
13 and inserting the following: "budget".
- 14 7. Page 7, by striking line 35, and inserting the
15 following: "agreement may be levied or budgeted in
16 excess of any tax or budget limitation."
- 17 8. Page 8, line 1, by striking the words "a tax
18 levied" and inserting the following: "an amount
19 budgeted".
- 20 9. By striking page 8, line 25, through page 10,
21 line 18.
- 22 10. Page 10, line 20, by striking the word "LEVY"
23 and inserting the following: "BUDGET".
- 24 11. Page 10, by striking lines 21 through 28 and
25 inserting the following:
26 "The board of directors of a school district shall
27 adopt a budget for the purposes specified in this
28 section and transmit the budget to the appropriate
29 county board of supervisors and city councils pursuant
30 to section 298.4. The amount of the budget shall not
31 exceed the revenue that would be received if a tax
32 levy of one dollar and eight cents per thousand
33 dollars of assessed valuation were levied on all of
34 the property in the school district. The amount paid
35 pursuant to a loan agreement continued under section
36 297.35 shall be subtracted when determining the total
37 budget allowed under this section."
- 38 12. Page 10, line 29, by striking the words "from
39 the tax" and inserting the following: "received from
40 the cities and county for the capital projects and
41 equipment budget".
- 42 13. Page 12, line 7, by striking the word "LEVY"
43 and inserting the following: "BUDGET".
- 44 14. Page 12, by striking lines 8 through 11, and
45 inserting the following:
46 "The board of directors of a school district shall
47 adopt a budget for the purposes specified in this

48 section and transmit the budget to the appropriate
49 county board of supervisors and city councils pursuant
50 to section 298.4. The revenue received from the

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1 cities and county for the liability budget shall be
2 placed in the general”.

3 15. Page 12, by inserting after line 22 the
4 following:

5 “Sec. ____ . NEW SECTION. 298.4 LEVIES BY COUNTIES
6 AND CITIES.

7 The board of directors of each school district
8 shall determine the total amount to be raised for the
9 sum of its liability budget and its capital projects
10 and equipment budget under this chapter. It shall
11 determine, on the basis of the percent of the
12 population of the school district residing in the
13 unincorporated area of the county and the percent that
14 resides in each city located wholly or partially
15 within the school district compared to the total
16 population of the school district, the percent of the
17 total cost to be paid by each constituent unit. The
18 county auditor shall transmit a listing of the portion
19 of its budget estimate in dollars to each affected
20 county board of supervisors and city council. The
21 unincorporated part of each county shall be considered
22 as a separate unit. Annually each county board of
23 supervisors shall review the budget estimate for the
24 unincorporated portion of the county and appropriate
25 for school district purposes its share in the county
26 rural services fund budget. Annually each city
27 council shall review the budget estimate for the city
28 and appropriate for school district purposes its share
29 in the city general fund budget. Each city and county
30 shall contribute its share on an equitable basis by
31 population. With approval of a city council, the
32 county treasurer may withhold the city's portion of
33 the taxes collected for a city to meet the city's
34 contribution for school district purposes under this
35 section and deliver a receipt to the city clerk for
36 the amount withheld.”

37 16. Page 12, line 31, by striking the word “levy”
38 and inserting the following: “budget”.

39 17. Page 13, line 32, by striking the word “levy”
40 and inserting the following: “budget”.

41 18. Page 13, by inserting after line 32 the
42 following:

43 “Sec. ____ . Section 331.424, subsection 2, Code
44 1987, is amended by adding the following new lettered

45 paragraph:

46 NEW LETTERED PARAGRAPH. c. For capital projects
 47 and equipment and liability purposes of school
 48 districts under chapter 298.
 49 Sec. ____ . Section 384.12, Code 1987, is amended by
 50 adding the following new subsection:

Page 3

1 NEW SUBSECTION. 20. A tax sufficient to pay for
 2 the capital projects and equipment and liability
 3 purposes of school districts."
 4 19. Page 15, line 25, by striking the word
 5 "under" and inserting the following: "under".
 6 20. Page 15, line 26, by striking the word and
 7 figures "section 618A.7, 298.3" and inserting the
 8 following: "section 618A.7, or amount budgeted".
 9 21. Page 15, line 33, by striking the word "levy"
 10 and inserting the following: "budget".
 11 22. Page 19, line 19, by striking the word "levy"
 12 and inserting the following: "budget".
 13 23. Page 20, line 24, by striking the word "levy"
 14 and inserting the following: "budget".
 15 24. Page 20, line 25, by inserting after the
 16 figure "297.5" the following: ", 297.36".
 17 25. Title page, by striking line 2 and inserting
 18 the following: "capital projects and equipment
 19 budget, for a liability budget, for".
 20 26. Title page, line 6, by striking the words
 21 "execution and".

RAY TAYLOR

S-3234

1 Amend Senate File 359 as follows:
 2 1. Page 2, by striking lines 15 through 19.

JULIA GENTLEMAN

S-3235

1 Amend Senate File 316 as follows:
 2 1. Page 1, line 8, by inserting after the figure
 3 "321F" the following: "which vehicle has a gross
 4 vehicle weight of less than ten thousand pounds".

RICHARD F. DRAKE
 JOE J. WELSH

JACK NYSTROM
LEE W. HOLT

S-3236

1 Amend Senate File 497 as follows:
2 1. Page 4, line 12, by striking the figure
3 "225C.34" and inserting the following: "225C.32".
4 2. Page 4, line 18, by striking the words and
5 figures "sections 225C.31 and 225C.33" and inserting
6 the following: "section 225C.31".
7 3. Page 4, line 24, by striking the figure
8 "225C.33" and inserting the following: "225C.31".
9 4. Page 4, line 29, by striking the figure
10 "225C.35" and inserting the following: "225C.33".
11 5. Page 4, line 35, by striking the figure
12 "225C.36" and inserting the following: "225C.34".
13 6. Page 6, line 10, by striking the figure
14 "225C.37" and inserting the following: "225C.35".
15 7. Page 6, line 22, by striking the figure
16 "225C.41" and inserting the following: "225C.36".
17 8. Page 7, line 6, by striking the figure
18 "225C.42"
19 and inserting the following: "225C.40".
20 9. Page 7, line 7, by striking the figure "225C."
21 and inserting the following: "225C.37".
22 10. Page 7, line 12, by striking the figure
23 "225C.42" and inserting the following: "225C.38".
24 11. Page 7, line 22, by striking the figure
25 "225C.41" and inserting the following: "225C.36".
26 12. Page 7, line 24, by striking the figure
27 "225C." and inserting the following: "225C.39".
28 13. Page 8, line 13, by striking the figure
29 "225C.42" and inserting the following: "225C.40".
30 14. Page 9, line 31, by striking the figure
31 "225C.30" and inserting the following: "225C.40".
32 15. Page 10, line 16, by striking the words "an
33 compliance of" and inserting the following: "and
34 compliance with".

ROBERT M. CARR

S-3237

1 Amend Senate File 285 as follows:
2 1. Page 1, by striking lines 25 through 27 and

3 inserting the following: "interest, the description
4 of the land on or under which the mineral interest is
5 located, which land may be described by a schedule
6 filed with the recorder of each county where the land
7 is situated listing each grantee or buyer, the date of
8 the deed, contract, or other document or instrument
9 creating the carved out mineral interest, and the
10 legal description contained in the deed, contract, or
11 other document or instrument creating the interest.
12 Upon the expiration of the".

13 2. Page 1, line 29, by inserting after the word
14 "section," the following: "or if the mineral interest
15 has not been used for the twenty-year period,".

16 3. Page 2, line 11, by striking the word "by" and
17 inserting the word "to".

18 4. Page 2, line 13, by inserting after the word
19 "interest," the following: "or when expenditures are
20 being incurred in the exploration of the mineral
21 interest or its development,".

22 5. Page 3, line 8, by inserting after the word
23 "include" the following: "the name and address of the
24 owner of the fee title to the real estate, a
25 description of the owned real estate, and".

26 6. Page 3, line 19, by inserting after the word
27 "filed" the following: "and the interest is renewed
28 for an additional twenty-year period from the date of
29 filing".

RICHARD VARN

S-3238

1 Amend Senate File 323 as follows:

DIVISION S—3238A

2 1. Page 1, by striking line 3 and inserting the
3 following: "succeeding school year, if the state
4 board of education determines that a school district
5 does not meet the requirements for approval or
6 accreditation, a parent or guardian residing in a".

7 2. Page 1, by striking lines 14 through 17 and
8 inserting the following: "a public school in a
9 contiguous school district. The board of the".

DIVISION S—3238C

10 3. Page 1, line 29, by inserting after the word
11 "period." the following: "However, if a parent or

12 guardian chooses to reenroll the child in the district
13 of residence during the four-year period, the parent
14 or guardian shall pay tuition to the district in an
15 amount equal to the district cost per pupil."

DIVISION S—3238B

- 16 4. Page 2, by striking lines 7 through 11.
17 5. By renumbering sections as necessary.

RICHARD VARN

S-3239

1 Amend Senate File 340 as follows:
2 1. By striking everything after the enacting
3 clause and inserting the following:
4 "Section 1. NEW SECTION. 246.514 REQUIRED TEST.
5 A person committed to an institution under the
6 control of the Iowa department of corrections, or to a
7 jail or correctional institution, who bites another
8 person, who causes an exchange of bodily fluids with
9 another person, or who causes any bodily secretion to
10 be cast upon another person, shall submit to the
11 withdrawal of a bodily specimen for testing to
12 determine if the person is infected with a contagious
13 infectious disease. The bodily specimen to be taken
14 shall be determined by the staff physician of the
15 institution, or in the case of a jail, the attending
16 physician of that jail or the county medical examiner.
17 The specimen taken shall be sent to the state hygienic
18 laboratory at the state university at Iowa City or
19 some other laboratory approved by the state department
20 of public health. If a person to be tested pursuant
21 to this section refuses to submit to the withdrawal of
22 a bodily specimen, application may be made by the
23 director of an institution or a county attorney to the
24 district court for an order compelling the person to
25 submit to the withdrawal and if infected, to
26 treatment. An order authorizing the withdrawal of a
27 specimen for testing may be issued only by a district
28 court or district associate court judge upon
29 application by the director of an institution or a
30 county attorney.
31 Failure to comply with an order issued pursuant to
32 this section is punishable as an aggravated
33 misdemeanor.

34 Personnel at an institution under the control of
 35 the Iowa department of corrections, or a jail or
 36 correctional institution shall be notified if a person
 37 committed to any of these institutions is found to
 38 have a contagious infectious disease. Proper measures
 39 shall be taken to avoid the transmittal of a
 40 contagious infectious disease to other persons.
 41 For purposes of this chapter "infectious disease"
 42 means any infectious condition which if spread by
 43 contamination would place others at serious health
 44 risk."

EUGENE FRAISE

S-3240

1 Amend Senate File 424 as follows:
 2 1. Page 3, line 8, by inserting after the word
 3 "session." the following: "The committee may request,
 4 in writing, a fourteen-day extension on a letter report
 5 which shall be granted if received on or before the date
 6 the report is due."

FORREST SCHWENGELS
 JOE J. WELSH
 JACK NYSTROM

S-3241

1 Amend the amendment, S-3169, to Senate File 360 as
 2 follows:
 3 1. Page 1, by striking line 2 and inserting the
 4 following:
 5 "___ . Page 1, line 11, by inserting after the
 6 word "corporation" the following: "only".
 7 ___ . Page 1, line 13, by inserting after the word
 8 "election" the following: "if the vote of the board
 9 of directors on the question of whether to issue the
 10 bonds was unanimous".
 11 ___ . Page 7, line 14, by striking the words
 12 "sixty percent a majority" and inserting the
 13 following: "sixty percent".
 14 ___ . Page 7, line 17, by inserting after the word
 15 "thereof." the following: "However, if the vote of
 16 the board of directors in favor of calling the
 17 election after the receipt of the petition was
 18 unanimous, the vote in favor of the issuance must only

19 equal at least a majority of the total vote cast for
 20 and against the proposition at the election.”
 21 ____ . Page 13, line 20, by striking the words
 22 “sixty percent a majority” and inserting the
 23 following: “sixty percent”.
 24 ____ . Page 13, line 22, by inserting after the
 25 word “election.” the following: “However, if the vote
 26 of the board of directors on the proposition of
 27 calling a special election to exceed the limit on the
 28 amount estimated and certified to apply on principal
 29 and interest was unanimous, the vote in favor of the
 30 proposition must only equal at least a majority of the
 31 total vote cast for and against the proposition at the
 32 election.””

LARRY MURPHY
 WALLY HORN

S-3242

1 Amend Senate File 360 as follows:
 2 1. Page 5, by striking lines 34 and 35 and
 3 inserting the following: “~~section 278.1, subsection 7~~
 4 capital projects and equipment levy, funds from the
 5 tax levy certified under section 297.5, or”.
 6 2. Page 8, by inserting after line 8 the
 7 following:
 8 “Sec. ____ . Section 297.5, unnumbered paragraph 1,
 9 Code 1987, is amended to read as follows:
 10 The directors in a high school district maintaining
 11 a program kindergarten through grade twelve may, by
 12 March 15 of each year certify an amount not exceeding
 13 twenty-seven cents per thousand dollars of assessed
 14 value to the board of supervisors, who shall levy the
 15 amount so certified, and the tax so levied shall be
 16 placed in the ~~schoolhouse~~ capital projects fund to be
 17 used for the purchase and improvement of sites, ~~or for~~
 18 major building repairs for transportation equipment
 19 for transporting students if the district has fewer
 20 than three pupils per square mile and the regular
 21 school routes consist of a single round trip per child
 22 per day, or for educational technology equipment
 23 including telecommunications equipment and computer
 24 equipment. Any funds expended by a school district
 25 for new construction of school buildings or school
 26 administration buildings must first be approved by the
 27 voters of the district.”
 28 3. Page 10, lines 24 and 25, by striking the
 29 words “one dollar and eight” and inserting the

30 following: "eighty-one".

31 4. Page 10, by inserting after line 28 the

32 following:

33 "Within thirty days following the decision of a
34 board to certify a capital projects and equipment
35 levy, if a petition signed by at least twenty percent
36 of the qualified electors residing within the district
37 is received by the board, then the proposal shall be
38 placed on the ballot at a regular or special election,
39 as determined by the board. If an election is
40 required, the proposition to certify the levy shall be
41 approved with a simple majority vote. The proposition
42 may include a provision for approval of the levy for a
43 specified number of years not to exceed ten."

RICHARD J. VARN
LARRY MURPHY

S-3243

1 Amend Senate File 5 as follows:

DIVISION S—3243A

2 1. Page 2, by striking lines 1 and 2 and
3 inserting the following: "discriminatory practice for
4 any person to interfere with the".

5 2. Page 3, by striking lines 18 through 21 and
6 inserting the following: "equals twenty-seven forty-
7 five thousand dollars. This retirement benefit test
8 may be adjusted according to the regulations
9 prescribed by the United States secretary of labor
10 pursuant to Public Law 96-256, section 3."

11 3. Page 3, by inserting after line 27, the
12 following:

13 "c. Nothing in this Act shall be construed to
14 prohibit compulsory retirement of any employee who has
15 attained seventy years of age, and who is serving
16 under a contract of unlimited tenure, or similar
17 arrangement providing for unlimited tenure, at an
18 institution of higher education as defined by section
19 1201(a) of the federal Higher Education Act of 1965."

DIVISION S—3243B

20 4. Page 4, by striking lines 7 through 9 and
21 inserting the following: "where the respondent acted
22 with actual malice or where the respondent acts with

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23 deliberate indifference to or with willful or reckless
24 disregard of the rights of the complainant.”

TOM MANN, Jr.

S-3244

1 Amend Senate File 290 as follows:
2 1. Page 1, line 4, by striking the words
3 “application for and renewal of”.
4 2. Page 1, line 7, by inserting after the word
5 “department.” the following: “Prior to annual renewal
6 of licensure, each individual licensee shall also
7 complete six hours of foster parent training.”

CHARLES BRUNER

S-3245

1 Amend Senate File 420 as follows:
2 1. By striking everything after the enacting
3 clause and inserting the following:
4 “Section 1. Section 96.11, subsection 3,
5 unnumbered paragraph 2, Code 1987, is amended to read
6 as follows:
7 The ~~division~~ department shall prepare and
8 distribute ~~monthly~~ to the public a ~~press release~~
9 ~~containing the most recent employment and unemployment~~
10 ~~statistics as labor force data, only that data~~
11 adjusted according to the current population survey
12 and containing other nonlabor force statistics which
13 the ~~division~~ department determines are of interest to
14 the public.”

JAMES D. WELLS

S-3246

1 Amend Senate File 195 as follows:
2 1. Page 1, lines 12 and 13, by striking the words
3 “them on or before December 31 of the year in which
4 the appeal is filed” and inserting the following:
5 “within sixty days from the date that the appeal is
6 heard”.

JAMES R. RIORDAN
EMIL J. HUSAK
DONALD V. DOYLE

S-3247

1 Amend the amendment, S-3231, to Senate File 13, as
2 follows:

3 1. Page 1, by striking lines 2 through 33 and
4 inserting the following:

5 "____. By striking everything after the enacting
6 clause and inserting the following:

7 "Section 1. Section 554.9307, subsection 1, Code
8 1987, is amended by striking the subsection and
9 inserting in lieu thereof the following:

10 Except as provided in subsection 4, a buyer in the
11 ordinary course of business as defined in section
12 554.1201, subsection 9, takes free of a security
13 interest created by that person's seller even though
14 the security interest is perfected and even though the
15 buyer knows of its existence. For purposes of this
16 section, a buyer or buyer in the ordinary course of
17 business includes any commission merchant, selling
18 agent, or other person engaged in the business of
19 receiving livestock as defined in section 189A.2 on
20 commission for or on behalf of another.

21 Sec. 2. Section 554.9307, subsection 4, Code 1987,
22 is amended by striking the subsection and inserting in
23 lieu thereof the following:

24 4. a. A buyer in ordinary course of business
25 buying farm products from a person engaged in farming
26 operations takes subject to a security interest
27 created by that person's seller even though the
28 security interest is perfected, if within one year
29 before the sale of the farm products the buyer
30 receives prior written notice of the security interest
31 which complies with this subsection and the buyer
32 fails to perform the payment obligations specified in
33 the notice.

34 b. A written notice complies with this subsection
35 if the written notice is given to the buyer by the
36 secured party or the seller of the farm products and
37 complies with the following:

38 (1) Is an original or reproduced copy of the
39 financing statement; and

40 (2) Contains all of the following:

41 (a) The name and address of the secured party.

42 (b) The name and address of the person indebted to
43 the secured party.

44 (c) The social security number of the debtor or,
45 in the case of a debtor doing business other than as

46 an individual, the internal revenue service taxpayer
47 identification number of the debtor.
48 (d) A description of the farm products subject to
49 the security interest created by the debtor, including
50 the amount of the products where applicable.

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1 (e) An identification of the crop year in which
2 the farm products were produced.
3 (f) An identification of the county in which the
4 farm products were produced.
5 (g) A reasonable description of the property on
6 which the farm products were produced.
7 (h) A statement of any payment obligations imposed
8 on the buyer by the secured party as a condition for
9 waiver or release of the security interest.
10 c. The secured party may require, in documents
11 creating the security interest, that a debtor engaged
12 in farming operations, who creates a security interest
13 in a farm product, furnish to the secured party a list
14 of potential buyers to or through whom the debtor may
15 sell the farm product. Before a potential buyer who
16 is not on the list may receive from the secured party
17 written notice of a security interest in a farm
18 product, the secured party shall notify the debtor of
19 the name and address of the potential buyer.
20 d. A written notice shall be amended by the
21 secured party within three months of any material
22 change and transmitted to the potential buyer by
23 either the secured party or the seller of the farm
24 products. The notice lapses on the earlier of either
25 one year from the date the notice was received by the
26 buyer or the date the buyer receives a notice signed
27 by the secured party that the security interest has
28 lapsed.
29 Sec. 3. Section 554.9307 is amended by striking
30 subsection 5 and inserting in lieu thereof the
31 following:
32 5. If the notice to a potential buyer by a secured
33 party satisfies the requirements of subsection 4,
34 paragraph "b", the debtor engaged in farming
35 operations when creating the security interest, and
36 the debtor sells the farm products subject to the
37 security interest to a buyer not included on the list
38 as a potential buyer as required in subsection 4,
39 paragraph "c", or to any other buyer, if the name and
40 address of the buyer was not received by the debtor
41 pursuant to subsection 4, paragraph "c", then the
42 debtor is subject to a civil penalty of the greater of

43 either five thousand dollars or fifteen percent of the
44 value or benefits received by the debtor for the farm
45 products described in the security agreement.

46 However, the penalty provided in this subsection
47 shall not be imposed on the debtor if the debtor has
48 complied with any of the following:

49 a. Notified the secured party in writing of the
50 identity of the buyer at least seven days prior to the

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1 sale.

2 b. Accounted to the secured party for the proceeds
3 of the sale not later than ten days after the sale.

4 Sec. 4. Section 554.9307, Code 1987, is amended by
5 striking subsection 6 and inserting in lieu thereof
6 the following:

7 6. For purposes of this section, written notice
8 shall be considered to be received by the person to
9 whom it was delivered if the notice is delivered in
10 hand to the person with a written receipt returned, or
11 mailed by certified or registered mail with the proper
12 postage and properly addressed to the person to whom
13 it was sent. The refusal of a person to whom a notice
14 is sent to accept delivery of the notice shall be
15 considered receipt.

16 Sec. 5. Section 554.9307, Code 1987, is amended by
17 striking subsections 7 through 9.

18 Sec. 6. This Act, being deemed of immediate
19 importance, takes effect ten days after the Act has
20 been approved by the governor or ten days after the
21 Act has been passed over the governor's objection.
22 The provisions contained in this Act shall apply
23 retroactively to all security interests granted on or
24 after December 23, 1986. If a security interest was
25 granted before December 23, 1986, the provisions
26 contained in this Act shall apply retroactively on and
27 after September 1, 1987, to those security in-
28 terests.””

EMIL J. HUSAK
LEONARD L. BOSWELL
JOHN A. PETERSON
BERL E. PRIEBE
JOHN E. SOORHOLTZ

S-3248

- 1 Amend amendment S—3130 to Senate File 323 as
- 2 follows:
- 3 1. Page 1, by striking line 6 and inserting the
- 4 following: “contests and competitions during the”.
- 5 2. Page 1, line 8, by striking the words
- 6 “interscholastic sport” and inserting the following:
- 7 “activity program”.

LARRY MURPHY

S-3249

- 1 Amend amendment S-3217 to Senate File 323 as follows:
- 2 1. Page 1, line 10, by striking the word “or” and
- 3 inserting in lieu thereof the word “of”.

JOY C. CORNING

S-3250

- 1 Amend Senate File 323 as follows:
- 2 1. Page 1, by inserting before line 1 the
- 3 following:
- 4 “Section 1. Section 281.6, Code 1987, is amended
- 5 to read as follows:
- 6 281.6 PARENT'S OR GUARDIAN'S DUTIES -- REVIEW.
- 7 When the school district or area education agency
- 8 has provided special education services and programs
- 9 as provided herein for any child requiring special
- 10 education, either by admission to a special class or
- 11 by supportive services, it shall be the duty of the
- 12 parent or guardian to enroll said child for
- 13 instruction in such special classes or supportive
- 14 services as may be established, except in the event a
- 15 doctor's certificate is filed with the secretary of
- 16 the school district showing that it is inadvisable for
- 17 medical reasons for the child requiring special
- 18 education to receive the special education provided;
- 19 ~~all the provisions and conditions of chapter, and~~
- 20 ~~except as otherwise provided in this section. Chapter~~
- 21 ~~299 and amendments thereto shall be~~ is applicable to
- 22 this section, and any violations shall be punishable
- 23 as provided in ~~said that~~ said chapter.
- 24 A child, or the parent or guardian of the child, or
- 25 the school district in which the child resides, may
- 26 ~~obtain a review of an action or omission of state or~~
- 27 ~~local authorities pursuant to the procedures~~
- 28 ~~established by the state board of education on the~~
- 29 ~~ground enroll the child in special classes or~~
- 30 supportive services selected by the parent or guardian

31 either within or outside this state upon a
32 determination of the state board of education that the
33 child has been or is about to be:

34 1. Denied entry or continuance in a program of
35 special education appropriate to the child's condition
36 and needs.

37 2. Placed in a special education program which is
38 inappropriate to the child's condition and needs.

39 3. Denied educational services because no suitable
40 program of education or related services is
41 maintained.

42 4. Provided with special education which is
43 insufficient in quantity to satisfy the requirements
44 of law.

45 ~~5. Assigned to a program of special education when~~
46 ~~the child is not handicapped.~~

47 Notwithstanding section 17A.11, the state board of
48 education shall adopt rules for the appointment of an
49 impartial administrative hearing officer for special
50 education appeals. The rules shall comply with

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1 federal statutes and regulations. The burden of proof
2 rests with the school district or area education
3 agency to prove that the special classes or supportive
4 services assigned by the school district or area
5 education agency are appropriate for the child.

6 Upon a determination in favor of the parent or
7 guardian by the state board, the board of directors of
8 the district of residence shall pay to the public or
9 private agency selected by the parent or guardian
10 providing the special education programs and services
11 for the child an amount not to exceed the amount
12 received by the district of residence for the child
13 under the weighting plan established in section 281.9.
14 Quarterly payments shall be made to the public or
15 private agency."

16 2. Title page, line 3, by inserting after the
17 word "districts" the following: ", and to enroll
18 their special education children in programs in public
19 and private agencies,".

20 3. By renumbering sections as necessary.

ROBERT M. CARR
LARRY MURPHY

S-3251

- 1 Amend Senate File 497 as follows:
- 2 1. Page 6, lines 10 and 11, by striking the words
- 3 "REVIEW -- REALLOCATION" and inserting the following:
- 4 "REVIEW".
- 5 2. Page 6, by striking lines 15 through 21 and
- 6 inserting the following: "determined by the
- 7 division."

ROBERT M. CARR

S-3252

- 1 Amend Senate File 372 as follows:
- 2 1. By striking pages 1 through 3.
- 3 2. Page 4, by striking lines 1 through 33.
- 4 3. Page 5, lines 22 and 23, by striking the words
- 5 "paragraphs a and b, Code 1987, are" and inserting the
- 6 following: "paragraph a, Code 1987, is".
- 7 4. By striking page 5, line 32 through page 6,
- 8 line 25.
- 9 5. Page 6, lines 26 and 27, by striking the words
- 10 "paragraphs a and b, Code 1987, are" and inserting the
- 11 words "paragraph a, Code 1987, is".
- 12 6. Page 7, by striking lines 1 through 29.
- 13 7. Title page, lines 1 through 4 by striking the
- 14 words "further defining the term "grain dealer",
- 15 providing minimum net worth requirements for grain
- 16 dealers, limiting financial reporting by grain dealers
- 17 and warehouse operators,".
- 18 8. Title page, lines 7 and 8, by striking the
- 19 words "for warehouse operators".
- 20 9. By renumbering as necessary.

ALVIN MILLER

S-3253

- 1 Amend House File 411, as passed by the House, as
- 2 follows:
- 3 1. Page 1, by inserting before line 1 the
- 4 following:
- 5 "Section 1. Section 542.1, subsection 3, Code
- 6 1987, is amended to read as follows:
- 7 3. "Grain dealer" means a person who buys during
- 8 any calendar month five hundred bushels of grain or

9 more from the producers of the grain for purposes of
 10 resale, milling, or processing. However, "grain
 11 dealer" does not include a producer of grain who is
 12 buying grain for the producer's own use as seed or
 13 feed; a person solely engaged in buying grain future
 14 contracts on the board of trade; a person who
 15 purchases grain only for sale in a registered feed; a
 16 person who purchases grain for sale in a nonregistered
 17 customer-formula feed regulated by chapter 198, who
 18 purchases less than a total of fifty thousand bushels
 19 of grain annually from producers, and who is also
 20 exempt as an incidental warehouse operator under
 21 chapter 543; a person engaged in the business of
 22 selling agricultural seeds regulated by chapter 199; a
 23 person buying grain only as a farm manager; an
 24 executor, administrator, trustee, guardian, or
 25 conservator of an estate; a bargaining agent as
 26 defined in section 542A.1; or a custom livestock
 27 feeder.

28 Sec. 2. Section 542.3, subsection 4, paragraph a,
 29 Code 1987, is amended to read as follows:

30 a. The grain dealer shall have and maintain a
 31 minimum net worth of at least fifty thousand dollars,
 32 or which shall be determined on the basis of all grain
 33 purchased the previous fiscal year. If the person has
 34 not held a grain dealer's license during the previous
 35 fiscal year, the minimum net worth shall be determined
 36 on the basis of projected grain purchases for the fol-
 37 lowing fiscal year. If the class 1 grain dealer or
 38 person applying for a grain dealer's license fails to
 39 have or maintain the necessary net worth the person
 40 shall maintain a deficiency bond or an irrevocable
 41 letter of credit in the amount of two thousand dollars
 42 for each one thousand dollars or fraction thereof of
 43 net worth deficiency. However, a person shall not be
 44 licensed as a class 1 grain dealer if the person has a
 45 net worth of less than ~~twenty-five thousand dollars~~
 46 one-half of the minimum required net worth. The
 47 minimum required net worth shall be determined as
 48 follows:

49 (1) If the total purchased is more than five
 50 hundred thousand dollars, but not more than seven

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1 hundred fifty thousand dollars, the minimum net worth
 2 required shall be fifty thousand dollars.

3 (2) If the total purchased is more than seven
 4 hundred fifty thousand dollars, but not more than one

5 million dollars, the minimum net worth required shall
6 be sixty-two thousand five hundred dollars.

7 (3) If the total purchased is more than one
8 million dollars, but not more than one million five
9 hundred thousand dollars, the minimum net worth
10 required shall be seventy-five thousand dollars.

11 (4) If the total purchased is more than one
12 million five hundred thousand dollars, but not more
13 than two million dollars, the minimum net worth
14 required shall be eighty-seven thousand five hundred
15 dollars.

16 (5) If the total purchased is more than two mil-
17 lion dollars, but not more than three million dollars,
18 the minimum net worth required shall be one hundred
19 thousand dollars.

20 (6) If the total purchased is more than three
21 million dollars, but not more than four million seven
22 hundred fifty thousand dollars, the minimum net worth
23 required shall be one hundred twelve thousand five
24 hundred dollars.

25 (7) If the total purchased is more than four
26 million seven hundred fifty thousand dollars, but not
27 more than six million dollars, the minimum net worth
28 required shall be one hundred twenty-five thousand
29 dollars.

30 (8) If the total purchased is more than six
31 million dollars, but not more than nine million five
32 hundred thousand dollars, the minimum net worth
33 required shall be one hundred thirty-seven thousand
34 five hundred dollars.

35 (9) If the total purchased is more than nine
36 million five hundred thousand dollars, the minimum net
37 worth required shall be one hundred fifty thousand
38 dollars.

39 Sec. 3. Section 542.3, subsection 4, paragraph b,
40 Code 1987, is amended to read as follows:

41 b. The grain dealer shall submit, as required by
42 the department, a financial statement that is
43 accompanied by an unqualified opinion based upon an
44 audit performed by a certified public accountant
45 licensed in this state. However, the department may
46 accept a qualification in an opinion that is
47 unavoidable by any audit procedure that is permitted
48 under generally accepted accounting principles. An
49 opinion that is qualified because of a limited audit
50 procedure or because the scope of an audit is limited

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1 shall not be accepted by the department. The
2 department shall not require that a grain dealer
3 submit more than one such unqualified opinion per
4 year. The grain dealer may elect, however, to submit
5 a financial statement that is accompanied by the
6 report of a certified public accountant licensed in
7 this state that is based upon a review performed by
8 the certified public accountant in lieu of the audited
9 financial statement specified in this paragraph, and
10 if a grain dealer makes this election the department
11 shall cause the grain dealer to be inspected not less
12 than twice during each twelve-month period, but not
13 more than five times in a twenty-four month period
14 without good cause, in the manner provided in section
15 542.9. In addition, the department shall cause a
16 grain dealer who makes this election to submit to the
17 department, in a form and manner prescribed by the
18 department, an interim financial statement no less
19 than once in every three-calendar-month period.
20 However, the department shall not require that a grain
21 dealer submit more than one such report of a certified
22 public accountant per year that is based upon a review
23 performed in lieu of the audited financial statement.
24 If a grain dealer making the election engages in
25 credit sale contracts, the grain dealer shall also
26 comply with the provisions of section 542.15,
27 subsection 8.

28 Sec. 4. Section 542.3, subsection 5, paragraph b,
29 Code 1987, is amended to read as follows:

30 b. The grain dealer shall submit, as required by
31 the department, a financial statement that is
32 accompanied by an unqualified opinion based upon an
33 audit performed by a certified public accountant
34 licensed in this state. However, the department may
35 accept a qualification in an opinion that is
36 unavoidable by any audit procedure that is permitted
37 under generally accepted accounting principles. An
38 opinion that is qualified because of a limited audit
39 procedure or because the scope of an audit is limited
40 shall not be accepted by the department. The
41 department shall not require that a grain dealer
42 submit more than one such unqualified opinion per
43 year. The grain dealer may elect, however, to submit
44 a financial statement that is accompanied by the
45 report of a certified public accountant licensed in
46 this state that is based upon a review performed by
47 the certified public accountant in lieu of the audited
48 financial statement specified in this paragraph, and
49 if a grain dealer makes this election the department
50 shall cause the grain dealer to be inspected not less

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1 than twice during each twelve-month period, but not
2 more than five times in a twenty-four month period
3 without good cause, in the manner provided in section
4 542.9. In addition, the department shall cause a
5 grain dealer who makes this election to submit to the
6 department, in a form and manner prescribed by the
7 department, an interim financial statement no less
8 than once in every three-calendar-month period.
9 However, the department shall not require that a
10 warehouse operator submit more than one such report of
11 a certified public accountant per year that is based
12 upon a review performed in lieu of the audited
13 financial statement. If a grain dealer making the
14 election engages in credit sale contracts, the grain
15 dealer shall also comply with the provisions of
16 section 542.15, subsection 8.”

17 2. Page 1, lines 24 and 25, by striking the words
18 “paragraph a, Code 1987, is” and inserting the
19 following: “paragraphs a and b, Code 1987, are”.

20 3. Page 1, by inserting after line 33 the
21 following:

22 “b. The warehouse operator shall submit, as
23 required by the department, a financial statement that
24 is accompanied by an unqualified opinion based upon an
25 audit performed by a certified public accountant
26 licensed in this state. However, the department may
27 accept a qualification in an opinion that is
28 unavoidable by any audit procedure that is permitted
29 under generally accepted accounting principles. An
30 opinion that is qualified because of a limited audit
31 procedure or because the scope of an audit is limited
32 shall not be accepted by the department. The
33 department shall not require that a warehouse operator
34 submit more than one such unqualified opinion per
35 year. The warehouse operator may elect, however, to
36 submit a financial statement that is accompanied by
37 the report of a certified public accountant licensed
38 in this state that is based upon a review performed by
39 the certified public accountant in lieu of the audited
40 financial statement specified in this paragraph, and
41 if a warehouse operator makes this election the
42 department shall cause the warehouse to be inspected
43 not less than twice during each twelve-month period,
44 but not more than five times in a twenty-four month
45 period without good cause, in the manner provided in
46 section 543.2. In addition, the department shall
47 cause a warehouse operator who makes this election to
48 submit to the department, in a form and manner

49 prescribed by the department, an interim financial
50 statement no less than once in every three-calendar-

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1 month period. However, the department shall not
2 require that a warehouse operator submit more than one
3 such report of a certified public accountant per year
4 that is based upon a review performed in lieu of the
5 certified financial statement.”

6 4. Page 1, lines 34 and 35, by striking the words
7 “paragraph a, Code 1987, is” and inserting the
8 following: “paragraphs a and b, Code 1987, are”.

9 5. Page 2, by inserting after line 8, the
10 following:

11 “b. The warehouse operator shall submit, as
12 required by the department, a financial statement that
13 is accompanied by an unqualified opinion based upon an
14 audit performed by a certified public accountant
15 licensed in this state. However, the department may
16 accept a qualification in an opinion that is
17 unavoidable by any audit procedure that is permitted
18 under generally accepted accounting principles. An
19 opinion that is qualified because of a limited audit
20 procedure or because the scope of an audit is limited
21 shall not be accepted by the department. The
22 department shall not require that a warehouse operator
23 submit more than one such unqualified opinion per
24 year. The warehouse operator may elect, however, to
25 submit a financial statement that is accompanied by
26 the report of a certified public accountant licensed
27 in this state that is based upon a review performed by
28 the certified public accountant in lieu of the audited
29 financial statement specified in this paragraph, and
30 if a warehouse operator makes this election the
31 department shall cause the warehouse to be inspected
32 not less than twice during each twelve-month period,
33 but not more than five times in a twenty-four month
34 period without good cause, in the manner provided in
35 section 543.2. In addition, the department shall
36 cause a warehouse operator who makes this election to
37 submit to the department, in a form and manner
38 prescribed by the department, an interim financial
39 statement no less than once in every three-calendar-
40 month period. However, the department shall not
41 require that a warehouse operator submit more than one
42 such report of a certified public accountant per year
43 that is based upon a review performed in lieu of the
44 qualified financial statement.”

45 6. Title page, line 1, by inserting after the

46 word "by" the following: "further defining the term
47 "grain dealer", providing minimum net worth
48 requirements for grain dealers, limiting financial
49 reporting by grain dealers and warehouse operators,".
50 7. Title page, line 4, by inserting after the

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1 word "requirements" the words "for warehouse
2 operators".
3 8. By renumbering as necessary.

ALVIN MILLER

S-3254

1 Amend Senate File 360 as follows:
2 1. Page 1, by inserting after line 13 the
3 following:
4 "Sec. ____ . NEW SECTION. 76.2A SCHOOL DISTRICT
5 LEVIES.
6 Notwithstanding the procedure contained in section
7 76.2 for assessing an annual levy for the payment of
8 principal and interest on bonds, the board of
9 directors of each school district shall determine the
10 annual amount required to pay the principal and
11 interest on bonds within the period approved. It
12 shall determine, on the basis of the percent of the
13 population of the school district residing in the
14 unincorporated area of the county and the percent that
15 resides in each city located wholly or partially
16 within the school district compared to the total
17 population of the school district, the percent of the
18 total cost to be paid by each constituent unit. The
19 county auditor shall transmit to each affected county
20 board of supervisors and city council the portion of
21 the principal and interest to be paid by each. The
22 unincorporated part of each county shall be considered
23 as a separate unit. Annually each county board of
24 supervisors shall review the amount to be paid from
25 the unincorporated portion of the county and
26 appropriate its share from the county rural services
27 fund budget. Annually each city council shall review
28 the amount to be paid from the city and appropriate
29 its share from the city general fund budget. Each
30 city and county shall contribute its share on an
31 equitable basis by population. With approval of a
32 city council, the county treasurer may withhold the
33 city's portion of the taxes collected for a city to

34 meet the city's contribution for payments under this
 35 section and deliver a receipt to the city clerk for
 36 the amount withheld."
 37 2. Page 13, by inserting after line 32, the
 38 following:
 39 "Sec. ____ . Section 331.424, subsection 2, Code
 40 1987, is amended by adding the following new lettered
 41 paragraph:
 42 NEW LETTERED PARAGRAPH. c. For payments of
 43 principal and interest on bonds of school districts
 44 under section 76.2A.
 45 Sec. ____ . Section 384.12, Code 1987, is amended by
 46 adding the following new subsection:
 47 NEW SUBSECTION. 20. A tax sufficient to make
 48 payments of principal and interest on bonds of school
 49 districts under section 76.2A."
 50 3. By numbering and renumbering sections as

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1 necessary.

RAY TAYLOR
 JAMES R. RIORDAN

HOUSE AMENDMENT TO
 SENATE FILE 298

S-3255

1 Amend Senate File 298 as amended, passed and
 2 reprinted by the Senate as follows:
 3 1. Page 1, by inserting before line 1 the
 4 following:
 5 "Section 1. Section 123.19, subsection 1, Code
 6 1987, is amended to read as follows:
 7 1. Any manufacturer, distiller or importer of
 8 alcoholic beverages shipping, selling, or having
 9 alcoholic beverages brought into this state for resale
 10 by the state shall, as a condition precedent to the
 11 privilege of so trafficking in alcoholic liquors in
 12 this state, annually make application for and hold a
 13 distiller's certificate of compliance which shall be
 14 issued by the administrator for that purpose. A
 15 distiller shall also, as a condition precedent to the
 16 privilege of so trafficking in alcoholic liquors in
 17 this state, have an office within the state for the
 18 purpose of the state corporate income tax under

19 chapter 422, division III. No brand of alcoholic
20 liquor shall be sold by the division in this state
21 unless the manufacturer, distiller, importer, and all
22 other persons participating in the distribution of
23 that brand in this state have obtained a certificate.
24 The certificate of compliance shall expire at the end
25 of one year from the date of issuance and shall be
26 renewed for a like period upon application to the
27 administrator unless otherwise suspended or revoked
28 for cause. Each application for a certificate of
29 compliance or renewal shall be made in a manner and
30 upon forms prescribed by the administrator and shall
31 be accompanied by a fee of fifty dollars payable to
32 the division. However, this subsection need not apply
33 to a manufacturer, distiller, or importer who ships or
34 sells in this state no more than eleven gallons or its
35 case equivalent during any fiscal year as a result of
36 "special orders" which might be placed, as defined and
37 allowed by divisional rules adopted under this
38 chapter."

39 2. Page 1, by striking lines 12 through 21 and
40 inserting the following: "amended by striking the
41 subsection and inserting in lieu thereof the
42 following:

43 3. The price of alcoholic liquor sold by the
44 division shall include the markup over the wholesale
45 price paid by the division for the alcoholic liquor.
46 The markup shall be set by the division at a
47 percentage of the wholesale price of the alcoholic
48 liquor which shall provide a sufficient return to the
49 division to ensure that liquor profits transferred
50 from the beer and liquor control fund to the general

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1 fund shall be no less than such profits transferred
2 during the fiscal year beginning July 1, 1985 and
3 ending June 30, 1986 when the liquor profits
4 transferred that fiscal year are adjusted to deduct
5 beer and liquor control operating expenses which were
6 transferred from the general fund to the beer and
7 liquor control department during that fiscal year."

8 3. Page 1, by inserting before line 22 the
9 following:
10 "Sec. 3. Section 123.26, Code 1987, is amended to
11 read as follows:

12 123.26 RESTRICTIONS ON SALES -- SEALS -- LABELING.

13 Alcoholic liquor shall not be sold by ~~the division~~
14 ~~to~~ a class "E" liquor control licensee except in a
15 sealed container with identifying markers as

16 prescribed by the administrator and affixed on the
17 premises of a state warehouse in the manner prescribed
18 by the administrator, and no such container shall be
19 opened upon the premises of a state warehouse. The
20 division shall cooperate with the department of
21 natural resources so that only one identifying marker
22 or mark is needed to satisfy the requirements of this
23 section and section 455C.5, subsection 1. Possession
24 of alcoholic liquors which do not carry the prescribed
25 identifying markers is a violation of this chapter
26 except as provided in section 123.22.”

27 4. Page 2, line 18, by inserting after the word
28 “division” the words “within one year of the date that
29 the class “E” liquor control licensee begins
30 operating”.

31 5. Page 2, by striking lines 28 through 30 and
32 inserting the words “be issued to premises at which
33 gasoline is sold. A”.

34 6. Page 2, line 32, by inserting before the word
35 “liquor” the following: “retail”.

36 7. Page 2, line 32, by inserting before the word
37 “wine” the following: “retail”.

38 8. Page 4, by inserting after line 2 the
39 following:

40 “Sec. ____ . Section 123.36, subsection 9, Code
41 1987, is amended to read as follows:

42 9. Class “E” liquor control license, a sum of not
43 less than seven hundred and fifty dollars, and not
44 more than seven thousand five hundred dollars as
45 determined on a sliding scale as established by the
46 division taking into account the factors of square
47 footage of the licensed premises, the location of the
48 licensed premises, and the population of the area of
49 the location of the licensed premises. However, the
50 license fee for the renewal of a class “E” liquor

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1 control license shall not exceed one percent of the
2 gross total liquor sales by the licensee during the
3 preceding license period. Notwithstanding subsection
4 6, the holder of a class “E” liquor control license
5 may sell alcoholic liquor for consumption off the
6 licensed premises on Sunday subject to section 123.49,
7 subsection 2, paragraph “b.”

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

10 “Sec. ____ . Section 123.49, subsection 2, paragraph
11 f, Code 1987, is amended to read as follows:

12 f. Employ a person under eighteen years of age in
 13 the sale or serving of alcoholic liquor, wine, or beer
 14 beverages for consumption on the premises where sold,
 15 or employ a person under twenty-one years of age in
 16 the sale of alcoholic beverages for consumption off
 17 the premises from licensed premises for which the sale
 18 of alcoholic beverages for consumption off the
 19 premises constitutes fifty percent or more of the
 20 gross receipts from the licensed premises.”

21 10. Page 4, by striking lines 25 through 30.

22 11. Page 4, by inserting after line 30 the
 23 following:

24 “Sec. ____ . Section 455C.1, subsection 5, Code
 25 1987, is amended to read as follows:

26 5. “Distributor” means any person who engages in
 27 the sale of beverages in beverage containers to a
 28 dealer in this state, including any manufacturer who
 29 engages in such sales. The alcoholic beverages
 30 division of the department of commerce is not a
 31 distributor for the purpose of this chapter.”

32 12. Page 5, by striking lines 10 through 18.

33 13. Page 6, line 5, by striking the words and
 34 figures “Sections 123.26 and 455C.11, Code 1987, are”
 35 and inserting the following: “Section 455C.11, Code
 36 1987, is”.

37 14. Page 6, by inserting after line 13 the
 38 following:

39 “Sec. ____ . There is appropriated for the fiscal
 40 year commencing July 1, 1987 and ending June 30, 1988,
 41 from the beer and liquor control fund to the Iowa
 42 department of public health a sum equal to the
 43 difference between the funds collected from the
 44 deposit required on beverage containers containing
 45 alcoholic liquor and the funds dispersed in the
 46 payment of the refund value on such containers. The
 47 Iowa department of public health shall use the
 48 appropriated funds only for the care, maintenance, and
 49 treatment of alcoholics under chapter 125.
 50 Notwithstanding sections 8.33 and 123.53, those funds

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1 collected in the beer and liquor control fund for the
 2 fiscal year beginning July 1, 1986 and ending June 30,
 3 1987 which represent the difference between the funds
 4 collected from the deposit on beverage containers
 5 containing alcoholic liquor and the funds dispersed in
 6 payment of the refund value on such containers shall
 7 not revert to the general fund or be used for a
 8 purpose other than that provided in this section.”

- 9 15. Page 6, by striking lines 14 and 15.
10 16. Title page, line 6, by inserting after the
11 word "percent," the following: "by allowing
12 identifying markers to be affixed on containers of
13 alcoholic liquor in the manner prescribed by the
14 division,".
15 17. Title page, lines 12 through 14, by striking
16 the words "by further restricting the issuance of a
17 class "E" license to premises on or near which
18 gasoline is sold,".
19 18. Title page, line 14, by inserting after the
20 word "sold," the following: "by prohibiting the
21 employment of persons under twenty-one years of age in
22 the sale of alcoholic beverages for consumption off
23 the licensed premises in certain instances,".
24 19. Title page, line 16, by inserting after the
25 word "fund" the following: "by providing an upper
26 limit on the license fee for the renewal of a class
27 "E" license,".
28 20. By striking title page 1, line 20 through
29 title page 2, line 4, and inserting the following:
30 "license or class "B" beer permit, by requiring class
31 "E" licensees to collect and".
32 21. Title page, line 11, by inserting after the
33 word "depleted," the following: "by providing an
34 appropriation to the department of health for the
35 treatment of alcoholics from funds collected by the
36 division for the deposit on containers of alcoholic
37 liquor which are not disbursed in the payment of the
38 refund,".
39 22. By renumbering, relettering, or redesignating
40 and correcting internal references as necessary.

S-3256

- 1 Amend Senate File 465 as follows:
2 1. Page 1, line 10, by inserting after the word
3 "acres" the following: ", is not used for raising
4 feed grain, including but not limited to corn,".

LEONARD L. BOSWELL

S-3257

- 1 Amend the amendment, S-3238, to Senate File 323 as
- 2 follows:
- 3 1. Page 1, line 13, by inserting after the word
- 4 "residence" the following: " or enroll the child in
- 5 another school district,".

LARRY MURPHY
RICHARD J. VARN

S-3258

- 1 Amend Senate File 323 as follows:
- 2 1. Page 1, line 2, by striking the figure "1987"
- 3 and inserting the following: "1988".
- 4 2. Page 2, by striking lines 7 through 13.

JAMES RIORDAN

S-3259

- 1 Amend Senate File 471 as follows:
- 2 1. Page 7, by inserting after line 24 the
- 3 following:
- 4 "The municipality, or agency or subdivision of the
- 5 municipality, or official representing the
- 6 municipality, or agency or subdivision of the
- 7 municipality, having authority over the person
- 8 providing the services shall provide notice to an
- 9 individual receiving or benefiting from the services
- 10 provided of this limitation prior to the delivery of
- 11 the services, except when an emergency exists which
- 12 does not afford a reasonable opportunity for this
- 13 notice to be given. Reasonable notice pursuant to
- 14 this section may include, but is not limited to,
- 15 notice by mail, notice which is posted on a bulletin
- 16 board or other prominent place at a site where the
- 17 services are to be provided, or notice prominently
- 18 contained in registration material distributed to
- 19 individuals receiving or benefiting from the service."

RICHARD VARN

S-3260

1 Amend Senate File 397 as follows:

2 1. Page 1, by inserting after line 31 the
3 following:

4 "Sec. ____ . NEW SECTION. 476.67 SEPARATE RATE
5 FILING FOR LIHEAP CUSTOMERS.

6 The board shall require each electric and gas
7 public utility serving customers receiving moneys
8 under the low income energy assistance program
9 (LIHEAP) to file a separate rate which will indicate
10 the customer's total bill and the LIHEAP allotment
11 separately."

RICHARD VARN

S-3261

1 Amend Senate File 489 as follows:

DIVISION S—3261A

2 1. Page 1, line 10, by striking the words "mental
3 health".

4 2. Page 1, line 18, by striking the words "mental
5 health".

6 3. page 2, line 24, by striking the words "mental
7 health".

8 4. Page 2, line 35, by striking the words "mental
9 health".

10 5. Page 3, by striking lines 1 through 3 and in-
11 serting the following: "employed in graduate
12 teaching, training, or research in counseling, and two
13 of whom shall be practicing counselors; three members
14 licensed to practice marital".

15 6. Page 3, lines 31 and 32, by striking the words
16 "mental health".

17 7. Page 4, line 18, by striking the words "mental
18 health".

19 8. Page 4, line 21, by striking the words "mental
20 health".

21 9. Page 5, by striking lines 1 and 2 and
22 inserting the following: "application of principles
23 and methods of marital and family therapy in the
24 assessment and resolution".

25 10. Page 5, line 7, by striking the words "mental
26 health".

27 11. Page 5, line 9, by striking the words "mental
28 health".

29 12. Page 5, line 31, by striking the words
30 "mental health".

- 31 13. Page 6, lines 7 and 8, by striking the words
 32 "mental health".
 33 14. Page 7, lines 32 and 33, by striking the
 34 words "mental health".
 35 15. Page 8, line 2, by striking the words "mental
 36 health".

DIVISION S—3261B

- 37 16. Page 9, line 19, by striking the words
 38 "mental health".

DIVISION S—3261A (cont'd.)

- 39 17. Title page, line 2, by striking the words
 40 "mental health".

JULIA B. GENTLEMAN

S-3262

- 1 Amend Senate File 493 as follows:
 2 1. Page 1, by striking lines 1 through 11 and in-
 3 serting the following:
 4 "Section 1. Section 15.108, subsection 7, Code
 5 1987, is amended by adding the following new
 6 paragraph:
 7 NEW PARAGRAPH. i. Assist in the development,
 8 promotion, implementation, and administration of a
 9 statewide network of regional corporations designed to
 10 increase the availability of financing for small
 11 businesses."
 12 2. Page 2, by striking lines 11 and 12.
 13 3. Page 2, line 20, by striking the word
 14 "COUNCIL" and inserting the following: "BOARD".
 15 4. Page 2, line 22, by striking the word
 16 "council" and inserting the following: "board".
 17 5. Page 2, line 26, by striking the word
 18 "council" and inserting the following: "board".
 19 6. Page 2, line 35, by striking the word
 20 "council" and inserting the following: "board".
 21 7. Page 4, line 8, by striking the word "council"
 22 and inserting the following: "board".
 23 8. Page 4, line 13, by striking the words
 24 "council and, in the opinion of the council" and
 25 inserting the following: "board and, in the opinion
 26 of the board".
 27 9. Page 4, line 20, by striking the word
 28 "council" and inserting the following: "board".

- 29 10. Page 5, line 1, by striking the word
 30 "council" and inserting the following: "board".
 31 11. Page 5, line 17, by striking the word
 32 "division" and inserting the following: "part".
 33 12. Page 5, line 30, by striking the word
 34 "council" and inserting the following: "board".

LEONARD L. BOSWELL
 ALVIN V. MILLER

S-3263

- 1 Amend Senate File 226 as follows:
 2 1. Page 1, by striking line 25 and inserting the
 3 following:
 4 "1. The dean of university extension of Iowa".
 5 2. Page 2, line 6, by inserting after the word
 6 "corps" the following: "to cover both direct and
 7 indirect costs of the program".
 8 3. Page 3, line 14, by inserting after the figure
 9 "266.55" the following: "and may be used to pay both
 10 direct and indirect expenses of the program".

LEONARD BOSWELL
 KENNETH D. SCOTT

S-3264

- 1 Amend the amendment, S-3231, to Senate File 13, as
 2 follows:
 3 1. Page 1, by striking lines 2 through 33 and
 4 inserting the following:
 5 "____. By striking everything after the enacting
 6 clause and inserting the following:
 7 "Section 1. Section 554.9307, subsection 1, Code
 8 1987, is amended by striking the subsection and
 9 inserting in lieu thereof the following:
 10 Except as provided in subsection 4, a buyer in the
 11 ordinary course of business as defined in section
 12 554.1201, subsection 9, takes free of a security
 13 interest created by that person's seller even though
 14 the security interest is perfected and even though the
 15 buyer knows of its existence. For purposes of this
 16 section, a buyer or buyer in the ordinary course of
 17 business includes any commission merchant, selling
 18 agent, or other person engaged in the business of
 19 receiving livestock as defined in section 189A.2 on
 20 commission for or on behalf of another.

21 Sec. 2. Section 554.9307, subsection 4, Code 1987,
22 is amended by striking the subsection and inserting in
23 lieu thereof the following:

24 4. a. A buyer in the ordinary course of business
25 buying farm products from a debtor engaged in farming
26 operations takes subject to a security interest
27 created by the debtor, if within one year before the
28 sale of the farm products the buyer receives prior
29 written notice of the security interest which complies
30 with this subsection and the buyer fails to perform
31 the payment obligations specified in the notice.

32 b. A written notice complies with this subsection
33 if the written notice is delivered to the buyer by the
34 secured party or the debtor who sells the farm
35 products and it complies with the following:

36 (1) Is an original or reproduced copy of the
37 written notice; and

38 (2) Is signed by either the secured party or the
39 debtor, who transmits the notice to the potential
40 buyer.

41 (3) Contains all of the following:

42 (a) The name and address of the secured party.

43 (b) The name and address of the person indebted to
44 the secured party.

45 (c) The social security number of the debtor or,
46 in the case of a debtor doing business other than as
47 an individual, the internal revenue service taxpayer
48 identification number of the debtor.

49 (d) A description of the farm products subject to
50 the security interest created by the debtor, including

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1 the amount of the products where applicable.

2 (e) An identification of the crop year in which
3 the farm products were produced.

4 (f) An identification of the county in which the
5 farm products were produced.

6 (g) A reasonable description of the property on
7 which the farm products were produced.

8 (h) A statement of any payment obligations imposed
9 on the buyer by the secured party as a condition for
10 waiver or release of the security interest.

11 c. The secured party may require, in documents
12 creating the security interest, that a debtor engaged
13 in farming operations, who creates a security interest
14 in a farm product, furnish to the secured party a list
15 of potential buyers to or through whom the debtor may
16 sell the farm product. Before a potential buyer who
17 is not on the list may receive from the secured party

18 written notice of a security interest in a farm
19 product, the secured party shall notify the debtor of
20 the name and address of the potential buyer.
21 d. A written notice shall be amended by the
22 secured party within three months of any material
23 change. The amended notice must be signed and
24 transmitted to the potential buyer similarly to the
25 original notice, by either the secured party or the
26 debtor selling the farm products. The notice lapses
27 on the earlier of either one year from the date the
28 notice was received by the buyer or the date the buyer
29 receives a notice signed by the secured party that the
30 security interest has lapsed.

31 Sec. 3. Section 554.9307 is amended by striking
32 subsection 5 and inserting in lieu thereof the
33 following:

34 5. If the notice to a potential buyer by a secured
35 party or debtor satisfies the requirements of
36 subsection 4, paragraph "b", and the debtor sells the
37 farm products subject to the security interest to a
38 buyer not included on the list as a potential buyer as
39 required in subsection 4, paragraph "c", or to any
40 other buyer, if the name and address of the buyer was
41 not received by the debtor pursuant to subsection 4,
42 paragraph "c", then the debtor is subject to a civil
43 penalty of the greater of either five thousand dollars
44 or fifteen percent of the value or benefits received
45 by the debtor for the farm products described in the
46 documents creating the security interest.

47 However, the penalty provided in this subsection
48 shall be imposed on the debtor in lieu of but not in
49 addition to the penalty described in the federal Food
50 Security Act of 1985, Pub. L. No. 99-198, § 1324. A

Page 3

1 penalty shall not be imposed on the debtor if the
2 debtor has complied with any of the following:

3 a. Notified the secured party in writing of the
4 identity of the buyer at least seven days prior to the
5 sale.

6 b. Accounted to the secured party for the proceeds
7 of the sale not later than ten days after the sale.

8 Sec. 4. Section 554.9307, Code 1987, is amended by
9 striking subsection 6 and inserting in lieu thereof
10 the following:

11 6. For purposes of this section, written notice
12 shall be considered to be received by the person to
13 whom it was delivered if the notice is delivered in
14 hand to the person with a written receipt returned, or

15 mailed by certified or registered mail with the proper
16 postage and properly addressed to the person to whom
17 it was sent. The refusal of a person to whom a notice
18 is mailed to accept delivery of the notice shall be
19 considered receipt.

20 Sec. 5. Section 554.9307, Code 1987, is amended by
21 striking subsections 7 through 9.

22 Sec. 6. This Act, being deemed of immediate
23 importance, takes effect ten days after the Act has
24 been approved by the governor or ten days after the
25 Act has been passed over the governor's objection.
26 The provisions contained in this Act shall apply
27 retroactively to all security interests granted on or
28 after December 23, 1986. If a security interest was
29 granted before December 23, 1986, the provisions
30 contained in this Act shall apply retroactively on and
31 after September 1, 1987, to those security in-
32 terests."''

EMIL J. HUSAK
LEONARD L. BOSWELL
JOHN A. PETERSON
BERL E. PRIEBE
JOHN E. SOORHOLTZ

S-3265

1 Amend Senate File 290 as follows:

2 1. Page 1, by inserting after line 16, the
3 following:

4 "Sec. ____ . Section 237.21, subsection 3, Code
5 1987, is amended to read as follows:

6 3. Members of the state board and local boards and
7 the employees of the department are subject to
8 standards of confidentiality pursuant to sections
9 217.30, ~~and~~ 235A.15, ~~and~~ 600.16. Members of the state
10 and local boards and employees of the department who
11 disclose information or records of the board or
12 department, other than as provided in subsection 2,
13 are guilty of a ~~serious~~ simple misdemeanor."

14 2. Title, line 1, by inserting after the word
15 "training," the following: "confidentiality
16 requirements for foster care review boards,".

RICHARD VANDE HOEF

S-3266

- 1 Amend Senate File 180 as follows:
- 2 1. Page 4, line 18 by inserting after the word
- 3 "harm." the following: "However, a manufacturer,
- 4 wholesaler, or distributor who grants to a small
- 5 business by contract the right to sell goods supplied
- 6 by the manufacturer, wholesaler, or distributor may
- 7 initiate a replevin action, on the termination of the
- 8 contract."

RICHARD VARN

S-3267

- 1 Amend Senate File 423 as follows:
- 2 1. Page 3, line 26 by inserting after the word
- 3 "amount" the following: "not less than the amount
- 4 necessary to satisfy the nonpayment for which notice
- 5 has been given under this section."

RICHARD VARN

S-3268

- 1 Amend Senate File 323 as follows:
- 2 1. Page 1, line 29, by inserting after the word
- 3 "period." the following: "However, if a parent or
- 4 guardian chooses to reenroll the child in the district
- 5 of residence, or to enroll the child in another school
- 6 district, during the four-year period, the parent or
- 7 guardian shall pay the maximum tuition fee to the
- 8 district pursuant to section 282.24."
- 9 2. Page 1, line 30, by striking the word "The"
- 10 and inserting the following:
- 11 "A child attending school in a contiguous district
- 12 pursuant to this section shall be included in the
- 13 basic enrollment of the district of residence pursuant
- 14 to section 442.4. The".

LARRY MURPHY
RICHARD J. VARN

S-3269

1 Amend Senate File 481 as follows:

2 1. Page 10, line 31, by inserting after the word
3 "owns" the following: "and occupies".

4 2. Page 11, line 5, by inserting after the word
5 "homestead" the following: "from the owner".

6 3. Page 11, line 17, by striking the words and
7 figures "on or after January 1, 1989." and inserting
8 the following: "in the 1989 calendar year. The
9 homestead credit amount in the schedules for tax years
10 beginning in the 1989 calendar year shall continue for
11 succeeding tax years."

12 4. Page 14, by inserting after line 32 the
13 following:

14 "Sec. 100. Section 425.17, subsections 5 and 9,
15 Code 1987, are amended to read as follows:

16 5. "Claimant" means a person filing a claim for
17 credit or reimbursement under this division who has
18 attained the age of sixty-five years on or before
19 December 31 of the base year, or who is a surviving
20 spouse ~~having or an unmarried person who has been~~
21 granted a dissolution of marriage under chapter 598 or
22 has been granted a divorce or dissolution of marriage
23 recognized in this state if the surviving spouse or
24 the unmarried person has attained the age of fifty-
25 five years on or before December 31 of the base year,
26 or who is totally disabled and was totally disabled on
27 or before December 31 of the base year, and was
28 domiciled in this state during the entire base year
29 and is domiciled in this state at the time the claim
30 is filed or at the time of the person's death in the
31 case of a claim filed by the executor or administrator
32 of the claimant's estate. "Claimant" includes a
33 vendee in possession under a contract for deed and may
34 include one or more joint tenants or tenants in
35 common. In the case of a claim for rent constituting
36 property taxes paid, the claimant shall have rented
37 the property during any part of the base year. If a
38 homestead is occupied by two or more persons, and more
39 than one person is able to qualify as a claimant, the
40 persons may determine among them who will be the
41 claimant. If they are unable to agree, the matter
42 shall be referred to the director of revenue and
43 finance not later than October 31 of each year and the
44 director's decision ~~shall be~~ is final.

45 9. "Property taxes due" means property taxes
46 including any special assessments, but exclusive of
47 delinquent interest and charges for services, due on a
48 claimant's homestead in this state, but includes only
49 property taxes for which the claimant is liable and
50 which will actually be paid by the claimant. However,

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1 if the claimant is a person whose property taxes have
2 been suspended under sections 427.8 and 427.9,
3 "property taxes due" means property taxes including
4 any special assessments, but exclusive of delinquent
5 interest and charges for services, due on a claimant's
6 homestead in this state, but includes only property
7 taxes for which the claimant is liable and which would
8 have to be paid by the claimant if the payment of the
9 taxes ~~have~~ has not been suspended pursuant to sections
10 427.8 and 427.9. "Property taxes due" shall be
11 computed ~~with no~~ without a deduction for any credit
12 under this division or for any homestead credit
13 allowed under section 425.1. Each claim shall be
14 based upon the taxes due during the fiscal year next
15 following the base year. If a homestead is owned by
16 two or more persons as joint tenants or tenants in
17 common, and one or more of the persons are not a
18 ~~member~~ members of the claimant's household, "property
19 taxes due" is that part of property taxes due on the
20 homestead which equals the ownership percentage of the
21 claimant and the claimant's household. The county
22 treasurer shall include with the tax receipt a
23 statement that if the owner of the property is sixty-
24 five years of age or over or is totally disabled, or
25 is a surviving spouse of ~~such person who or an~~
26 unmarried person who has been granted a dissolution of
27 marriage under chapter 598 or has been granted a
28 divorce or dissolution of marriage recognized in this
29 state and the surviving spouse or the unmarried person
30 is over fifty-five years of age, the person may be
31 eligible for the credit allowed under this division.
32 If a homestead is an integral part of a farm, the
33 claimant may use the total property taxes due for the
34 larger unit. If a homestead is an integral part of a
35 multidwelling or multipurpose building the property
36 taxes due for the purpose of this subsection shall be
37 prorated to reflect the portion which the value of the
38 property that the household occupies as its homestead
39 is to the value of the entire structure. For purposes
40 of this subsection, "unit" refers to that parcel of
41 property covered by a single tax statement of which
42 the homestead is a part."

43 5. Page 18, by inserting after line 12 the
44 following:

45 "Sec. ____ . Section 100 of this Act is applicable
46 to property tax credit claims filed on or after
47 January 1, 1988 for taxes payable in the fiscal year
48 beginning July 1, 1988 and ending June 30, 1989 and

49 for any subsequent years. Section 100 of this Act is
50 applicable to rent reimbursement claims filed on or

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1 after January 1, 1989 for rents paid in calendar year
2 1988 and subsequent calendar years.”
3 6. Title page, line 10, by inserting after the
4 word “schedule;” the following: “extending to
5 divorced persons the benefits of the additional
6 property tax relief for owning or renting a
7 homestead;”

EDGAR H. HOLDEN

S-3270

1 Amend Senate File 481 as follows:
2 1. Page 8, by inserting after line 14 the
3 following:
4 “Sec. 70. Section 422.7, Code 1987, is amended by
5 adding the following new subsections:
6 NEW SUBSECTION. Subtract, to the extent included,
7 the amount received as a scholarship or fellowship by
8 a graduate research assistant at an institute of
9 higher education in the state to the extent it would
10 be excluded under section 117 of the Internal Revenue
11 Code in effect on December 31, 1986.
12 NEW SUBSECTION. Subtract, to the extent included,
13 the amounts paid or expenses incurred by the
14 taxpayer’s employer for educational assistance to the
15 employee which would have been excluded under section
16 127 of the Internal Revenue Code but for the fact the
17 amount of the educational assistance furnished
18 exceeded the maximum exclusion amount in section
19 127(a)(2) of the Internal Revenue Code.”
20 2. Page 9, by inserting after line 9 the
21 following:
22 “Sec. 75. Section 422.9, subsection 2, Code 1987,
23 is amended by adding the following new lettered
24 paragraphs:
25 NEW LETTERED PARAGRAPH. g. Add the amount of
26 interest paid, to the extent not already included, on
27 a student loan made under a federal or state
28 guaranteed student loan program.
29 NEW LETTERED PARAGRAPH. h. Add the amount of
30 educational and related expenses, to the extent not
31 already included, that are deductible under section
32 162 of the Internal Revenue Code in effect on December

33 31, 1986.”

34 3. Page 18, line 6, by inserting before the word
35 “of” the following: “, 70, and 75”.

JOHN NYSTROM

S-3271

1 Amend Senate File 2 as follows:

2 1. By striking page 2, line 2 through page 3,
3 line 30, and inserting the following:

4 “Sec. 2. NEW SECTION. 730.5 DRUG TESTING OF
5 EMPLOYEES OR APPLICANTS REGULATED.

6 1. As used in this section, “drug test” means any
7 blood, urine, saliva, chemical, or skin tissue test
8 conducted for the purpose of detecting the presence of
9 a chemical substance in an individual.

10 2. Except as provided in subsection 7, an employer
11 shall not require or request employees or applicants
12 for employment to submit to a drug test as a condition
13 of employment, preemployment, promotion, or change in
14 status of employment. An employer shall not request,
15 require, or conduct random or blanket drug testing of
16 employees. However, this section does not apply to
17 preemployment drug tests authorized for peace officers
18 or correctional officers of the state, or to drug
19 tests required under federal statutes, or to drug
20 tests conducted to determine if an employee is
21 ineligible to receive workers’ compensation under
22 section 85.16, subsection 2.

23 3. This section does not prohibit an employer from
24 requiring a specific employee to submit to a drug test
25 if all of the following conditions are met:

26 a. The employer has reasonable suspicion to
27 believe that an employee’s faculties are impaired on
28 the job.

29 b. The employee is in a position where such
30 impairment presents a danger to the safety of the
31 employee, another employee, a member of the public, or
32 the property of the employer, or when impairment due
33 to intoxication is a violation of a known rule of the
34 employer.

35 c. The test sample withdrawn from the employee is
36 analyzed by a laboratory or testing facility that has
37 been approved under rules adopted by the department of
38 public health.

39 d. If a test is conducted and the results indicate
40 that the employee is under the influence of alcohol or

41 a controlled substance or indicate the presence of a
42 controlled substance, a second test using an
43 alternative method of analysis shall be conducted.
44 When possible and practical, the second test shall use
45 a portion of the same test sample withdrawn from the
46 employee for use in the first test.
47 e. An employee shall be accorded a reasonable
48 opportunity to rebut or explain the results of a drug
49 test.
50 f. The employer shall provide substance abuse

Page 2

1 evaluation and treatment with costs apportioned as
2 provided under the employee benefit plan or at
3 employer expense, if there is no employee benefit
4 plan, for those employees whose drug test indicates
5 the presence of alcohol or a controlled substance. If
6 an employee whose drug test indicates the presence of
7 alcohol or a controlled substance undergoes substance
8 abuse evaluation which indicates an addiction for
9 which substance abuse treatment is recommended, and if
10 the employee successfully completes substance abuse
11 treatment, if recommended by the evaluation, the
12 employer shall take no disciplinary action against the
13 employee. However, if an employee fails to undergo
14 substance abuse evaluation when required under the
15 results of a drug test, or fails to successfully
16 complete substance abuse treatment when recommended by
17 an evaluation, the employee may be disciplined up to
18 and including discharge. The substance abuse
19 evaluation and treatment provided by the employer
20 shall take place under a program approved by the
21 department of public health.

22 4. In conducting those tests designed to identify
23 the presence of chemical substances in the body, the
24 employer shall ensure to the extent feasible that the
25 tests only measure and that the records of the tests
26 only show or make use of information regarding
27 chemical substances in the body which are likely to
28 affect the ability of the employee to perform safely
29 the employee's duties while on the job.

30 5. This section does not restrict an employer's
31 ability to prohibit the use of alcohol or controlled
32 substances during work hours or to discipline
33 employees for being under the influence of alcohol or
34 controlled substances during work hours.

35 6. This section does not prevent an employer from
36 conducting medical screening in order to monitor
37 exposure to toxic or other unhealthy substances

38 encountered in the workplace or in the performance of
39 their job responsibilities. Any such screening must
40 be limited to the specific substances required to be
41 monitored.

42 7. A drug test conducted as a part of a
43 preemployment physical or a regularly scheduled
44 physical is only permissible under the following
45 circumstances:

46 a. For a preemployment physical, the employer
47 shall include notice that a drug test will be part of
48 a preemployment physical in any notice or
49 advertisement soliciting applicants for employment,
50 and an applicant for employment shall be personally

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1 informed of the requirement for a drug test at the
2 first interview.

3 b. For a regularly scheduled physical, the
4 employer shall give notice that a drug test will be
5 part of the physical at least thirty days prior to the
6 date the physical is scheduled.

7 Drug testing conducted under this subsection shall
8 conform to the requirements of subsection 3,
9 paragraphs "c", "d", "e", and "f".

10 8. An employer shall protect the confidentiality
11 of the results of any drug test conducted on an
12 employee. The results of the test may be recorded in
13 the employee's record; however, if an employee whose
14 test indicated the employee was under the influence of
15 alcohol or a controlled substance or indicated the
16 presence of a controlled substance has undergone
17 substance abuse evaluation and, when treatment is
18 indicated under the substance abuse evaluation,
19 successfully completed treatment for substance abuse,
20 the employee's records shall be expunged of any
21 reference to the test or its results when the employee
22 leaves employment.

23 9. This section may be enforced through a civil
24 action.

25 When a person commits, is committing, or proposes
26 to commit, an act in violation of this section, an
27 injunction may be granted through an action in
28 district court to prohibit the person from continuing
29 such acts. The action for injunctive relief may be
30 brought by an aggrieved employee or applicant for
31 employment, the county attorney, or the attorney
32 general.

33 In an action brought under this subsection alleging
34 that an employer has required or requested a drug test

35 in violation of this section, the employer has the
36 burden of proving that the requirements of this
37 section were met.

38 10. An employee shall not be discharged,
39 disciplined, or discriminated against in any manner
40 for filing a complaint or testifying in any proceeding
41 or action involving violations of this section."

42 2. Page 4, line 15, by striking the words "An
43 employee" and inserting the words "A person".

44 3. Page 4, line 16, by striking the word
45 "employer's".

46 4. Page 4, by striking lines 17 and 18, and
47 inserting the following: "from the date of the act,
48 bring an action for damages sustained, and this action
49 may be joined".

TOM MANN, Jr.

S-3272

1 Amend Senate File 2 as follows:

2 1. By striking page 2, line 2 through page 3,
3 line 30, and inserting the following:

4 "Sec. 2. **NEW SECTION. 730.5 DRUG TESTING OF**
5 **EMPLOYEES OR APPLICANTS REGULATED.**

6 1. As used in this section, "drug test" means any
7 blood, urine, saliva, chemical, or skin tissue test
8 conducted for the purpose of detecting the presence of
9 a chemical substance in an individual.

10 2. Except as provided in subsection 7, an employer
11 shall not require or request employees or applicants
12 for employment to submit to a drug test as a condition
13 of employment, preemployment, promotion, or change in
14 status of employment. An employer shall not request,
15 require, or conduct random or blanket drug testing of
16 employees. However, this section does not apply to
17 preemployment drug tests authorized for peace officers
18 or correctional officers of the state, or to drug
19 tests required under federal statutes or regulations,
20 or to drug tests conducted to determine if an employee
21 is ineligible to receive workers' compensation under
22 section 85.16, subsection 2.

23 3. This section does not prohibit an employer from
24 requiring a specific employee to submit to a drug test
25 if all of the following conditions are met:

26 a. The employer has reasonable suspicion to
27 believe that an employee's faculties are impaired on
28 the job.

29 b. The employee is in a position where such

30 impairment presents a danger to the safety of the
31 employee, another employee, a member of the public, or
32 the property of the employer, or when impairment due
33 to intoxication is a violation of a known rule of the
34 employer.

35 c. The test sample withdrawn from the employee is
36 analyzed by a laboratory or testing facility that has
37 been approved under rules adopted by the department of
38 public health.

39 d. If a test is conducted and the results indicate
40 that the employee is under the influence of alcohol or
41 a controlled substance or indicate the presence of a
42 controlled substance, a second test using an
43 alternative method of analysis shall be conducted.
44 When possible and practical, the second test shall use
45 a portion of the same test sample withdrawn from the
46 employee for use in the first test.

47 e. An employee shall be accorded a reasonable
48 opportunity to rebut or explain the results of a drug
49 test.

50 f. The employer shall provide substance abuse

Page 2

1 evaluation and treatment with costs apportioned as
2 provided under the employee benefit plan or at
3 employer expense, if there is no employee benefit
4 plan, for those employees whose drug test indicates
5 the presence of alcohol or a controlled substance. If
6 an employee whose drug test indicates the presence of
7 alcohol or a controlled substance undergoes substance
8 abuse evaluation which indicates an addiction for
9 which substance abuse treatment is recommended, and if
10 the employee successfully completes substance abuse
11 treatment, if recommended by the evaluation, the
12 employer shall take no disciplinary action against the
13 employee. However, if an employee fails to undergo
14 substance abuse evaluation when required under the
15 results of a drug test, or fails to successfully
16 complete substance abuse treatment when recommended by
17 an evaluation, the employee may be disciplined up to
18 and including discharge. The substance abuse
19 evaluation and treatment provided by the employer
20 shall take place under a program approved by the
21 department of public health.

22 4. In conducting those tests designed to identify
23 the presence of chemical substances in the body, the
24 employer shall ensure to the extent feasible that the
25 tests only measure and that the records of the tests
26 only show or make use of information regarding

27 chemical substances in the body which are likely to
28 affect the ability of the employee to perform safely
29 the employee's duties while on the job.

30 5. This section does not restrict an employer's
31 ability to prohibit the use of alcohol or controlled
32 substances during work hours or to discipline
33 employees for being under the influence of alcohol or
34 controlled substances during work hours.

35 6. This section does not prevent an employer from
36 conducting medical screening in order to monitor
37 exposure to toxic or other unhealthy substances
38 encountered in the workplace or in the performance of
39 their job responsibilities. Any such screening must
40 be limited to the specific substances required to be
41 monitored.

42 7. A drug test conducted as a part of a
43 preemployment physical or a regularly scheduled
44 physical is only permissible under the following
45 circumstances:

46 a. For a preemployment physical, the employer
47 shall include notice that a drug test will be part of
48 a preemployment physical in any notice or
49 advertisement soliciting applicants for employment,
50 and an applicant for employment shall be personally

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1 informed of the requirement for a drug test at the
2 first interview.

3 b. For a regularly scheduled physical, the
4 employer shall give notice that a drug test will be
5 part of the physical at least thirty days prior to the
6 date the physical is scheduled.

7 Drug testing conducted under this subsection shall
8 conform to the requirements of subsection 3,
9 paragraphs "c", "d", "e", and "f".

10 8. An employer shall protect the confidentiality
11 of the results of any drug test conducted on an
12 employee. The results of the test may be recorded in
13 the employee's record; however, if an employee whose
14 test indicated the employee was under the influence of
15 alcohol or a controlled substance or indicated the
16 presence of a controlled substance has undergone
17 substance abuse evaluation and, when treatment is
18 indicated under the substance abuse evaluation,
19 successfully completed treatment for substance abuse,
20 the employee's records shall be expunged of any
21 reference to the test or its results when the employee
22 leaves employment.

23 9. This section may be enforced through a civil

24 action.

25 When a person commits, is committing, or proposes
26 to commit, an act in violation of this section, an
27 injunction may be granted through an action in
28 district court to prohibit the person from continuing
29 such acts. The action for injunctive relief may be
30 brought by an aggrieved employee or applicant for
31 employment, the county attorney, or the attorney
32 general.

33 In an action brought under this subsection alleging
34 that an employer has required or requested a drug test
35 in violation of this section, the employer has the
36 burden of proving that the requirements of this
37 section were met.

38 10. An employee shall not be discharged,
39 disciplined, or discriminated against in any manner
40 for filing a complaint or testifying in any proceeding
41 or action involving violations of this section. An
42 employee discharged, disciplined, or otherwise
43 discriminated against in violation of this section
44 shall be compensated by the employer in the amount of
45 any loss of wages and benefits arising out of the
46 discrimination and shall be restored to the employee's
47 previous position of employment."

TOM MANN, Jr.

S-3273

1 Amend Senate File 459 as follows:

2 1. By striking page 1, line 21 through page 2,
3 line 16 and inserting the following:

4 "Sec. ____ . This Act, being deemed of immediate
5 importance, takes effect upon its enactment."

6 2. Title page, line 2, by striking the words
7 "effective dates" and inserting the words "an ef-
8 fective date".

DONALD V. DOYLE

S-3274

1 Amend Senate File 467 as follows:

2 1. Page 6, by striking lines 14 through 34.

3 2. Title page, by striking line 7 and inserting
4 the following: "day care center."

JEAN LLOYD-JONES
BEVERLY A. HANNON

S-3275

- 1 Amend Senate File 481 as follows:
- 2 1. By striking page 11, line 34 through page 14,
- 3 line 20.
- 4 2. Page 17, by striking lines 9 through 32.
- 5 3. Page 18, by striking lines 4 and 5.
- 6 4. Title page, lines 3 through 5, by striking the
- 7 words "increasing the state sales, services, and use
- 8 tax and providing for refunds for certain contractors
- 9 as a result of that increase;".

CALVIN O. HULTMAN
EDGAR H. HOLDEN
JOHN W. JENSEN
RICHARD VANDE HOEF
LEE W. HOLT
NORMAN J. GOODWIN
JULIA GENTLEMAN
LINN FUHRMAN
FORREST SCHWENGELS
JACK W. HESTER
RAY TAYLOR

S-3276

- 1 Amend Senate File 487 as follows:
- 2 1. Page 1, line 16, by striking the word "file"
- 3 and inserting the following: "commit to filing".

LEONARD BOSWELL

S-3277

- 1 Amend Senate File 481 as follows:
- 2 1. Page 4, line 10, by striking the figure "1988"
- 3 and inserting the following: "1987".
- 4 2. Page 4, line 16, by striking the figure "1988"
- 5 and inserting the following: "1987".
- 6 3. By striking page 4, line 31 through page 6,
- 7 line 25 and inserting the following:
- 8 "Sec. 6. Section 422.5, subsection 1, paragraphs a
- 9 through m, Code 1987, are amended by striking the
- 10 paragraphs and inserting in lieu thereof the
- 11 following:
- 12 a. On all taxable income from zero through five
- 13 thousand dollars, three percent.

14 b. On all taxable income exceeding five thousand
15 dollars but not exceeding ten thousand dollars, four
16 percent.

17 c. On all taxable income exceeding ten thousand
18 dollars, six and one-half percent.

19 In addition to the tax imposed under paragraphs "a"
20 through "c", an additional tax is imposed on a
21 taxpayer whose taxable income exceeds twenty-five
22 thousand dollars at a rate of one and three-fourths
23 percent of the taxable income exceeding twenty-five
24 thousand dollars but not exceeding thirty-five
25 thousand dollars and at a rate of one and one-fourth
26 percent of the taxable income exceeding thirty-five
27 thousand dollars but not exceeding forty-five thousand
28 dollars."

29 4. Page 7, line 12, by striking the word and
30 figures "6 and 7" and inserting the following: "2, 6,
31 7, and 10".

32 5. Page 7, by inserting after line 13 the
33 following:

34 "2. However, no tax shall be imposed on any
35 resident or nonresident whose net income, as defined
36 in section 422.7, is ~~five~~ seven thousand dollars or
37 less; but in the event that the payment of tax under
38 this division would reduce the net income to less than
39 ~~five~~ seven thousand dollars, then the tax shall be
40 reduced to that amount which would result in allowing
41 the taxpayer to retain a net income of ~~five~~ seven
42 thousand dollars. The preceding sentence does not
43 apply to estates or trusts. For the purpose of this
44 subsection, the entire net income, including any part
45 thereof not allocated to Iowa, shall be taken into
46 account. If the combined net income of a husband and
47 wife exceeds ~~five~~ seven thousand dollars, neither of
48 them shall receive the benefit of this subsection, and
49 it is immaterial whether they file a joint return or
50 separate returns. A person who is claimed as a

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1 dependent by another person as defined in section
2 422.12 shall not receive the benefit of this
3 subsection if the person claiming the dependent has
4 net income exceeding ~~five~~ seven thousand dollars or
5 the person claiming the dependent and the person's
6 spouse have combined net income exceeding ~~five~~ seven
7 thousand dollars."

8 6. Page 8, line 5, by striking the word "five"
9 and inserting the following: "~~five~~ seven".

10 7. Page 8, by inserting after line 14 the

11 following:

12 "10. In addition to the other taxes imposed by
13 this section, a tax is imposed on the amount of a lump
14 sum distribution for which the taxpayer has elected
15 under section 402(e) of the Internal Revenue Code ~~of~~
16 ~~1954~~ to be separately taxed for federal income tax
17 purposes for the tax year. The rate of tax is equal
18 to twenty-five percent of the separate federal tax
19 imposed on the amount of the lump sum distribution. A
20 nonresident is liable for this tax only on that
21 portion of the lump sum distribution allocable to
22 Iowa. The total amount of the lump sum distribution
23 subject to separate federal tax shall be included in
24 net income for purposes of determining eligibility
25 under the ~~five~~ seven thousand dollar or less
26 exclusion.

27 Sec. 50. Section 422.7, subsections 6, 8, and 19,
28 Code 1987, are amended to read as follows:

29 6. Individual taxpayers and married taxpayers who
30 file a joint federal income tax return and who elect
31 to file a joint return; ~~or separate returns or~~
32 ~~separate filing on a combined return~~ for Iowa income
33 tax purposes, may avail themselves of the disability
34 income exclusion and shall compute the amount of the
35 disability income exclusion subject to the limitations
36 for joint federal income tax return filers provided by
37 section 105(d) of the Internal Revenue Code ~~of 1954~~.
38 The disability income exclusion provided in section
39 105(d) of the Internal Revenue Code ~~of 1954~~, as
40 amended up to and including December 31, 1982,
41 continues to apply for state income tax purposes for
42 tax years beginning on or after January 1, 1984.

43 8. Married taxpayers who file a joint federal
44 income tax return and who elect to file separate
45 returns ~~or separate filing on a combined return~~ for
46 Iowa income tax purposes, may avail themselves of the
47 expensing of business assets and capital loss
48 provisions of sections 179(a) and 1211(b) respectively
49 of the Internal Revenue Code ~~of 1954~~ and shall compute
50 the amount of expensing of business assets and capital

Page 3

1 loss subject to the limitations for joint federal
2 income tax return filers provided by sections 179(b)
3 and 1211(b) respectively of the Internal Revenue Code
4 ~~of 1954~~.

5 19. Married taxpayers, who file a joint federal
6 income tax return and who elect to file separate
7 returns ~~or who elect separate filing on a combined~~

8 ~~return~~ for state income tax purposes, shall include in
 9 net income any social security benefits or tier 1
 10 railroad retirement benefits received to the same
 11 extent as those benefits are taxable on the taxpayer's
 12 joint federal return for that year under section 86 of
 13 the Internal Revenue Code of 1954. The benefits
 14 included in net income must be allocated between the
 15 spouses in the ratio of the social security benefits
 16 or tier 1 railroad retirement benefits received by
 17 each spouse to the total of these benefits received by
 18 both spouses."

19 8. By striking page 9, line 10 through page 11,
 20 line 21 and inserting the following:

21 "Sec. 51. Section 422.12, subsection 2, unnumbered
 22 paragraph 2, Code 1987, is amended to read as follows:

23 ~~Married taxpayers electing to file separate returns~~
 24 ~~or filing separately on a combined return~~ must
 25 allocate the child and dependent care credit to each
 26 spouse in the proportion that each spouse's respective
 27 net income bears to the total combined net income.
 28 Taxpayers affected by the allocation provisions of
 29 section 422.8 shall be permitted a deduction for the
 30 credit only in the amount fairly and equitably
 31 allocable to Iowa under rules prescribed by the
 32 director.

33 Sec. 52. Section 422.12, Code 1987, is amended by
 34 adding the following new subsections:

35 NEW SUBSECTION. 4. A two-earner credit for
 36 married taxpayers filing jointly. The credit is equal
 37 to one percent of the qualified earned income of the
 38 spouse with the lower qualified earned income not to
 39 exceed fifty dollars. For purposes of this credit the
 40 term "qualified earned income" means the same as
 41 provided in section 221 of the Internal Revenue Code
 42 in effect on December 31, 1986, except that only
 43 qualified earned income from Iowa sources shall be
 44 considered for the credit. Nonresidents may claim the
 45 credit only to the extent that both spouses have
 46 qualified earned income from Iowa sources.

47 NEW SUBSECTION. 5. Upon determination of the
 48 latest cumulative inflation factor, the director shall
 49 multiply each dollar amount of the personal exemptions
 50 set forth in subsection 1 and each dollar amount of

Page 4

1 the two-earner credit set forth in subsection 4, by
 2 this cumulative inflation factor, shall round off the
 3 resulting product to the nearest one dollar, and shall
 4 incorporate the result into the income tax forms and

- 5 instructions for each tax year.
- 6 Sec. 53. Section 422.13, subsection 1, paragraph
7 b, Code 1987, is amended to read as follows:
- 8 b. The individual has net income of ~~four~~ seven
9 thousand dollars or more for the tax year from sources
10 taxable under this division.”
- 11 9. Page 11, line 24, by striking the figure
12 “1989” and inserting the following: “1988”.
- 13 10. Page 11, line 29, by striking the word and
14 figure “section 422.5” and inserting the following:
15 “~~section~~ sections 422.5 and 422.12”.
- 16 11. By striking page 14, line 21 through page 17,
17 line 8.
- 18 12. Page 17, line 34, by striking the word “but”
19 and inserting the following: “.”
- 20 13. By striking page 17, line 35 through page 18,
21 line 3.
- 22 14. Page 18, line 6, by striking the words and
23 figures “and 8 through 17” and inserting the
24 following: “8, 9, 10, 11, 17, 50, 51, 52, and 53”.
- 25 15. Page 18, by striking lines 9 through 20.
- 26 16. Title page, lines 2 and 3, by striking the
27 words “standard deductions, and personal exemptions
28 and”.
- 29 17. Title page, line 8, by striking the word “;
30 adjusting”.
- 31 18. Title page, by striking lines 9 through 12
32 and inserting the following: “and”.
- 33 19. By renumbering as necessary.

CALVIN O. HULTMAN
JOHN W. JENSEN
RICHARD VANDE HOEF
LEE W. HOLT
RICHARD F. DRAKE
NORMAN J. GOODWIN
JULIA GENTLEMAN
FORREST SCHWENGELS
JIM LIND
WILMER RENSINK
JOY CORNING
JACK W. HESTER
RAY TAYLOR
EDGAR H. HOLDEN

S-3278

1 Amend Senate File 489 as follows:

2 1. By striking page 8, line 6 through page 9,
3 line 22 and inserting the following:

4 "A practicing attorney, counselor, physician,
5 surgeon, physician's assistant, mental health
6 professional, or the stenographer or confidential
7 clerk of any such person, who obtains information by
8 reason of the person's employment, or a minister of
9 the gospel or priest of any denomination shall not be
10 allowed, in giving testimony, to disclose any
11 confidential communication properly entrusted to the
12 person in the person's professional capacity, and
13 necessary and proper to enable the person to discharge
14 the functions of the person's office according to the
15 usual course of practice or discipline. The
16 prohibition does not apply to cases where the person
17 in whose favor the prohibition is made waives the
18 rights conferred; nor does the prohibition apply to
19 physicians or surgeons, physician's assistants, mental
20 health professionals, or to the stenographer or
21 confidential clerk of any physicians or surgeons,
22 physician's assistants, or mental health
23 professionals, in a civil action in which the
24 condition of the person in whose favor the prohibition
25 is made is an element or factor of the claim or
26 defense of the person or of any party claiming through
27 or under the person. The evidence is admissible upon
28 trial of the action only as it relates to the
29 condition alleged.

30 PARAGRAPH DIVIDED. If an adverse party desires the
31 oral deposition, either discovery or evidentiary, of a
32 physician or surgeon, physician's assistant, or mental
33 health professional to which the prohibition would
34 otherwise apply or the stenographer or confidential
35 clerk of a physician or surgeon, physician's
36 assistant, or mental health professional or desires to
37 call a physician or surgeon, physician's assistant, or
38 mental health professional to which the prohibition
39 would otherwise apply or the stenographer or
40 confidential clerk of a physician or surgeon,
41 physician's assistant, or mental health professional
42 as a witness at the trial of the action, the adverse
43 party shall file an application with the court for
44 permission to do so. The court upon hearing, which
45 shall not be ex parte, shall grant permission unless
46 the court finds that the evidence sought does not
47 relate to the condition alleged and shall fix a
48 reasonable fee to be paid to the physician or surgeon,
49 physician's assistant, or mental health professional
50 by the party taking the deposition or calling the

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1 witness. For the purposes of this section, "mental
2 health professional" means psychologists certified
3 under chapter 154B; registered nurses licensed under
4 chapter 152; or individuals holding at least a
5 master's degree in social work or counseling and
6 guidance: a person who meets all of the following
7 requirements:
8 1. Holds at least a master's degree in a mental
9 health field, including, but not limited to,
10 psychology, counseling, nursing, or social work; or is
11 licensed to practice medicine or osteopathy pursuant
12 to chapter 148, 150, or 150A.
13 2. Holds a license to practice in the appropriate
14 profession.
15 3. Has at least two years of postdegree
16 experience, supervised by a mental health
17 professional, in assessing mental health problems and
18 needs of individuals used in providing appropriate
19 mental health services for those individuals."

JULIA B. GENTLEMAN

S-3279

1 Amend Senate File 356 as follows:
2 1. By striking everything after the enacting
3 clause and inserting the following:
4 "Section 1. **NEW SECTION. 170.1A RETAIL FOOD**
5 **STORE SANITATION CODE -- ADOPTION BY RULE.**
6 As soon as is practicable, the director shall adopt
7 the retail food store sanitation code, section 170.1,
8 subsection 3, by rule as the Iowa retail food store
9 sanitation code, with the following exceptions:
10 1. 2-101 shall be amended so that food prepared in
11 a home may be used or offered for sale.
12 2. 7-802 shall be deleted."
13 2. Title page, by striking lines 1 and 2 and
14 inserting the following: "An Act establishing an Iowa
15 retail food store sanitation code."

LARRY MURPHY

S-3280

- 1 Amend Senate File 283 as follows:
- 2 1. Page 1, by striking line 3 and inserting the
- 3 following:
- 4 "In those trusts defined in section 633.3,
- 5 subsection 34, the trustee shall, within sixty days of
- 6 appointment, file".
- 7 2. Page 1, by inserting after line 10 the
- 8 following:
- 9 "Sec. 2. Section 633.700, Code 1987, is amended by
- 10 adding the following new unnumbered paragraph:
- 11 NEW UNNUMBERED PARAGRAPH. Nothing in this section
- 12 shall cause a trust outside the definition in section
- 13 633.3, subsection 34, to be brought before the court
- 14 for jurisdictional purposes."

RICHARD VARN

S-3281

- 1 Amend Senate File 384 as follows:
- 2 1. Page 1, by inserting after line 5 the
- 3 following:
- 4 "Sec. ____ . Section 321.445, Code 1987, is amended
- 5 by adding the following new subsection:
- 6 NEW SUBSECTION. 5. A person shall not be eligible
- 7 to collect workers' compensation, unemployment
- 8 compensation, medicare, or insurance based on physical
- 9 injuries sustained by the person in a motor vehicle
- 10 accident to the extent such injuries could have been
- 11 prevented had the person been wearing a safety belt or
- 12 safety harness."

JEAN LLOYD-JONES

S-3282

- 1 Amend Senate File 312 as follows:
- 2 1. By striking everything after the enacting
- 3 clause and inserting the following:
- 4 "Section 1. NEW SECTION. 306C.24 COMPENSATION
- 5 FOR SIGN REMOVAL.
- 6 1. DEFINITIONS. As used in this section:
- 7 a. "Off-premises advertising device" means an
- 8 advertising device which does not advertise or give
- 9 information about a business or activity located upon
- 10 the premises where the advertising device is located,
- 11 or which does not advertise the sale or lease of
- 12 property on which the device is located.

13 b. "Just compensation" means payment in cash of
14 the fair market value of the advertising device, as
15 that term is used in section 471.5, and shall not be
16 paid through amortization, regardless of the length of
17 the amortization period.

18 2. JUST COMPENSATION REQUIRED. Political
19 subdivisions of this state shall not remove, take, or
20 cause to be removed or taken, a lawfully erected off-
21 premises advertising device without paying just
22 compensation to the owner of the advertising device
23 and to the owner of the real property on which the
24 advertising device is located.

25 3. EXCEPTIONS. This section does not apply to the
26 removal or taking of an off-premises advertising
27 device under any of the following conditions:

28 a. The device is unlawfully erected, or is being
29 maintained in violation of section 306C.13, subsection
30 8, or section 306C.18.

31 b. The device has been abandoned, or is not used
32 for a period of at least six months.

33 4. DEPARTMENT AUTHORIZATION. Where required by 23
34 U.S.C. § 131 (g) the department shall pay just
35 compensation for off-premises advertising devices
36 required to be removed through amortization by a
37 zoning ordinance of a political subdivision enacted
38 prior to the devices becoming subject to chapters 306B
39 and 306C. This subsection applies only where a
40 political subdivision commenced litigation to cause
41 the removal of the devices prior to the effective date
42 of this Act, or the device is removed after the
43 effective date of this Act. Notwithstanding the
44 requirements of section 306C.14, the department may
45 first pay just compensation from the highway
46 beautification fund and then claim reimbursement from
47 the federal government for the federal share of the
48 payment."

DON GETTINGS

S-3283

1 Amend Senate File 180 as follows:

2 1. Page 5, line 7, by inserting after the word
3 "property," the following: "However, a creditor is
4 not a consignor. As used in this subsection, a
5 consignor is a person who delivers possession but not
6 title to goods to a small business which acts as an
7 agent or consignee of the consignor for the purpose of
8 selling the goods, if the proceeds from the sale are

9 to be held in trust by the small business for the
10 benefit of the consignor."

RICHARD VARN

S-3284

1 Amend Senate File 180 as follows:
2 1. Page 4, line 18 by inserting after the word
3 "harm." the following: "However, a manufacturer,
4 wholesaler, or distributor who grants to a small
5 business by contract the right to sell goods supplied
6 by the manufacturer, wholesaler, or distributor may
7 initiate a replevin action, on the termination of the
8 contract."

CALVIN O. HULTMAN

S-3285

1 Amend Senate File 384 as follows:
2 1. By striking everything after the enacting
3 clause and inserting the following:
4 "Section 1. Section 321.445, subsection 2, Code
5 1987, is amended by striking the subsection and
6 inserting in lieu thereof the following:
7 2. The fact of use, or nonuse, of safety belts or
8 safety harnesses by a person is not admissible or
9 material as evidence in civil actions brought for
10 damages.
11 Sec. 2. Section 321.445, subsections 3 and 4, Code
12 1987, are amended by striking the subsections."

C. JOSEPH COLEMAN

S-3286

1 Amend Senate File 397 as follows:
2 1. Page 1, by inserting after line 31 the
3 following:
4 "4. The board may exempt a public utility from
5 application of this section if the public utility is
6 conducting a program comparable to that required under
7 subsections 1 through 3."

- 8 2. Title page, line 2, by inserting after the
9 word "fund" the following: "with certain exceptions".

RICHARD VARN
EDGAR H. HOLDEN

S-3287

- 1 Amend Senate File 384 as follows:
2 1. Page 1, line 5 by inserting after the word "less."
3 the following: "This paragraph does not apply to the driver
4 of any motor vehicle in which there are other occupants."

JOY C. CORNING

S-3288

- 1 Amend Senate File 384 as follows:
2 1. Page 1, line 5, by inserting after the word "less."
3 the following: "This paragraph does not apply to the
4 driver or front seat occupants of a motor vehicle being
5 operated on a street or highway in this state after sunset
6 and before sunrise."

JOY C. CORNING

S-3289

- 1 Amend Senate File 384 as follows:
2 1. Page 1, line 5, by inserting after the word "less."
3 the following: "This paragraph applies only to the driver
4 and front seat occupants of a motor vehicle in which the
5 driver is twenty-five years of age or older."

JOY C. CORNING

S-3290

- 1 Amend Senate File 467 as follows:
2 1. Page 2, line 6, by striking the words "state
3 board" and inserting the following: "department".
4 2. Page 2, line 12, by striking the word "boards"
5 and inserting the following: "board".

JEAN LLOYD-JONES

S-3291

- 1 Amend Senate File 384 as follows:
- 2 1. Page 1, by inserting after line 5 the
- 3 following:
- 4 "Sec. ____ . Section 321.445, Code 1987, is amended
- 5 by adding the following new subsection:
- 6 NEW SUBSECTION. 5. A person shall not be stopped,
- 7 inspected or detained solely to determine compliance
- 8 with this section."

JOE WELSH
TOM MANN, JR.
EUGENE S. FRAISE
GEORGE R. KINLEY
WILLIAM PALMER
WALLY E. HORN
DON GETTINGS
LARRY MURPHY
C. JOSEPH COLEMAN
BERL E. PRIEBE
EMIL HUSAK
JAMES WELLS
MICHAEL GRONSTAL
DALE L. TIEDEN
JACK RIFE
LINN FUHRMAN
JIM LIND
JOHN E. SOORHOLTZ
KEN SCOTT
JOHN W. JENSEN
EDGAR H. HOLDEN
BOB CARR
RICHARD VARN
JIM RIORDAN
LEONARD BOSWELL
DON DOYLE

S-3292

- 1 Amend Senate File 384 as follows:
- 2 1. By striking everything after the enacting
- 3 clause and inserting in lieu thereof the following:
- 4 "Section 1. Section 321.445, Code 1987, is amended
- 5 by adding the following new subsection:
- 6 NEW SUBSECTION. 5. A person shall not be stopped,

7 inspected or detained solely to determine compliance
8 with this section.”

JOE WELSH

S-3293

1 Amend Senate File 472 as follows:
2 1. Page 1, by inserting after line 9 the
3 following:
4 “Sec. ____ . Section 204.210, subsection 3, Code
5 1987, is amended by adding the following new paragraph
6 and relettering as necessary:
7 NEW PARAGRAPH. b. Alfentanyl.”
8 2. By renumbering as necessary.

WALLY HORN
DONALD V. DOYLE

S-3294

1 Amend Senate File 384 as follows:
2 1. Page 1, by inserting after line 5 the following:
3 “Sec. 2. Section 321.445, subsection 4, Code 1987,
4 is amended by striking the subsection.”

JULIA GENTLEMAN
RICHARD VARN
RICHARD F. DRAKE

S-3295

1 Amend Senate File 464 as follows:
2 1. Page 1, line 11, by inserting after the word
3 “person” the following: “in business for a primary
4 purpose of”.
5 2. Page 1, line 31 by striking the words and
6 figures “before January 1, 1987”.
7 3. Page 3, lines 7 and 8 by striking the words
8 “The contract constitutes the entire agreement between
9 the seller and the buyer and shall so state.”
10 4. Page 6, line 8 by striking the word “A” and
11 inserting the following: “Subject to section 552.17,
12 subsection 3, a”.
13 5. Page 7, lines 29 and 30 by striking the words
14 “officers, directors, and stockholders” and inserting
15 the following: “officers and directors”.

16 6. Page 9, line 25 by inserting after the word
 17 "buyers." the following: "The attorney general may
 18 upon application certify that a health club is fully
 19 open for business if substantially all of the promised
 20 equipment and services are available for use, and the
 21 health club has made a diligent effort to provide the
 22 remaining equipment and services."

AL STURGEON

S-3296

1 Amend the amendment S-3292 to Senate File 384 as
 2 follows:
 3 1. Page 1, by inserting after line 8 the
 4 following:
 5 "Sec. ____ . This Act, being deemed of immediate
 6 importance, takes effect upon enactment.
 7 ____ . Title, line 1, by inserting after the word
 8 "Code" the following: ", and providing an effective
 9 date.""

JOE WELSH

S-3297

1 Amend Senate File 423 as follows:
 2 1. Page 1, line 19, by striking the word "sixty"
 3 and inserting the following: "ninety".

RICHARD VARN

S-3298

1 Amend Senate File 373 as follows:
 2 1. Page 1, by inserting after line 19 the
 3 following:
 4 "Sec. ____ . Section 86.24, subsection 5, Code 1987,
 5 is amended to read as follows:
 6 5. The decision of the industrial commissioner is
 7 final agency action ~~and an appeal of the decision~~
 8 ~~shall be made directly to the supreme court.~~
 9 Sec. ____ . Section 86.26, Code 1987, is amended to
 10 read as follows:
 11 86.26 JUDICIAL REVIEW.
 12 Judicial review of decisions or orders of the
 13 industrial commissioner ~~shall not be to the district~~

14 court but shall be made directly to the supreme court,
15 notwithstanding may be sought in accordance with
16 chapter 17A; the Iowa administrative procedure Act.
17 Petitions Notwithstanding chapter 17A, petitions for
18 judicial review shall may be filed with the clerk of
19 the supreme court as are other actions for appeal or
20 review in the district court of the county in which
21 the hearing under section 86.17 was held. The supreme
22 court may transfer the action to the court of appeals.
23 Such a review proceeding shall be accorded priority
24 over other matters pending before the district court.

25 Sec. ____ . Section 86.29, Code 1987, is amended to
26 read as follows:

27 86.29 THE JUDICIAL REVIEW PETITION.

28 In the Notwithstanding chapter 17A, in a petition
29 for judicial review of a decision of the industrial
30 commissioner in a contested case under this chapter or
31 chapter 85, 85A, 85B, or 87, the opposing party shall
32 be named the respondent, and the agency shall not be
33 named as a respondent.

34 Sec. ____ . Section 86.32, Code 1987, is amended to
35 read as follows:

36 86.32 COSTS OF JUDICIAL REVIEW.

37 In proceedings for judicial review of compensation
38 cases the clerk of the supreme court shall charge no
39 fee for any service rendered except the filing and
40 docketing fees fee and transcript fees when the
41 transcript of the contested case proceeding a judgment
42 is required. The taxation of costs on judicial review
43 shall be in the discretion of the supreme court.

44 Sec. ____ . Section 86.39, Code 1987, is amended to
45 read as follows:

46 86.39 FEES -- APPROVAL -- LIEN.

47 All fees or claims for legal, medical, hospital,
48 and burial services rendered under this chapter and
49 chapters 85, 85A, 85B, and 87 are subject to the
50 approval of the industrial commissioner, and no lien

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1 for such service is enforceable without the approval
2 of the amount of the lien by the industrial
3 commissioner. For services rendered in the district
4 court or and appellate court courts, the attorney's
5 fee is subject to the approval of a judge of the
6 district court.

7 Sec. ____ . Section 86.42, Code 1987, is amended to
8 read as follows:

9 86.42 JUDGMENT BY DISTRICT COURT ON AWARD.

10 Any party in interest may present a certified copy

11 of an order or decision of the commissioner, from
 12 which a timely petition for judicial review has not
 13 been filed or if judicial review has been filed, which
 14 has not had execution or enforcement stayed as
 15 provided in section 17A.19, subsection 5, or an order
 16 or decision of a deputy commissioner from which a
 17 timely appeal has not been taken within the agency and
 18 which has become final by the passage of time as
 19 provided by rule and section 17A.15, or an agreement
 20 for settlement approved by the commissioner, and all
 21 papers in connection therewith, to the district court
 22 of the county in which the hearing under section 86:17
 23 was held, of Polk county, or of the county in which
 24 the petitioner resides or has its principal place of
 25 business where judicial review of the agency action
 26 may be commenced. The court shall render a decree or
 27 judgment and cause the clerk to notify the parties.
 28 The decree or judgment, in the absence of a petition
 29 for judicial review or if judicial review has been
 30 commenced, in the absence of a stay of execution or
 31 enforcement of the decision or order of the industrial
 32 commissioner, or in the absence of an act of any party
 33 which prevents a decision of a deputy industrial
 34 commissioner from becoming final, has the same effect
 35 and in all proceedings in relation thereto is the same
 36 as though rendered in a suit duly heard and determined
 37 by the court.”
 38 2. By renumbering as necessary.

COMMITTEE ON JUDICIARY
 DONALD V. DOYLE, Chairperson

S-3299

- 1 Amend Senate File 423 as follows:
- 2 1. Page 1, line 19, by striking the word “sixty”
- 3 and inserting in lieu thereof the words “sixty”
- 4 ninety”.

RICHARD VARN

S-3300

- 1 Amend amendment S-3292, to Senate File 384 as
- 2 follows:
- 3 1. Page 1, by inserting after line 8 the
- 4 following:

5 "Sec. 2. Section 321.445, subsection 4, Code 1987,
6 is amended by striking the subsection."

JULIA GENTLEMAN
RICHARD VARN
RICHARD F. DRAKE

S-3301

1 Amend the amendment S-3285 to Senate File 384 as
2 follows:
3 1. Page 1, by striking lines 4 through 12 and
4 inserting the following:
5 "Section 1. Section 321.445, subsections 2, 3, and
6 4, Code 1987, are amended by striking the
7 subsections."

RICHARD VARN
JULIA GENTLEMAN

S-3302

1 Amend House File 395 as amended, passed and reprinted
2 by the House as follows:
3 1. Page 19, lines 7 through 9, by striking the words
4 "within one hundred yards of the entry to a private drive
5 servicing a residence without the permission of the occupant".

RAY TAYLOR

S-3303

1 Amend Senate File 390 as follows:
2 1. Page 1, line 14, by inserting after the word
3 "power." the following: "An election is also not
4 required for an ordinance relating to a franchise for
5 natural gas."
6 2. Title page, line 1, by striking the words "a
7 city" and inserting the following: "city natural gas
8 and".
9 3. Title page, line 2, by striking the word
10 "ordinance" and inserting the word "ordinances".

JOE WELSH

S-3304

- 1 Amend Senate File 443 as follows:
 2 1. Page 1, by inserting after line 10 the
 3 following:
 4 "**NEW SUBSECTION. 13. "Geographic territory"** means
 5 the geographical area within a perimeter formed by the
 6 outermost boundaries served by a distributor."

PATRICK J. DELUHERY

S-3305

- 1 Amend Senate File 403 as follows:
 2 1. Page 1, by inserting after line 26 the
 3 following:
 4 "Sec. ____ . Section 455B.424, subsection 5, Code
 5 1987, is amended to read as follows:
 6 5. Fees imposed by this section shall be paid to
 7 the department on an annual basis. Fees are due on
 8 April 15 for the previous calendar year. The payment
 9 shall be accompanied by a return in the form
 10 prescribed by the department. Any fees paid after
 11 April 1, 1986, for waste that is determined to be non-
 12 hazardous by the federal Environmental Protection
 13 Agency within two years following the date the payment
 14 was made shall be refunded."

JOY CORNING
 JIM LIND
 CALVIN O. HULTMAN
 DONALD E. GETTINGS

S-3306

- 1 Amend Senate File 340 as follows:
 2 1. By striking everything after the enacting
 3 clause and inserting the following:
 4 "Section 1. **NEW SECTION. 246.514 REQUIRED TEST.**
 5 A person committed to an institution under the
 6 control of the department who bites another person,
 7 who causes an exchange of bodily fluids with another
 8 person, or who causes any bodily secretion to be cast
 9 upon another person, shall submit to the withdrawal of
 10 a bodily specimen for testing to determine if the
 11 person is infected with a contagious infectious
 12 disease. The bodily specimen to be taken shall be

13 determined by the staff physician of the institution.
14 The specimen taken shall be sent to the state hygienic
15 laboratory at the state university at Iowa City or
16 some other laboratory approved by the Iowa department
17 of public health. If a person to be tested pursuant
18 to this section refuses to submit to the withdrawal of
19 a bodily specimen, application may be made by the
20 superintendent of the institution to the district
21 court for an order compelling the person to submit to
22 the withdrawal and, if infected, to available
23 treatment. An order authorizing the withdrawal of a
24 specimen for testing may be issued only by a district
25 judge or district associate judge upon application by
26 the superintendent of the institution.

27 Failure to comply with an order issued pursuant to
28 this section may result in the forfeiture of good
29 conduct time, not to exceed one year, earned up to the
30 time of the failure to comply.

31 Personnel at an institution under the control of
32 the department shall be notified if a person committed
33 to any of these institutions is found to have a
34 contagious infectious disease.

35 The department shall adopt rules to prevent the
36 transmittal of a contagious infectious disease to
37 other persons, including the segregation of inmates
38 serving short-term sentences, from inmates who test
39 positive for acquired immune deficiency syndrome.

40 For purposes of this section, "infectious disease"
41 means any infectious condition which if spread by
42 contamination would place others at a serious health
43 risk.

44 **Sec. 2. NEW SECTION. 356.48 REQUIRED TEST.**

45 A person confined to a jail, who bites another
46 person, who causes an exchange of bodily fluids with
47 another person, or who causes any bodily secretion to
48 be cast upon another person, shall submit to the
49 withdrawal of a bodily specimen for testing to
50 determine if the person is infected with a contagious

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1 infectious disease. The bodily specimen to be taken
2 shall be determined by the attending physician of that
3 jail or the county medical examiner. The specimen
4 taken shall be sent to the state hygienic laboratory
5 at the state university at Iowa City or some other
6 laboratory approved by the Iowa department of public
7 health. If a person to be tested pursuant to this
8 section refuses to submit to the withdrawal of a
9 bodily specimen, application may be made by the

10 sheriff or person in charge of the jail to the
 11 district court for an order compelling the person to
 12 submit to the withdrawal and, if infected, to
 13 available treatment. An order authorizing the
 14 withdrawal of a specimen for testing may be issued
 15 only by a district judge or district associate judge
 16 upon application by the sheriff or person in charge of
 17 the jail.

18 A person who fails to comply with an order issued
 19 pursuant to this section is guilty of a serious
 20 misdemeanor.

21 Personnel at the jail shall be notified if a person
 22 confined is found to have a contagious infectious
 23 disease.

24 The sheriff or person in charge of the jail shall
 25 take any appropriate measure to prevent the
 26 transmittal of a contagious infectious disease to
 27 other persons, including the segregation of a confined
 28 person who tests positive for acquired immune
 29 deficiency syndrome from other confined persons.

30 For purposes of this section, "infectious disease"
 31 means any infectious condition which if spread by
 32 contamination would place others at serious health
 33 risk."

34 2. Title page, by striking line 3 and inserting
 35 the following: "the Iowa department of corrections or
 36 a jail under the charge of a sheriff or other person,
 37 and providing penalties."

EUGENE FRAISE
 TOM MANN, JR.
 LARRY MURPHY
 DONALD V. DOYLE

S-3307

1 Amend Senate File 180 as follows:

2 1. Page 10, lines 16 and 17, by striking the
 3 words and figures "July 1, 1986, and ending June 30,
 4 1987" and inserting the following: "July 1, 1987, and
 5 ending June 30, 1988".

6 2. Page 10, by striking lines 24 through 27 and
 7 inserting in lieu thereof the following:

8 "Sec. 28. The amendments in this Act are".

9 3. Title page, lines 3 and 4, by striking the
 10 words "making appropriations, and providing an

11 effective date” and inserting the following: “and
12 making appropriations”.

LEONARD L. BOSWELL
JIM RIORDAN

S-3308

1 Amend Senate File 469 as follows:
2 1. Page 2, line 32, by striking the words
3 “supervision of the department of corrections” and
4 inserting the following: “provisions of section
5 907.6”.

DONALD V. DOYLE

S-3309

1 Amend Senate File 292 as follows:
2 1. By striking everything after the enacting
3 clause and inserting the following:
4 “Section 1. NEW SECTION. 100.19 FIRE HAZARD
5 ANALYSES.
6 1. As used in this section, unless the context
7 otherwise requires, “hazard analysis” means an
8 analytical system for the evaluation of the hazard
9 presented by a product in a specific end use, through
10 consideration of fire scenarios, evaluation of the
11 fire environment of each scenario, and the evaluation
12 on the effect of the fire environment on the given
13 product.
14 2. The state fire marshal shall establish a data
15 filing system utilizing the available hazard analyses
16 of materials in the fire environment. The data system
17 shall provide design information and guidance
18 regarding the products used in construction and
19 occupancy.
20 The state fire marshal shall utilize state-of-the-
21 art procedures adopted after consideration of the
22 procedures of third-party standard-making
23 organizations, government agencies, and building code
24 authorities, including but not limited to the national
25 institute of building science, the center for fire
26 research of the national bureau of standards, and the
27 national fire protection association.
28 3. In the development of the filing system, the
29 state fire marshal shall encourage manufacturers of
30 building products and building contents to perform a
31 hazard analysis of their products.
32 4. The state fire marshal shall report the
33 availability of hazard analyses data to the general

34 assembly by January 1, 1988 and shall implement the
35 data filing system required by this section by July 1,
36 1990.”

PATRICK J. DELUHERY
MICHAEL E. GRONSTAL
RICHARD F. DRAKE

S-3310

1 Amend the amendment, S-3179, to Senate File 104 as
2 follows:
3 1. Page 1, by striking lines 43 and 44 and
4 inserting the following:
5 “NEW SUBSECTION. 2A. “Dependent adult” for the
6 purposes of this chapter means a person sixty years of
7 age or over who is unable to”.

BEVERLY A. HANNON

S-3311

1 Amend Senate Resolution 10 as follows:
2 1. Page 6, by striking lines 13 and 14 and
3 inserting the following: “or series of gifts made to
4 them or each family member from any one donor which
5 exceed fifteen dollars in cumulative value in any one
6 calendar day. The”.
7 2. Page 9, line 6, by striking the words
8 “legislative council” and inserting the words “senate
9 or the senate majority leader when the senate is not
10 in session”.
11 3. Page 10, by striking lines 16 and 17 and
12 inserting the following:
13 “15. COMPLAINT FILING FORM. The following form
14 shall be used to file a complaint under these rules:”.
15 4. Page 11, line 3, by striking the word “ns”.
16 5. Page 11, by inserting after line 9 the
17 following:
18 “16. COMPLAINT NOTICE FORM. The following form
19 shall be used for notice of a complaint under these
20 rules:”.
21 6. Page 12, by inserting after line 13 the
22 following:
23 “17. HEARING NOTICE FORM. The following form
24 shall be used for notice of a hearing under these
25 rules:”.
26 7. Page 13, by inserting after line 29 the
27 following:
28 “BE IT FURTHER RESOLVED BY THE SENATE, That the
29 senate code of ethics contained in this resolution

AMENDMENTS FILED

2141

30 takes effect upon enactment by the senate and
31 supersedes any previously adopted senate code of
32 ethics."

TOM MANN, Jr.

S-3312

1 Amend amendment S-3179 to Senate File 104 as follows:
2 1. Page 1, by striking lines 36 through 40 and
3 inserting in lieu thereof the following:
4 "b. ~~The deprivation of the minimum food, shelter,~~
5 ~~clothing, supervision, physical and mental health care,~~
6 ~~and other care necessary to maintain a dependent adult's~~
7 ~~life of health as a result of the acts of omissions of the~~
8 ~~dependent adult.~~

JULIA GENTLEMAN

S-3313

1 Amend Senate Resolution 11 as follow:
2 1. Page 7, line 8, by striking the figure "10"
3 and inserting the figure "9".
4 2. Page 7, by inserting after line 10 the
5 following:
6 "BE IT FURTHER RESOLVED BY THE SENATE, That the
7 senate rules governing lobbyists contained in this
8 resolution take effect upon its adoption by the senate
9 and supersede any previously adopted senate rules
10 governing lobbyists."

TOM MANN, Jr.

S-3314

1 Amend amendment S-3179 to Senate File 104 as follows:
2 1. Page 1, by striking lines 36 through 40 and
3 inserting in lieu thereof the following:
4 "b. ~~The deprivation of the minimum food, shelter,~~
5 ~~clothing, supervision, physical and mental health care,~~
6 ~~and other care necessary to maintain a dependent adult's~~
7 ~~life or health as a result of the acts or omissions of the~~
8 ~~dependent adult.~~

JULIA GENTLEMAN

S-3315

1 Amend Senate File 473 as follows:
2 1. Page 1, by striking lines 23 through 25.
3 2. Page 2, by striking lines 1 through 3 and
4 inserting the following:
5 "4. "Enrollment served" means an area education
6 agency's enrollment served for the budget year

7 beginning July 1, 1987.”

8 3. Page 4, line 25, by striking the word “ninety-
9 one” and inserting the following: “fifty-five”.

10 4. Page 4, line 26, by striking the words
11 “certified enrollment” and inserting the following:
12 “enrollment served”.

13 5. Page 6, line 29, by inserting after the word
14 “district” the following: “and area education
15 agency”.

16 6. Page 6, lines 33 and 34, by striking the words
17 “one hundred three dollars and sixty-nine” and
18 inserting the following: “ninety-eight dollars and
19 sixty-three”.

20 7. Page 6, line 34, by inserting after the word
21 “cents.” the following: “Annually, the payments for
22 an approved plan for an area education agency are
23 equal to the product of an area education agency’s
24 enrollment served and four dollars and sixty cents.”

25 8. Page 6, line 35, by striking the word “amount”
26 and inserting the following: “amounts”.

27 9. Page 7, line 18, by inserting after the word
28 “district” the following: “or area education agency”.

29 10. Page 7, line 24, by striking the word “which”
30 and inserting the following: “. For school
31 districts, the plan”.

32 11. Page 7, line 29, by striking the word “A” and
33 inserting the following: “For school districts, a”.

34 12. Page 7, line 31, by inserting after the word
35 “center.” the following: “For area education
36 agencies, a performance-based pay plan may provide for
37 additional salary for individual teachers or for
38 additional salary for all teachers assigned to a
39 specific discipline within an area education agency.”

40 13. Page 7, line 33, by inserting after the word
41 “center,” the following: “or specific discipline.”

42 14. Page 7, line 35, by inserting after the word
43 “center” the following: “, or specific discipline.”

44 15. Page 8, line 1, by inserting after the word
45 “center” the following: “, or specific discipline”.

46 16. Page 8, line 1, by striking the word “The”
47 and inserting the following: “For school districts,
48 the”.

49 17. Page 8, line 8, by inserting after the word
50 “district” the following: “or area education agency”.

Page 2

1 18. Page 8, line 26, by inserting after the word
2 “proposal.” the following: “The board of directors of
3 an area education agency desiring to receive moneys
4 under phase III shall appoint a committee of similar

5 membership to develop a proposal.”
 6 19. Page 8, line 26, by inserting after the word
 7 “district” the following: “or area education agency”.
 8 20. Page 8, line 30, by inserting after the word
 9 “district” the following: “or area education agency”.
 10 21. Page 8, line 32, by inserting after the word
 11 “district” the following: “or area education agency”.
 12 22. Page 8, line 34, by inserting after the word
 13 “district” the following: “or area education agency”.
 14 23. Page 9, line 4, by inserting after the word
 15 “district” the following: “or area education agency”.
 16 24. Page 9, line 6, by inserting after the word
 17 “district” the following: “or area education agency”.
 18 25. Page 9, line 14, by inserting after the word
 19 “district” the following: “or area education agency”.
 20 26. Page 9, line 19, by inserting after the word
 21 “districts” the following: “and area education
 22 agencies”.
 23 27. Page 9, line 25, by inserting after the word
 24 “district” the following: “or area education agency”.
 25 28. Page 9, line 29, by inserting after the word
 26 “district” the following: “or area education agency”.
 27 29. Page 9, line 30, by inserting after the word
 28 “district” the following: “or area education agency”.
 29 30. Page 9, line 35, by inserting after the word
 30 “district” the following: “and area education
 31 agency”.
 32 31. Page 10, line 11, by inserting after the word
 33 “districts” the following: “and area education
 34 agencies”.

WILMER RENSINK

S-3316

1 Amend Senate File 465 as follows:
 2 1. Page 1, line 12, by inserting after the word
 3 “poultry” the following: “as defined in section
 4 189A.2.”.

PATRICK DELUHERY

S-3317

1 Amend the House amendment, S-3255 to Senate File
 2 298 as amended, passed and reprinted by the Senate as
 3 follows:

DIVISION S—3317B

4 1. By striking page 1, line 3, through page 2,
 5 line 7.
 6 2. By striking page 2, line 38 through page 3,
 7 line 21.

DIVISION S—3317A

8 3. Page 3, by striking line 32 and inserting the
9 following:

10 “___ . Page 5, line 13, by inserting after the
11 word “may” the word “not”.”

DIVISION S—3317B (cont'd)

12 4. Page 4, by striking line 9 and inserting the
13 following:

14 “___ . Page 6, line 15, by inserting after the
15 figure “1986” the following: “, and is repealed
16 effective January 1, 1989”.”

17 5. Page 4, by striking lines 19 through 31.

18 6. By renumbering as necessary.

WALLY E. HORN
ROBERT M. CARR
RICHARD DRAKE

S-3318

1 Amend Senate File 390 as follows:

2 1. Page 1, line 3, by striking the word “Such”
3 and inserting the following: “Except as otherwise
4 provided in this paragraph, such”.

5 2. Page 1, line 6, by inserting after the word
6 “election” the following: “unless the proposal
7 relates to a franchise for electric light and power”.

8 3. Page 1, line 12, by striking the word “An” and
9 inserting the following: “Except upon receipt of a
10 valid petition, an”.

MICHAEL E. GRONSTAL

S-3319

1 Amend Senate File 423 as follows:

2 1. Page 1, by inserting after line 11 the
3 following:

4 “Sec. ___ . Section 572.10, Code 1987, is amended
5 to read as follows:

6 572.10 PERFECTING SUBCONTRACTOR'S LIEN AFTER LAPSE
7 OF ~~SIXTY~~ NINETY DAYS.

8 After the lapse of the ~~sixty~~ ninety days prescribed
9 in section 572.9, a subcontractor may perfect a
10 mechanic's lien by filing a claim with the clerk of
11 the district court and giving written notice thereof
12 to the owner, the owner's agent, or trustee. Such
13 notice may be served by any person in the manner
14 original notices are required to be served. If the
15 party to be served, the party's agent, or trustee, is
16 out of the county wherein the property is situated, a
17 return of that fact by the person charged with making
18 such service shall constitute sufficient service from

19 and after the time it was filed with the clerk of the
20 district court.

21 Sec. ____ . Section 572.11, Code 1987, is amended to
22 read as follows:

23 **572.11 EXTENT OF LIEN FILED AFTER SIXTY NINETY**
24 **DAYS.**

25 Liens perfected under section 572.10 shall be
26 enforced against the property or upon the bond, if
27 given, by the owner, as hereinafter provided, only to
28 the extent of the balance due from the owner to the
29 contractor at the time of the service of such notice;
30 but if the bond was given by the contractor, or person
31 contracting with the subcontractor filing the claim
32 for a lien, such bond shall be enforced to the full
33 extent of the amount found due the subcontractor.

34 Sec. ____ . Section 572.12, Code 1987, is amended to
35 read as follows:

36 **572.12 TIME OF FILING AGAINST RAILWAY.**

37 Where a lien is claimed upon a railway, the
38 subcontractor shall have sixty ninety days from the
39 last day of the month in which such labor was done or
40 material furnished within which to file the claim
41 therefor."

42 2. Page 1, line 19, by striking the word "sixty"
43 and inserting the following: "sixty ninety".

44 3. Page 2, by inserting after line 21 the
45 following:

46 "Sec. ____ . Section 572.14, subsection 1, Code
47 1987, is amended as follows:

48 1. Except as provided in subsection 2, payment to
49 the original contractor by the owner of any part or
50 all of the contract price of the building or

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1 improvement before the lapse of the sixty ninety days
2 allowed by law for the filing of a mechanic's lien by
3 a subcontractor, does not relieve the owner from
4 liability to the subcontractor for the full value of
5 any material furnished or labor performed upon the
6 building, land, or improvement if the subcontractor
7 files a lien within the time provided by law for its
8 filing.

9 Sec. ____ . Section 572.16, Code 1987, is amended to
10 read as follows:

11 **572.16 RULE OF CONSTRUCTION.**

12 Nothing in this chapter shall be construed to
13 require the owner to pay a greater amount or at an
14 earlier date than is provided in the owner's contract
15 with the principal contractor, unless said owner pays
16 a part or all of the contract price to the original
17 contractor before the expiration of the sixty ninety
18 days allowed by law for the filing of a mechanic's
19 lien by a subcontractor; provided that in the case of

20 an owner-occupied dwelling, nothing in this chapter
 21 shall be construed to require the owner to pay a
 22 greater amount or at an earlier date than is provided
 23 in the owner's contract with the principal contractor,
 24 unless the owner pays a part or all of the contract
 25 price to the principal contractor after receipt of
 26 notice under section 572.14, subsection 2.

27 Sec. ____ . Section 572.27, Code 1987, is amended to
 28 read as follows:

29 572.27 LIMITATION ON ACTION.

30 An action to enforce a mechanic's lien may be
 31 brought within two years from the expiration of the
 32 ~~sixty or ninety days; as the case may be~~, for filing
 33 the claim as provided in this chapter and not
 34 afterwards."

35 4. By renumbering as necessary.

RICHARD VARN

S-3320

1 Amend Senate File 149 as follows:

2 1. Page 1, line 5, by striking the word
 3 "dentistry" and inserting the following: "oral
 4 surgery, in accordance with rules adopted by the board
 5 of dental examiners".

6 2. Page 1, line 10 by striking the word
 7 "dentistry" and inserting the following: "oral
 8 surgery, in accordance with rules adopted by the board
 9 of dental examiners".

RICHARD F. DRAKE

S-3321

1 Amend Senate File 149 as follows:

2 1. Page 1, line 4 by striking the word "coverage"
 3 and inserting the following: "payment".

RICHARD F. DRAKE

S-3322

1 Amend Senate File 477 as follows:

2 1. Page 9, by striking lines 5 through 8.

JOHN E. SOORHOLTZ

S-3323

1 Amend Senate File 440 as follows:

2 1. By striking everything after the enacting
 3 clause and inserting the following:

4 "Section 1. Section 598.35, Code 1987, is amended
 5 to read as follows:

6 598.35 GRANDPARENTS VISITATION RIGHTS.

7 The ~~grandparents~~ grandparent of a child may

8 petition the district court for grandchild visitation
9 rights when any of the following circumstances occur:

- 10 1. The parents of the child are divorced; ~~or,~~
11 2. A petition for dissolution of marriage has been
12 filed by one of the parents of the child; ~~or,~~
13 3. The parent of the child, who is the child of
14 the ~~grandparents~~ grandparent, has died; ~~or,~~
15 4. The child has been placed in a foster home.
16 5. The parents of the child are divorced, and the
17 parent who is not the child of the grandparent has
18 legal custody of the child, and the spouse of the
19 child's custodial parent has been issued a final
20 adoption decree pursuant to section 600.13.
21 6: The paternity of a child born out of wedlock is
22 judicially established and the grandparent of the
23 child is the parent of the father of the child and the
24 mother of the child has custody of the child, or the
25 grandparent of a child born out of wedlock is the
26 parent of the mother of the child and custody has been
27 awarded to the father of the child.

28 A petition for grandchild visitation rights shall
29 be granted only upon a finding that the visitation is
30 in the best interests of the child and that the
31 grandparent had established a substantial relationship
32 with the child prior to the filing of the petition.

33 Sec. 2. Section 600A.10, Code 1987, is repealed.”

DONALD V. DOYLE
DAVID M. READINGER
AL STURGEON
BILL HUTCHINS
CALVIN O. HULTMAN

S-3324

1 Amend House File 492 as passed by the House as
2 follows:

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

5 “Sec. 2. Section 204.206, subsection 3, Code 1987,
6 is amended by adding the following new paragraph and
7 relettering the subsequent paragraphs:

8 **NEW PARAGRAPH.** b. Alfentanyl.”

9 2. Title page, line 1, by inserting after the
10 word and figure “schedule I” the following: “,
11 schedule II,”.

12 3. By renumbering as required.

COMMITTEE ON HUMAN RESOURCES
BEVERLY A. HANNON, Chairperson

S-3325

- 1 Amend Senate File 477 as follows:
2 1. Page 9, by striking lines 5 through 8.
3 2. Title, lines 3 and 4, by striking the words
4 “, and exempting tickets from the sales, services, and
5 use tax”.

JOHN E. SOORHOLTZ

S-3326

- 1 Amend Senate File 494 as follows:
2 1. Page 2, line 14, by inserting after the word
3 “state.” the following: “However, in no instance
4 shall the sheriff’s salary exceed an amount equivalent
5 to one hundred fifty percent of the salary of a member
6 of the county board of supervisors, one hundred
7 twenty-five percent of the salary of the county
8 auditor, county recorder, or county treasurer, or
9 ninety percent of the salary of the county attorney if
10 the county attorney is a full-time county attorney.”

HURLEY W. HALL
EUGENE FRAISE

S-3327

- 1 Amend Senate File 479 as follows:
2 1. Page 1, by inserting after line 5 the
3 following:
4 “Sec. ____ . Section 206.19, subsection 2, Code
5 1987, is amended to read as follows:
6 2. a. Determine the proper use of pesticides
7 including but not limited to their formulations, times
8 and methods of application, and other conditions of
9 use.
10 b. With regard to the use of chlordane, the rules
11 shall prohibit the use of chlordane injected into the
12 ground around a home for any of the following:
13 (1) Homes built on concrete slabs with ventilation
14 ducts in or below the slabs.
15 (2) Homes that have a gap between the bottom of
16 the house and the ground.
17 (3) Homes with unfinished half-basements and crawl
18 spaces.
19 (4) Homes which provide foundation drainage

20 directly into sanitary sewers.
 21 However, the rules may allow the use of chlordane
 22 in homes included in subparagraphs (1) through (3) if
 23 the homes have a termite infestation and the
 24 applicator informs the home's residents of the
 25 potential hazards of the chlordane's use and explains
 26 methods of abating chlordane contamination."

RICHARD VARN

S-3328

1 Amend Senate File 459 as follows:
 2 1. Page 1, by inserting after line 20 the
 3 following:
 4 "Notwithstanding section 805.6, violations of this
 5 subsection can be charged and collected upon a simple
 6 notice of fine, similar to the manner allowed under
 7 section 321.236, subsection 1, and a uniform citation
 8 and complaint signed by the charging officer may be
 9 used for this purpose."

RICHARD F. DRAKE
 CHARLES BRUNER
 DONALD V. DOYLE
 WILLIAM W. DIELEMAN

S-3329

1 Amend Senate File 488 as follows:
 2 1. Page 1, by striking lines 22 through 24 and
 3 inserting the following: "education course. A
 4 student may be excused from the activity portion of
 5 the physical education course. The state board of
 6 education shall adopt rules pursuant to chapter 17A
 7 specifying the activities in a physical education
 8 course from which a student may be excused."

LARRY MURPHY

S-3330

1 Amend Senate File 496 as follows:
 2 1. Page 1, line 14, by inserting after the word "power"
 3 the following: "heating, telephone, or natural gas".
 4 2. Title, line 1, by inserting after the word "power"
 5 the following: "heating, telephone, or natural gas".

JOE J. WELSH

S-3331

- 1 Amend Senate File 496 as follows:
2 1. Page 2, line 16, by striking the figure "1978"
3 and inserting the following: "~~1978~~ 1987".
4 2. By striking page 2, line 17 through page 3,
5 line 8.
6 3. Page 3, by inserting after line 26 the fol-
7 lowing:
8 "Sec. ____ . An individual who is a temporary
9 employee of the general assembly on April 1, 1987
10 shall receive credit for previous membership service
11 as provided in section 97B.41, subsection 13A."
12 4. By renumbering sections as necessary.

JOHN N. NYSTROM
CHARLES BRUNER

S-3332

- 1 Amend Senate File 496 as follows:
2 1. Page 1, by inserting after line 14 the
3 following:
4 "Sec. ____ . Section 97B.41, subsection 3, paragraph
5 b, subparagraph paragraph (1), Code 1987, is amended
6 to read as follows:
7 (1) Elective officials in positions for which the
8 compensation is on a fee basis, elective officials of
9 school districts, elective officials of townships, and
10 elective officials of other political subdivisions who
11 are in part-time positions, graduate medical students
12 while serving as interns or resident doctors in
13 training at any hospital, or county medical examiners
14 and deputy county medical examiners under chapter 331,
15 division V, part 7. However, a county attorney is an
16 employee for purposes of this chapter whether that
17 county attorney is employed on a full-time or a part-
18 time basis."
19 2. Page 2, by inserting after line 18 the
20 following:
21 "Sec. ____ . NEW SECTION. 97B.73A PART-TIME COUNTY
22 ATTORNEYS.
23 A part-time county attorney may elect in writing to
24 the department to make employee contributions to the
25 system for the county attorney's previous service as a
26 county attorney and receive credit for membership
27 service in the system for the period of service as a
28 part-time county attorney for which employee

29 contributions are made. The contributions paid by the
 30 member shall be equal to the accumulated
 31 contributions, as defined in section 97B.41,
 32 subsection 12, for that period of membership service.
 33 A member who elects to make contributions under this
 34 section shall notify the county board of supervisors
 35 of the member's election, and the county board of
 36 supervisors shall pay to the department the employer
 37 contributions that would have been contributed by the
 38 employer under section 97B.11 plus interest on the
 39 contributions that would have accrued if the county
 40 attorney had been a member of the system for that
 41 period of service."

42 3. Page 3, by inserting after line 26 the
 43 following:

44 "Sec. ____ . Section 97C.2, subsection 3, Code 1987,
 45 is amended to read as follows:

46 3. The term "employee" includes elective and
 47 appointive officials of the state or any political
 48 subdivision thereof, except elective officials in
 49 positions, the compensation for which is on a fee
 50 basis, elective officials of school districts,

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1 elective officials of townships, and elective
 2 officials of other political subdivisions who are in
 3 part-time positions; ~~provided that no.~~ However, a
 4 member of a county board of supervisors or a county
 5 attorney shall not be deemed to be an elective
 6 official in a part-time position, but every member of
 7 a county board of supervisors and every county
 8 attorney shall be deemed to be an employee within the
 9 purview of under this chapter and ~~shall be~~ is eligible
 10 to receive ~~all of~~ the benefits provided by this
 11 chapter to which the member may be entitled as an
 12 employee.

13 Sec. ____ . Notwithstanding section 97B.41,
 14 subsection 3, if a county as an employer under chapter
 15 97B and a part-time county attorney have made
 16 contributions under section 97B.11 prior to July 1,
 17 1987, the part-time county attorney shall receive
 18 credit for membership service under the system for the
 19 period for which the contributions were made."

JACK NYSTROM

S-3333

- 1 Amend House File 79, as amended, passed, and
- 2 reprinted by the House as follows:
- 3 1. Page 3, lines 13 and 14, by striking the words
- 4 and figure: "by:
- 5 1. Posting" and inserting the following: "by
- 6 posting".
- 7 2. Page 3, by striking lines 16 and 17.
- 8 3. By striking page 3, line 32 through page 4,
- 9 line 8.
- 10 4. Page 4, by inserting after line 19, the
- 11 following:
- 12 "Sec. ____ . Section 98A.5, Code 1987, is repealed."
- 13 5. By renumbering as necessary.

EDGAR H. HOLDEN

S-3334

- 1 Amend House File 79, as amended, passed, and
- 2 reprinted by the House as follows:
- 3 1. Page 1, by striking lines 12 through 15 and
- 4 inserting the following: "but not limited to, bars,
- 5 restaurants, all retail stores, and other commercial
- 6 establishments; public".
- 7 2. Page 1, by striking lines 21 and 22 and
- 8 inserting the following: "include a retail store at
- 9 which fifty percent or more".
- 10 3. Page 1, by striking lines 27 and 28 and
- 11 inserting the following: by nonsmokers, a room used
- 12 primarily as".
- 13 4. Page 2, line 5, by striking the figure and
- 14 word "9, but" and inserting the following "9."
- 15 5. Page 2, by striking lines 6 through 9.
- 16 6. Page 2, line 14, by striking the words "except
- 17 in a designated smoking area".
- 18 7. By striking page 2, line 23 through page 3,
- 19 line 5.
- 20 8. Page 3, line 14, by striking the words "no-
- 21 smoking or" and inserting the following: "no-
- 22 smoking."
- 23 9. Page 3, by striking line 15.
- 24 10. Page 3, lines 16 and 17, by striking the
- 25 words "in a no-smoking area".
- 26 11. Page 3, lines 24 and 25, by striking the
- 27 words "the area or appropriate areas of" and inserting
- 28 the following: "the area or areas of".
- 29 12. Page 3, line 28, by striking the words "of
- 30 smoking and no-smoking areas" and inserting the
- 31 following: "that smoking is prohibited by law".

- 32 13. Page 3, lines 29 and 30, by striking the
 33 words "except in designated areas".
 34 14. By renumbering as necessary.

EDGAR H. HOLDEN

S-3335

- 1 Amend Senate File 488 as follows:

DIVISION S—3335A

- 2 1. Page 1, by inserting before line 1, the
 3 following:
 4 "Section 1. Section 256.11, subsections 2, 3 and
 5 4, Code 1987, are amended to read as follows:
 6 2. The kindergarten program shall include
 7 experiences designed to develop healthy emotional and
 8 social habits and growth in the language arts and
 9 communication skills; as well as a capacity for the
 10 completion of individual tasks; and protection and
 11 development of physical well-being for at least a
 12 period of time each week, emphasizing the appropriate
 13 activities and subject areas required in subsection 6,
 14 paragraph "g" for the kindergarten level. A
 15 kindergarten teacher shall hold a certificate
 16 providing that the holder is qualified to teach in
 17 kindergarten. An accredited nonpublic school must
 18 meet the requirements of this subsection only if the
 19 nonpublic school offers a kindergarten program.
 20 3. The following areas shall be taught in the
 21 grades one through six: English-language arts,
 22 including reading, handwriting, spelling, oral and
 23 written English, and literature; social studies,
 24 including geography, history of the United States and
 25 Iowa, cultures of other peoples and nations, and
 26 American citizenship, including the study of national,
 27 state, and local government in the United States;
 28 mathematics; science, including environmental
 29 awareness and conservation of natural resources;
 30 health and physical education, ~~including the effects~~
 31 ~~of alcohol, tobacco, drugs, and poisons on the human~~
 32 ~~body for at least a period of time each week,~~
 33 emphasizing the appropriate activities and subject
 34 areas required in subsection 6, paragraph "g" for the
 35 grade level; the characteristics of communicable
 36 diseases; traffic safety, including pedestrian and
 37 bicycle safety procedures; music; and art.
 38 4. The following shall be taught in grades seven

39 and eight as a minimum program: science, including
 40 environmental awareness and conservation of natural
 41 resources; mathematics; social studies; cultures of
 42 other peoples and nations, and American citizenship;
 43 English-language arts which shall include reading,
 44 spelling, grammar, oral and written composition, and
 45 may include other communication subjects; health and
 46 physical education, including the effects of alcohol,
 47 tobacco, drugs, and poisons on the human body, for at
 48 least a period of time each week, emphasizing the
 49 appropriate activities and subject areas required in
 50 subsection 6, paragraph "g", for the grade level, the

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DIVISION S—3335A (cont'd)

1 characteristics of communicable diseases, including
 2 venereal diseases and current crucial health issues;
 3 music; and art."

DIVISION S—3335B

4 2. Page 1, line 14, by striking the word "body,"
 5 and inserting the following: "body; review of stress
 6 reduction; diet and its effect;"
 7 3. Page 1, line 15, by striking the words
 8 "venereal diseases," and inserting the following:
 9 "venereal diseases;"

DIVISION S—3335C

10 4. Page 1, by striking lines 23 and 24.

DIVISION S—3335A (cont'd)

11 5. Title page, by striking line 2 and inserting
 12 the following: "enrolled in grades kindergarten
 13 through twelve."

JIM LIND

S-3336

1 Amend Senate File 360 as follows:
 2 1. Page 1, line 11, by striking the word

3 "corporation" and inserting the following:
4 "district".

LARRY MURPHY

S-3337

1 Amend the amendment, S-3295, to Senate File 464 as
2 follows:
3 1. Page 1, by striking lines 5 and 6 and
4 inserting the following:
5 "___ . Page 1, by striking lines 30 through 31."
6 2. Page 1, by inserting before line 7 the
7 following:
8 "___ . Page 1, by striking line 34 and inserting
9 the following:
10 "d. An existing health club, so long as it
11 continues to operate exclusively on the same terms as
12 offered existing buyers as of January 1, 1987."
13 3. By renumbering as necessary.

EDGAR H. HOLDEN

S-3338

1 Amend Senate File 489 as follows:
2 1. Page 10, by striking lines 2 through 31.

MICHAEL E. GRONSTAL

S-3339

1 Amend Senate File 461 as follows:

DIVISION S—3339A

2 1. Page 1, line 34, by striking the words
3 "municipal corporation" and inserting the following:
4 "county".
5 2. Page 2, line 2, by striking the words
6 "municipal corporation" and inserting the following:
7 "county".

DIVISION S—3339B

8 3. Page 2, by striking lines 3 through 22 and
9 inserting the following:
10 “(2) Within a county which is contiguous to or
11 corners upon a county in which the principal place of
12 business or an office of the financial institution is
13 located.
14 This lettered paragraph does not amend, modify,
15 or”.

EDGAR H. HOLDEN

S-3340

1 Amend Senate File 353 as follows:
2 1. Page 1, by inserting before line 1, the
3 following:
4 “Section 1. Section 509.12, Code 1987, is amended
5 by striking the section and inserting in lieu thereof
6 the following:
7 509.12 PROCEEDS EXEMPT FROM EXECUTION.
8 A policy of group insurance and the proceeds of the
9 policy are exempt from execution and attachment to the
10 same extent as provided in chapter 627.
11 Sec. 2. Section 512.17, Code 1987, is amended by
12 striking the section and inserting in lieu thereof the
13 following:
14 512.17 EXEMPTION OF PROCEEDS.
15 The certificate and the proceeds of any beneficiary
16 certificate issued by an association shall be exempt
17 from execution and attachment to the same extent as
18 provided in chapter 627.
19 Sec. 3. Section 627.6, subsection 6, Code 1987, is
20 amended by striking the subsection and inserting in
21 lieu thereof the following:
22 6. The interest of an individual in any accrued
23 dividend or interest, loan or cash surrender value of
24 or any other interest in any life insurance policy
25 owned by the individual if the beneficiary of the
26 policy is the individual's spouse, child, or
27 dependent. However, the amount of the exemption of
28 any such interest or value shall not exceed five
29 thousand dollars in the aggregate if within two years
30 of the date the execution is issued or exemptions are
31 claimed, the individual either provides additions to a
32 current policy in excess of the amount necessary to
33 fund the amount of coverage equal to the face amount
34 of the policy or acquires a new life insurance policy.
35 In the absence of a written agreement or assignment
36 to the contrary, upon the death of the individual any

37 benefit payable to the spouse, child, or dependent of
 38 the individual shall inhere to the separate use of the
 39 beneficiary independently of the individual's
 40 creditors. Any benefit or indemnity paid under an
 41 accident, health, or disability policy shall be exempt
 42 to the insured or in case of the insured's death to
 43 the spouse, child, or dependent of the insured, from
 44 the insured's debts. In case of an insured's death,
 45 the benefit or indemnity of all matured policies of
 46 life, accident, health, or disability insurance
 47 payable to the surviving spouse, child, or dependent
 48 are exempt from liability for all debts of the
 49 beneficiary contracted prior to death of the insured,
 50 but the amount exempted shall not exceed fifteen

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- 1 thousand dollars in the aggregate.”
- 2 2. Page 1, line 4, by inserting after the word
- 3 “dollars” the following: “in the aggregate”.
- 4 3. Page 1, by inserting after line 9 the
- 5 following:
- 6 “Sec. ____ . Section 511.37, Code 1987, is
- 7 repealed.”
- 8 4. Renumber sections as necessary.

RICHARD VARN
 LEE W. HOLT
 RICHARD F. DRAKE
 DONALD V. DOYLE
 BEVERLY A. HANNON

S-3341

- 1 Amend Senate File 461 as follows:

DIVISION S—3341A

- 2 1. Page 1, line 13, by inserting after the word
- 3 “routing,” the following: ““Categorizing” means the
- 4 process of reviewing and grouping of requested
- 5 electronic funds transfer transactions according to
- 6 the source or nature of the requested transaction.
- 7 “Separating” means the process of interpreting and
- 8 segregating requested electronic funds transfer
- 9 transactions, or portions of such transactions, to
- 10 provide for processing of information relating to such
- 11 requested transactions or portions of such
- 12 transactions. “Routing” means the process of

13 interpreting and transmitting requested electronic
14 funds transfer transactions to a destination selected
15 at the time of interpretation and transmission from
16 two or more alternative destinations.”

17 2. Page 2, by striking lines 30 through 31 and
18 inserting the following:

19 “1. Each A satellite terminal shall in this state
20 may be established and controlled by a single one or
21 more financial institution institutions. The
22 establishing financial institutions shall designate a
23 single controlling financial institution”.

24 3. Page 3, by inserting after line 11 the
25 following:

26 “Sec. ____ . Section 527.5, subsection 2, Code 1987,
27 is amended to read as follows:

28 2. The satellite terminal shall be available for
29 use on a nondiscriminatory basis by any other
30 financial institution which has its principal place of
31 business within this state, and by all customers who
32 have been designated by a financial institution using
33 the satellite terminal and who have been provided with
34 a physical object or other method, approved by the
35 administrator, by which to engage in electronic
36 transactions by means of the satellite terminal. No
37 financial institution shall be required to join, be a
38 member or shareholder of, or otherwise participate in
39 any corporation, association, partnership, co-
40 operative or other enterprise as a condition of its
41 utilizing any satellite terminal located within this
42 state. ~~However, for purposes of complying with this~~
43 ~~subsection, a satellite terminal which is established~~
44 ~~and controlled by a bank is not required to be~~
45 ~~available for use by any savings and loan association~~
46 ~~or credit union or industrial loan company; and one~~
47 ~~established and controlled by a savings and loan~~
48 ~~association is not required to be available for use by~~
49 ~~a bank or credit union or industrial loan company; and~~
50 ~~one established and controlled by a credit union, is~~

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DIVISION S—3341A (cont'd)

1 not required to be available for use by a bank or
2 savings and loan association or industrial loan
3 company; and one established by an industrial loan
4 company is not required to be available for use by a
5 bank or savings and loan association or credit union.”

6 4. Page 4, by striking lines 18 through 23, and

7 inserting the following: "However, a satellite
 8 terminal shall bear a sign or label no larger than
 9 three inches by two inches identifying the name,
 10 address, and telephone number of the owner of the
 11 satellite terminal. The administrator is empowered to
 12 may authorize".

DIVISION S-3341B

13 5. Page 4, by striking lines 29 through 34 and
 14 inserting the following:
 15 "8. a. ~~A satellite terminal shall not be operated~~
 16 ~~in any manner to permit a person to credit any demand~~
 17 ~~deposit account, savings account, share account or any~~
 18 ~~other account representing a liability of a financial~~
 19 ~~institution, if that financial institution is located~~
 20 ~~outside of this state."~~

DIVISION S—3341A (cont'd)

21 6. Page 5, line 5, by striking the word
 22 "licensed" and inserting the following: "approved".
 23 7. Page 5, line 8, by striking the word
 24 "licensed" and inserting the following: "approved".
 25 8. Page 5, line 11, by inserting after the word
 26 "authorize" the following: "or reject".
 27 9. Page 5, line 13, by striking the word
 28 "licensed" and inserting the following: "approved".
 29 10. Page 6, line 29 by inserting after the word
 30 "Four" the following: "or five".
 31 11. Page 7, by inserting after line 2 the
 32 following:
 33 "(4) If an industrial loan company is connected to
 34 the central routing unit, one member shall be
 35 appointed by the superintendent of banking."
 36 12. Page 7, line 28 by inserting after the
 37 "individual" the following: "is a director of a
 38 financial institution or".
 39 13. By renumbering as necessary.

EDGAR H. HOLDEN
 PATRICK J. DELUHERY

S-3342

1 Amend Senate File 399 as follows:
 2 1. Page 1, line 30, by inserting after the words
 3 "used to" the words "establish new motorcycle rider
 4 education courses and".

- 5 2. Page 1, line 31, by striking the words "school
6 districts" and inserting the words "sponsors of
7 motorcycle rider education courses".
8 3. Page 1, line 35, by striking the words "school
9 districts" and inserting the words "sponsors of
10 motorcycle rider education courses".
11 4. Title page, line 4, by striking the words
12 "school districts" and inserting the words "sponsors
13 of motorcycle rider education courses".
14 5. Title page, line 5, by striking the words
15 "motorcycle education" and inserting the word "the".

JIM RIORDAN

S-3343

- 1 Amend the Committee on Transportation amendment, S-
2 3197, to Senate File 399 as follows:
3 1. Page 1, by striking lines 2 through 5 and
4 inserting the following:
5 " — . Page 1, line 7, by striking the words "one-
6 half dollar" and inserting the words "one dollar per
7 year of license validity".
8 — . Page 2, line 8, by striking the words "fifty
9 cents" and inserting the words "one dollar per year of
10 license validity."

JIM RIORDAN

S-3344

- 1 Amend Senate File 437 as follows:
2 1. Page 4, by inserting after line 24 the following:
3 "Sec. — . Notwithstanding any other provisions of
4 the Code to the contrary, a certified registered
5 nurse anesthetist shall not charge a fee for services
6 rendered that exceeds seventy-five percent of the fee
7 that would be charged had the service been provided
8 by a person licensed under chapter 148 or 150A."

WILLIAM W. DIELEMAN

S-3345

1 Amend Senate File 494 as follows:
 2 1. Page 2, by inserting after line 33 the
 3 following:
 4 "Sec. ____ . APPROPRIATION. There is appropriated
 5 from the general fund of the state to the department
 6 of management for the fiscal year beginning July 1,
 7 1987 and ending June 30, 1988, the sum of eight
 8 hundred sixty-eight thousand eight hundred (868,800)
 9 dollars, or so much thereof as necessary, to pay the
 10 cost of implementing a minimum salary for county
 11 sheriffs as provided in this Act. The funds appro-
 12 priated shall be paid to each county based on the
 13 salary increase payable to the county sheriff as
 14 provided in this Act."

JULIA B. GENTLEMAN

S-3346

1 Amend Senate File 484 as follows:

DIVISION S—3346A

2 1. Page 1, by striking lines 7 through 12 and
 3 inserting the following: "the unaffordability or
 4 unavailability of liability insurance."
 5 2. Page 1, line 29, by striking the figure
 6 "147,".
 7 3. Page 2, line 20, by striking the word "one"
 8 and inserting the word "two".

DIVISION S—3346B

9 4. Page 4, line 22, by striking the word "one"
 10 and inserting the word "two".

DIVISION S—3346C

11 5. Page 6, by inserting after line 22 the
 12 following:
 13 "Sec. ____ . NEW SECTION. 147B.10 ANNUAL REPORT.
 14 The state compensation board shall, pursuant to
 15 rules issued by the commissioner, on or before the
 16 first day of February of each year, provide to the
 17 chairs, vice chairs, and ranking members of the senate
 18 standing committees on judiciary and commerce, and the

19 house of representatives standing committees on
20 judiciary and law enforcement, and small business and
21 commerce, a report regarding claims filed against the
22 fund and claims closed involving the fund for the
23 previous calendar year. The report shall contain the
24 following information:

25 1. Parties to the claim.

26 2. Cause or causes of action.

27 3. Amounts reserved or paid per claim, including
28 the present value for structured settlements or
29 awards.

30 4. Legal fees, expert witness fees, court costs,
31 or other associated costs of judgments or decrees per
32 claim.

33 5. Other claims information as deemed necessary by
34 the commissioner."

35 6. Page 6, by inserting after line 22 the
36 following:

37 "Sec. ____ . NEW SECTION. 135B.40 INDEMNIFICATION
38 AGREEMENT.

39 1. An agreement between a hospital and a health
40 care provider may be entered into providing that the
41 hospital shall indemnify the health care provider for
42 any liability of the health care provider arising
43 while the health care provider is providing services
44 at the hospital with which the agreement is made. The
45 agreement may provide that the hospital will indemnify
46 the health care provider for liability arising from
47 services provided outside of the hospital. The
48 agreement shall not provide for indemnification of
49 liability arising from services provided by the health
50 care provider in another hospital.

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DIVISION S—3346C (cont'd)

1 2. A hospital may, before entering into an
2 agreement pursuant to this section require the health
3 care provider to provide information regarding all
4 claims filed against the health care provider and
5 losses resulting from the claims.

6 Sec. ____ . NEW SECTION. 668.14 EVIDENCE OF
7 PREVIOUS PAYMENT OR FUTURE RIGHT OF PAYMENT.

8 1. In an action brought pursuant to this chapter
9 seeking damages for personal injury, the court shall
10 permit evidence and argument as to the previous
11 payment or future right of payment of actual economic
12 losses incurred or to be incurred as a result of the
13 personal injury for necessary medical care, rehabili-

14 tation services, and custodial care except to the
 15 extent that the previous payment or future right of
 16 payment is pursuant to a state or federal program or
 17 from assets of the claimant or the members of the
 18 claimant's immediate family.

19 2. If evidence and argument regarding previous
 20 payments or future rights of payment is permitted
 21 pursuant to subsection 1, the court shall also permit
 22 evidence and argument as to the costs to the claimant
 23 of procuring the previous payments or future rights of
 24 payment and as to any existing rights of in-
 25 demnification or subrogation relating to the previous
 26 payments or future rights of payment.

27 3. If evidence or argument is permitted pursuant
 28 to subsection 1 or 2, the court shall, unless
 29 otherwise agreed to by all parties, instruct the jury
 30 to answer special interrogatories or, if there is no
 31 jury, shall make findings indicating the effect of
 32 such evidence or argument on the verdict."

33 7. By renumbering as necessary.

COMMITTEE ON COMMERCE
 WILLIAM D. PALMER, Chairperson

S-3347

1 Amend Senate File 480 as follows:

2 1. Page 2, line 6, by striking the words "other
 3 thing" and inserting the words "anything else".

4 2. Page 5, line 17, by striking the word
 5 "senator" and inserting the word "member".

6 3. Page 9, line 3, by striking the words "and
 7 executive order".

TOM MANN, Jr.

S-3348

1 Amend House File 79 as amended, passed, and
 2 reprinted by the House as follows:

DIVISION S—3348A

3 1. Page 1, line 12, by striking the word
 4 "restaurants,".

5 2. Page 1, lines 21 and 22, by striking the words
 6 "with a seating capacity of less than fifty persons".

DIVISION S—3348B

7 3. Page 3, line 31, by inserting after the word
 8 “meeting.” the following: “The person having custody
 9 or control of a restaurant with a seating capacity of
 10 less than fifty persons not having a designated no-
 11 smoking area shall conspicuously post a sign advising
 12 patrons of that fact at the major entrances to the
 13 restaurant.”

COMMITTEE ON STATE
 GOVERNMENT
 BOB CARR, Chairperson

S-3349

1 Amend Senate File 44 as follows:
 2 1. Page 1, line 4, by striking the word “seven”
 3 and inserting the following: “seven eight”.
 4 2. Page 1, line 6, by striking the word “and” and
 5 inserting the following: “and.”
 6 3. Page 1, line 9, by inserting after the word
 7 “technology” the following: “, and a representative
 8 of the Iowa association of independent colleges and
 9 universities”.

JAMES D. WELLS

S-3350

1 Amend Senate File 461 as follows:
 2 1. Page 1, by inserting after line 28 the
 3 following:
 4 “Sec. . Section 527.3, Code 1987, is amended by
 5 adding the following new subsection:
 6 NEW SUBSECTION. 5. An administrator may conduct
 7 hearings and exercise any other appropriate authority
 8 conferred by this chapter regarding the operation or
 9 control of a satellite terminal upon the written
 10 request of a person, including but not limited to, a
 11 retailer, financial institution, or consumer.”
 12 2. Page 2, by inserting after line 16 the
 13 following:
 14 “(5) At any location within this state if the
 15 satellite terminal is not designed or configured to
 16 accept deposits or dispense cash, script, or other
 17 negotiable instruments, and if the satellite terminal
 18 is utilized for the purpose of making payment to a

19 retailer for goods or services purchased at the
20 location of the satellite terminal.”
21 3. Page 7, by inserting after line 30 the
22 following:
23 “Sec. ____ . Section 527.10, Code 1987, is amended
24 by adding the following new unnumbered paragraph:
25 NEW UNNUMBERED PARAGRAPH. A financial institution,
26 data processing center, central routing unit, or other
27 person shall not disseminate any information relating
28 to the use of a multiple use terminal without the
29 written authorization of the owner or operator of the
30 terminal or the financial institution controlling the
31 terminal. This section shall not, however, prohibit
32 or restrict the use of information received in the
33 processing, authorization, or rejection of a requested
34 electronic funds transfer transaction, where such use
35 is necessary or incidental to the processing,
36 authorization, or rejection, or to reconciling
37 disputes or resolving questions raised by a retailer,
38 financial institution, consumer, or any other person
39 regarding the transaction.”
40 4. By renumbering as necessary.

PATRICK DELUHERY

S-3351

1 Amend Senate File 396 as follows:
2 1. Page 4, by inserting after line 6 the
3 following:
4 “19. “Long-term monitoring and maintenance” means
5 the continued observation and care of a facility after
6 closure in order to ensure that the site poses no
7 threat to the public health, the groundwater, and the
8 environment. In the case of a low-level radioactive
9 waste facility, the time period constituting “long-
10 term” is the number of years of monitoring and
11 maintenance based upon the half-life properties of the
12 wastes, and in the case of a hazardous waste facility
13 is the number of years based upon the projected active
14 toxicity of the waste.”
15 2. Page 6, line 34, by inserting after the word
16 “agency.” the following: “The terms of a lease for
17 land leased by the waste management authority for the
18 purpose of hazardous or low-level radioactive waste
19 disposal shall establish responsibility for long-term
20 monitoring and maintenance of the site.”

LARRY MURPHY

S-3352

1 Amend Senate File 471 as follows:

2 1. Page 2, line 17, by striking the words "nor
3 advancement of expenses".

4 2. By striking page 5, line 15 through page 6,
5 line 5 and inserting the following:

6 "Sec. ____ . Section 533.1, Code 1987, is amended by
7 adding the following new subsection:

8 NEW SUBSECTION. 8. The original articles or
9 amended articles may contain a provision which
10 eliminates or limits the personal liability of a
11 director, officer, or employee of the corporation or
12 its shareholders for monetary damages for breach of
13 fiduciary duty as a director, officer, or employee,
14 provided that the provision does not eliminate or
15 limit the liability of a director, officer, or
16 employee for a breach of the director's, officer's, or
17 employee's duty of loyalty to the corporation or its
18 stockholders, for acts or omissions not in good faith
19 or which involve intentional misconduct or knowing
20 violation of the law, or for a transaction from which
21 the director, officer, or employee derives an improper
22 personal benefit. A provision shall not eliminate or
23 limit the liability of a director, officer, or
24 employee for an act or omission occurring prior to the
25 date when the provision in the articles of
26 incorporation becomes effective.

27 Sec. ____ . Section 533.4, Code 1987, is amended by
28 adding the following new subsection:

29 NEW SUBSECTION. 27. To provide indemnity for the
30 director, officer, or employee in the same fashion
31 that a corporation organized under chapter 496A could
32 under section 496A.4A, provided that where section
33 496A.4A provides for action by shareholders the
34 section is applicable to action by members of the
35 credit union and where the section has reference to
36 the corporation organized under chapter 496A, it is
37 applicable to the association organized under this
38 chapter."

39 3. Page 6, by inserting after line 27 the
40 following:

41 "Sec. ____ . Section 534.605, subsection 4, Code
42 1987, is amended to read as follows:

43 "4. Any association operating under this chapter
44 shall have the power to indemnify any present or
45 former director, officer or employee in the manner and

46 in the instances authorized in section 496A.4A. If
 47 the association is a mutual association, the
 48 references in section 496A.4A to stockholder shall be
 49 deemed to be references to members."
 50 4. Page 7, by inserting after line 24 the

Page 2

1 following:
 2 "Sec. ____ . A corporation may adopt a provision
 3 pursuant to section 2, 5, 11, 12, or 14 of this Act
 4 prior to the effective date of this Act which shall
 5 become effective upon the effective date of this Act."
 6 5. Renumber as necessary.

COMMITTEE ON COMMERCE
 WILLIAM D. PALMER, Chairperson

S-3353

1 Amend Senate File 488 as follows:
 2 1. Page 1, line 22, by inserting after the word
 3 "course." the following: "A student may be excused
 4 from the activity portion of the physical education
 5 course. The state board of education shall adopt rules
 6 pursuant to chapter 17A specifying the activities in a
 7 physical education course from which a student may be
 8 excused."

LARRY MURPHY

S-3354

1 Amend Senate File 376 as follows:
 2 1. Page 2, line 29, by striking the words
 3 "without limitation" and inserting the following: "up
 4 to twenty percent of capital and surplus of the state
 5 bank".

PATRICK DELUHERY

S-3355

1 Amend amendment, S-3193, to Senate File 5 as
 2 follows:
 3 1. Page 1, by striking lines 2 and 3 and
 4 inserting the following:

5 “___ . By striking page 2, line 31 through page 3,
 6 line 5 and inserting the following:
 7 “NEW SUBSECTION. 4. It is an unfair and
 8 discriminatory practice for a person to discriminate
 9 on the basis of sex or marital status in the issuance
 10 or operation of any type of pension or retirement
 11 plan.””

TOM MANN, Jr.

S-3356

1 Amend Senate File 390 as follows:
 2 1. By striking everything after the enacting
 3 clause and inserting in lieu thereof the following:
 4 “Section 1. Section 364.2, subsection 4, paragraph
 5 b, Code 1987, is amended to read as follows:
 6 b. No such Except as otherwise provided in this
 7 paragraph, such an ordinance shall not become
 8 effective unless approved at an election. The
 9 proposal may be submitted by the council on its own
 10 motion to the voters at any city election unless the
 11 proposal relates to a franchise for electric light and
 12 power or telephone service. Upon receipt of a valid
 13 petition as defined in section 362.4 requesting that a
 14 proposal be submitted to the voters, the council shall
 15 submit the proposal at the next regular city election
 16 or at a special election called for that purpose prior
 17 to the next regular city election. If a majority of
 18 those voting approves the proposal the city may
 19 proceed as proposed. Except upon receipt of a valid
 20 petition, an election is not required for an ordinance
 21 relating to a franchise for electric light and power
 22 or telephone service.”
 23 2. Title, line 1, by inserting after the word
 24 “power” the words “or telephone”.

MICHAEL E. GRONSTAL

S-3357

1 Amend Senate File 432 as follows:
 2 1. Page 1, line 3, by inserting after the word
 3 “fund” the following: “program”.
 4 2. Page 1, by striking lines 9 through 11 and
 5 inserting the following:
 6 “3. The superintendent is authorized to issue up
 7 to three hundred million dollars in bonds to provide

8 initial funding for the loan guarantee fund as
9 provided in sections 524.229 through 524.335.”

10 3. Page 1, by inserting after line 26 the
11 following:

12 “Sec. ____ . NEW SECTION. 524.229 DEFINITIONS.

13 When used in this division, unless the context
14 otherwise requires:

15 1. “Bonds” means negotiable small business
16 guarantee bonds of the superintendent issued pursuant
17 to this division and section 524.228 and includes all
18 bonds, notes, and other obligations issued in
19 anticipation of these bonds or as refunding bonds
20 pursuant to this division.

21 2. “Treasurer” means the treasurer of state of the
22 state of Iowa.

23 3. “Small business guaranty fund” means the fund
24 created by section 110.53.

25 Sec. ____ . NEW SECTION. 524.230 BONDS ISSUED BY
26 THE SUPERINTENDENT.

27 1. The superintendent may issue its negotiable
28 bonds in principal amounts of up to three hundred
29 million dollars as, in the opinion of the commission,
30 are necessary to provide funds for the small business
31 guaranty fund, the payment of interest on its bonds
32 and all other expenditures of the superintendent
33 incident to and necessary or convenient to implement
34 the small business guaranty fund. However, the
35 superintendent shall not have a total principal amount
36 of bonds outstanding at any time in excess of three
37 hundred million dollars. The bonds shall be deemed to
38 be investment securities and negotiable instruments
39 within the meaning of and for all purposes of chapter
40 554, the uniform commercial code.

41 2. Bonds issued by the superintendent are payable
42 solely and only from the revenues credited to the
43 small business guaranty fund. Taxes or appropriations
44 shall not be pledged for the payment of the bonds.
45 Bonds are not an obligation of this state or any
46 political subdivision of this state other than the
47 superintendent within the meaning of any
48 constitutional or statutory debt limitations, but are
49 special obligations of the superintendent payable
50 solely and only from the sources provided in this

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1 division, and the superintendent shall not pledge the
2 general credit or taxing power of this state or any
3 political subdivision of this state or make its debts
4 payable out of any moneys except those of the small

5 business guaranty fund.

6 3. Bonds must be authorized by the superintendent.

7 However, the superintendent may delegate to an officer

8 of the division of banking the power to negotiate and

9 fix the details of an issue of bonds or notes by an

10 appropriate certificate of the authorized officer.

11 4. The bond proceedings shall provide for the

12 purpose of the bonds, principal amount and principal

13 maturity or maturities, the interest rate or rates or

14 the maximum interest rate, the date of the bonds and

15 the dates of payment of interest on the bonds, their

16 denomination, the terms and conditions upon which

17 parity bonds may be issued, and the establishment

18 within or without the state of a place or places of

19 payment of principal of and interest on the bonds.

20 The purpose of the bonds may be stated in the bond

21 proceedings in terms describing the general purpose or

22 purposes to be served. The superintendent may cause

23 to be issued a prospectus or official statement in

24 connection with the offering of the bonds. Bonds may

25 be issued in coupon or in registered form, or both.

26 Provision may be made for the registration of bonds

27 with coupons attached as to principal alone, or as to

28 both principal and interest, their exchange for bonds

29 so registered, and for the conversion or reconversion

30 into bonds with coupons attached of any bonds

31 registered as to both principal and interest, and for

32 reasonable charges for registration, exchange,

33 conversion, and reconversion. Bonds shall be sold in

34 the manner and at the time determined by the

35 superintendent. Chapter 75 and sections 23.12 through

36 23.16 do not apply to these bonds. The bonds are

37 negotiable instruments. The bond proceedings may

38 contain additional provisions as to:

39 a. The redemption of bonds prior to maturity at

40 the option of the superintendent at the price and on

41 the terms and conditions provided in the bond

42 proceedings.

43 b. Other terms of the bonds and concerning

44 execution and delivery of the bonds.

45 c. The delegation of responsibility for any act

46 relating to the issuance, execution, sale, redemption,

47 or other matter pertaining to the bonds to any other

48 officer, agency of the state, or other person or body.

49 d. Additional agreements with the bondholders

50 relating to the bonds.

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1 e. Payment from the proceeds of the sale of the
2 bonds of all legal and financial expenses incurred by
3 the superintendent in the issuance, sale, delivery,
4 and payment of the bonds.

5 f. Other matters, alike or different, which may in
6 any way affect the security of the bonds and the
7 protection of the bondholders.

8 5. The power to issue bonds includes the power to
9 issue obligations in the form of bond anticipation
10 notes or other forms of short-term indebtedness and to
11 renew these notes by the issuance of new notes. The
12 holders of notes or interest coupons of notes have a
13 right to be paid solely from those revenues credited
14 to the small business guaranty fund which were pledged
15 to the payment of the bonds anticipated, or from the
16 proceeds of those bonds or renewal notes, or both, as
17 the superintendent provides in the bond proceedings
18 authorizing the notes. The notes may be additionally
19 secured by covenants of the superintendent to the
20 effect that the superintendent will do those acts
21 authorized by this division and necessary for the
22 issuance of the bonds or renewal notes in appropriate
23 amount, and either exchange the bonds or renewal notes
24 for the notes, or apply the proceeds of the notes, to
25 the extent necessary, to make full payment of the
26 principal of and interest on the notes at the time
27 contemplated, as provided in the bond proceedings.
28 For this purpose, the superintendent may issue bonds
29 or renewal notes in a principal amount and upon terms
30 as authorized by this division and as necessary to
31 provide funds to pay when required the principal of
32 and interest on the outstanding notes. All provisions
33 for and references to bonds in this division are
34 applicable to notes authorized under this subsection
35 to the extent not inconsistent with this subsection.

36 6. The superintendent may authorize and issue
37 bonds for the refunding, including funding and
38 retirement, and advance refunding with or without
39 payment or redemption prior to maturity, of bonds
40 previously issued by the superintendent. These bonds
41 may be issued in amounts sufficient for payment of the
42 principal amount of the prior bonds, any redemption
43 premiums on the prior bonds, principal maturities of
44 bonds maturing prior to the redemption of the
45 remaining bonds on a parity with them, interest
46 accrued or to accrue to the maturity date or dates of
47 redemption of the bonds, and project costs including
48 expenses incurred or to be incurred in connection with
49 this issuance, refunding, funding, and retirement.
50 Subject to the bond proceedings, the portion of

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1 proceeds of the sale of bonds issued under this
2 subsection to be applied to principal of and interest
3 on the prior bonds shall be credited to the
4 appropriate account for the prior bonds. Bonds
5 authorized under this subsection shall be deemed to be
6 issued for those purposes for which the prior bonds
7 were issued and are subject to the provisions of this
8 division pertaining to other bonds. Refunding bonds
9 may be issued without regard to whether or not the
10 bonds to be refunded are payable on the same date or
11 different dates or due serially or otherwise.

12 Sec. ____ . NEW SECTION. 524.331 ADDITIONAL POWERS
13 OF SUPERINTENDENT.

14 In connection with the issuance of the bonds or in
15 order to secure the payment of the bonds and interest
16 on the bonds, the superintendent may:

17 1. Provide that the bonds be secured by a first
18 lien on the revenues and receipts received or to be
19 received into the small business guaranty fund from
20 income from the investment of the small business
21 guaranty fund, from moneys received from the sale of
22 bonds, and from any other moneys which are available
23 for the payment of bond service charges.

24 2. Pledge for the benefit of the bondholders any
25 part of the receipts in the small business guaranty
26 fund. The pledge shall be effective without physical
27 delivery or further act and moneys in the fund may be
28 applied for the purposes as pledged without the
29 necessity of an Act of appropriation.

30 3. Establish, authorize, set aside, regulate, and
31 dispose of reserves and sinking funds.

32 4. Provide that sufficient amounts of the proceeds
33 of the sale of the bonds may be used to fully or
34 partially fund any and all reserves or sinking funds
35 set out by the bond resolution.

36 5. Prescribe the procedure, if any, by which the
37 terms of any contract with bondholders may be amended
38 or abrogated, the amount of the bonds whose holders
39 must consent thereto, and the manner in which the
40 consent may be given.

41 6. Purchase bonds, out of funds available for that
42 purpose, which shall be canceled, at a price not
43 exceeding either of the following:

44 a. If the bonds are then redeemable, the
45 redemption price then applicable plus accrued interest
46 to the next interest payment date.

47 b. If the bonds are not then redeemable, the
48 redemption price applicable on the first date after

49 the purchase upon which the bonds become subject to
50 redemption plus accrued interest to that date.

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1 Sec. ____ . NEW SECTION. 524.332 PAYMENT OF BONDS.

2 A small business guaranty fund is created in the
3 state treasury. At the direction of the
4 superintendent as provided in the bond proceedings or
5 pursuant to section 524.331, subsection 1 or 2, and as
6 certified by the superintendent, the treasurer of
7 state shall credit to the small business guaranty fund
8 from the revenues received from the fees imposed on
9 loans guaranteed by the fund a sum at least sufficient
10 to pay interest on the bonds in each fiscal year and
11 principal on the bonds that mature during each fiscal
12 year. In each fiscal year after July 1, 1987 and
13 after bonds are issued, and until all the bonds issued
14 have been retired, in order to provide for the payment
15 of principal of the bonds issued and sold and the
16 interest on them as the same become due and mature,
17 there is pledged and annually appropriated out of the
18 revenues to be credited to the small business guaranty
19 fund an amount sufficient to pay principal and
20 interest on the bonds issued for each of the years the
21 bonds are outstanding. The superintendent shall
22 annually certify to the treasurer the amount of funds
23 required to pay interest on the bonds in the ensuing
24 fiscal year and the principal on the bonds that mature
25 during the ensuing fiscal year.

26 Sec. ____ . NEW SECTION. 524.333 NONLIABILITY OF
27 THE STATE AND ITS OFFICIALS.

28 Bonds issued are special limited obligations of the
29 superintendent and are not a debt or liability of the
30 state or any other political subdivision within the
31 meaning of any constitutional or statutory debt
32 limitation and are not a pledge of the state's credit
33 or taxing power within the meaning of any
34 constitutional or statutory limitation or provision
35 and, except as provided in this division, an
36 appropriation shall not be made, directly or
37 indirectly, by the state or any political subdivision
38 of the state for the payment of bonds. The bonds are
39 special obligations of the superintendent payable
40 solely from the small business guaranty fund. Funds
41 from the general fund of the state shall not be used
42 to pay interest or principal on the bonds if revenues
43 deposited in the small business guaranty fund are
44 insufficient.

45 The superintendent or other person executing the

46 bonds is not personally liable for the payment of the
47 bonds. The bonds are valid and binding obligations of
48 the superintendent notwithstanding the fact that
49 before the delivery of the bonds any of the officers
50 whose signatures appear on the bonds cease to be

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1 officers of the state. From and after the sale and
2 delivery of the bonds, they shall be incontestable by
3 the superintendent.

4 Sec. ____ . NEW SECTION. 524.334 BONDS AS LEGAL
5 INVESTMENTS.

6 Bonds are securities in which all public officers
7 and bodies of the state and all municipalities and
8 political subdivisions of this state, all insurance
9 companies and associations and other persons carrying
10 on an insurance business, all banks, bankers, trust
11 companies, savings banks, and savings associations,
12 including savings and loan associations, building loan
13 associations, investment companies, and other persons
14 carrying on a banking business, all administrators,
15 guardians, executors, trustees, and other fiduciaries
16 and all other persons who are now or may be authorized
17 to invest in bonds or other obligations of this state
18 may properly and legally invest funds including
19 capital in their control or belonging to them. The
20 bonds are also securities which may be deposited with
21 and may be received by all public officers and bodies
22 of the state and all municipalities and legal
23 subdivisions of this state for any purpose for which
24 the deposit of bonds or other obligations of the state
25 is now or may be authorized.

26 Sec. ____ . NEW SECTION. 524.335 RIGHTS OF
27 BONDHOLDERS.

28 The bond proceedings may provide that a holder of
29 bonds or a trustee under the bond proceedings, except
30 to the extent that the holder's rights are restricted
31 by the bond proceedings, may by legal proceedings,
32 protect and enforce any rights under the laws of this
33 state or granted by the bond proceedings. These
34 rights include the right to compel the performance of
35 all duties of the superintendent required by this
36 division or the bond proceedings; to enjoin unlawful
37 activities; and in the event of default with respect
38 to the payment of any principal of or interest on
39 bonds or in the performance of a covenant or agreement
40 on the part of the superintendent in bond proceedings,
41 to apply to a court to appoint a receiver to receive
42 and administer the funds which are pledged to the

43 payment of bonds or which are the subject of the
 44 covenant or agreement, with full power to pay and to
 45 provide for payment of any principal of or interest on
 46 bonds and with powers accorded receivers in general
 47 equity cases, excluding power to pledge additional
 48 funds or other income or moneys of the superintendent,
 49 the state, or governmental agencies of the state to
 50 the payment of the bonds."

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- 1 4. Page 1, by inserting before line 27 the
- 2 following:
- 3 "Sec. ____ . Sections 524.228 through 524.335 are
- 4 created as a new division within chapter 524."
- 5 5. By renumbering as necessary.

COMMITTEE ON
 SMALL BUSINESS
 AND ECONOMIC DEVELOPMENT
 LEONARD L. BOSWELL, Chairperson

S-3358

- 1 Amend Senate File 351 as follows:
- 2 1. By striking everything after the enacting
- 3 clause and inserting the following:
- 4 "Section 1. NEW SECTION. 525.1 SHORT TITLE.
- 5 This division, sections 525.1 through 525.11, may
- 6 be cited as the "Iowa Regional Interstate Banking
- 7 Act".
- 8 Sec. 2. NEW SECTION. 525.2 DEFINITIONS.
- 9 As used in this division, unless the context
- 10 requires otherwise:
- 11 1. "Acquire" means to do one or more of the
- 12 following:
- 13 a. Obtain control.
- 14 b. Obtain all or substantially all of the assets
- 15 of a bank or bank holding company.
- 16 c. Assume all liabilities for deposits of a bank.
- 17 d. Merge or consolidate with a bank or bank
- 18 holding company.
- 19 2. "Bank" means a bank, as that term is defined in
- 20 section 524.103, subsection 5, and includes national
- 21 banking associations.
- 22 3. "Bank holding company" means a bank holding
- 23 company as defined or referred to in the Bank Holding
- 24 Company Act of 1956, 12 U.S.C. § 1841 et seq., as

25 amended to January 1, 1971.

26 4. "Control" means the power, directly or
27 indirectly, to do one or more of the following:

28 a. Direct or exercise a controlling influence over
29 the management or policies of a bank or bank holding
30 company or the election of a majority of the directors
31 of a bank or bank holding company.

32 b. Vote twenty percent or more of any class of
33 voting securities of a bank or bank holding company.

34 5. "Department" means the department of commerce.

35 6. "Director" means the director of the
36 department.

37 7. "Division" means the division of banking of the
38 department.

39 8. "Equity capital" means the sum of common stock,
40 preferred stock, and surplus and undivided profits.

41 9. "Financial institution" means any of the
42 following:

43 a. A state bank organized in this state or another
44 state.

45 b. A national banking association.

46 c. A savings and loan association or other thrift
47 institution organized in this state or another state,
48 or under federal law.

49 d. A credit union organized in this state or
50 another state, or under federal law.

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1 10. "Midwestern region" means the states of
2 Illinois, Kansas, Minnesota, Missouri, Nebraska, North
3 Dakota, South Dakota, Wisconsin, and Iowa.

4 11. "Out-of-state bank" means a bank whose
5 principal place of business is located in or whose
6 operations are principally conducted in a state other
7 than this state.

8 12. "Out-of-state bank holding company" means an
9 out-of-state bank holding company as defined or
10 referred to in 12 U.S.C. § 1842(d), as amended to
11 January 1, 1971.

12 13. "Principal place of business" means the state
13 in which operations are principally conducted.
14 Operations are principally conducted in the state
15 where the largest percentage of aggregate deposits of
16 a bank or all subsidiaries of a bank holding company
17 are held.

18 14. "Regional bank" means a bank located in the
19 midwestern region.

20 15. "Regional bank holding company" means a bank
21 holding company located in the midwestern region.

22 16. "Subsidiary" means a subsidiary as defined or
23 referred to in 12 U.S.C. § 1841(d), as amended to
24 January 1, 1987.

25 17. "Superintendent" means the superintendent of
26 the division of banking of the department.

27 Sec. 3. NEW SECTION. 525.3 OUT-OF-STATE BANK
28 HOLDING COMPANIES.

29 An out-of-state bank holding company shall not
30 acquire any of the voting shares of, any interest in,
31 all or substantially all of the assets of, or power to
32 control in any manner the election of any of the
33 directors of a bank in this state, except as provided
34 in sections 525.4 through 525.11, unless the out-of-
35 state bank holding company was on January 1, 1971,
36 registered with the federal reserve board as a bank
37 holding company, and on that date owned at least two
38 banks in this state.

39 Sec. 4. NEW SECTION. 525.4 REGIONAL RECIPROCAL
40 INTERSTATE BANKING.

41 1. A regional bank or regional bank holding
42 company may, upon the approval of the superintendent,
43 acquire a bank or bank holding company doing business
44 in this state, provided that all of the conditions of
45 this division are met.

46 2. A regional bank or regional bank holding
47 company seeking to acquire a bank or bank holding
48 company in this state must submit an application to
49 the superintendent, in a form approved by the
50 superintendent, containing all of the following

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1 information:

2 a. The identity, personal history, business
3 background, and experience of each person by whom or
4 on whose behalf the acquisition is to be made,
5 including the person's material business activities
6 and affiliations during the past five years, and a
7 description of any material pending legal or
8 administrative proceedings in which the person is a
9 party and any criminal indictment or conviction of
10 that person by a state or federal court.

11 b. A statement of the assets and liabilities of
12 each person by whom or on whose behalf the acquisition
13 is to be made, as of the end of the fiscal year for
14 each of the five years immediately preceding the date
15 of the notice, together with related statements of
16 income, sources, and applications of funds for each of
17 the fiscal years then concluded, all prepared in
18 accordance with generally accepted accounting

19 principles consistently applied, and an interim
20 statement of the assets and liabilities for each
21 person, together with related statements of income,
22 sources, and applications of funds as of a date not
23 more than ninety days prior to the date of the filing
24 of the application.

25 c. The terms and conditions of the proposed
26 acquisition and the manner in which the acquisition is
27 to be made.

28 d. The identity, source, and amount of the funds
29 or other consideration to be used in making the
30 acquisition, and if any part of these funds or other
31 consideration has been or is to be borrowed or
32 otherwise obtained for the purpose of making the
33 acquisition, a description of the transaction, the
34 names of the parties, and any arrangements,
35 agreements, or understandings with those persons.

36 e. Any plans or proposals which an acquiring party
37 has to liquidate the bank, to sell its assets or merge
38 it, or make any other major change in its business or
39 corporate structure or management.

40 f. The identification of any person employed,
41 retained, or to be compensated by the acquiring party,
42 or by any person on the acquiring party's behalf, to
43 make solicitations or recommendations to stockholders
44 for the purpose of assisting in the acquisition, and a
45 brief description of the terms of the employment,
46 retainer, or arrangement for compensation.

47 g. Copies of all invitations, tenders, or
48 advertisements making tender offers to stockholders
49 for purchase of their stock to be used in connection
50 with the proposed acquisition.

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1 h. A statement of how the acquisition will bring
2 "net new funds" to this state. The description of net
3 new funds must be filed with the application and
4 annually thereafter included in the annual disclosure
5 form described in section 525.24, and must state the
6 amount of capital funds, including the increase in
7 equity capital that will result from the acquisition.
8 The description must state the net increase in
9 loanable funds expressed as an increase in the total
10 loan to asset ratio of Iowa loans and assets. The
11 statement must also include a discussion of initial
12 capital investments, loan policy, investment policy,
13 dividend policy, and the general plan of business,
14 including the full range of consumer and business
15 services which will be offered by the bank or banks

16 owned by the bank holding company after the
17 acquisition.

18 i. Any additional relevant information in the form
19 the commissioner requires by rule or by specific
20 request in connection with any particular application.

21 j. Unless the applicant is a resident of Iowa, a
22 corporation organized in this state, or a foreign
23 corporation admitted to do business in this state, a
24 written consent to service of process on a resident of
25 this state in any action arising out of the
26 applicant's activities related to this state.

27 k. Evidence of the applicant's compliance in this
28 or other states with the Community Reinvestment Act of
29 1977, 12 U.S.C. § 2901, et seq., and any state
30 community reinvestment statutes or rules applicable to
31 any of the applicant's activities.

32 3. An applicant shall enter into an agreement with
33 the superintendent to provide reports and permit
34 examination of its records to the extent deemed
35 necessary by the superintendent to ensure compliance
36 with the provisions of this chapter and other relevant
37 provisions of the Code and any rules adopted under
38 those provisions. If the applicant or the resulting
39 bank or bank holding company is federally chartered,
40 the agreement may provide that compliance examination
41 information shall be provided by the federal agency
42 responsible for supervision of that bank or bank
43 holding company. The superintendent may specify the
44 information which requires verification, and shall be
45 provided a report of that status of compliance by the
46 federal agency.

47 4. An Iowa bank or Iowa bank holding company which
48 is to be acquired or held, shall have, on the date of
49 acquisition, and shall maintain a minimum equity
50 capital which the superintendent determines acceptable

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1 given the basic service area to be served and the
2 general plan of business; however, the equity capital
3 shall not be less than one million dollars. Equity
4 capital shall be maintained consistent with sound
5 banking practices.

6 5. An application to be considered for approval by
7 the superintendent must be accompanied by an
8 application fee of five thousand dollars, payable to
9 the treasurer of state. The application fee is to
10 compensate the superintendent for expenses incurred to
11 process the application.

12 Sec. 5. NEW SECTION. 525.5 SUPERINTENDENT OF

13 BANKING -- RESPONSIBILITIES.

14 1. If a regional bank holding company files an
15 application to acquire an Iowa bank or Iowa bank
16 holding company under this chapter, the superintendent
17 shall do one of the following within ten days of
18 receipt of the application:

19 a. Accept the application for processing.

20 b. Request additional information to complete the
21 application.

22 c. Return the application if it is substantially
23 incomplete.

24 2. If an application is accepted for processing,
25 the superintendent shall immediately notify the
26 applicant and the bank or bank holding company
27 proposed to be acquired of its acceptance of the
28 application and publish notice of the application in
29 the administrative bulletin.

30 3. Within forty days of acceptance of an
31 application for processing, the superintendent shall
32 conduct an investigation into the condition of the
33 applicant and the Iowa bank or Iowa bank holding
34 company to be acquired. The superintendent may
35 request additional information from the applicant and
36 require its production as a precondition to approval
37 of the application. The superintendent may accept
38 public comment on the acquisition.

39 4. In deciding whether to approve an acquisition
40 under this chapter, the superintendent shall condition
41 approval of the application upon a finding of the
42 restrictions in section 525.6 and any other
43 restrictions in this chapter, and all of the following
44 facts:

45 a. That the banks already controlled by the
46 applicant are operated in a safe, sound, and prudent
47 manner.

48 b. That the financial condition of the applicant
49 or any of its affiliates will not jeopardize the
50 financial stability of the Iowa bank or Iowa bank

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1 holding company proposed to be acquired.

2 c. That the proposed merger or acquisition will
3 not result in an Iowa bank that has inadequate
4 capital, unsatisfactory management, or poor earnings
5 prospects.

6 d. That banks already controlled by the applicant
7 have provided adequate and appropriate services
8 including services contemplated by the Community
9 Reinvestment Act of 1977, 12 U.S.C. § 2901 et seq.,

10 and any state or local community reinvestment statutes
11 or rules applicable to the applicant's operations, and
12 if subject to a rating, that the applicant's banks
13 have received ratings equivalent to at least the
14 minimum acceptable rating in section 525.27.

15 e. That the applicant proposes to provide adequate
16 and appropriate services, including services
17 contemplated by the Community Reinvestment Act of
18 1977, 12 U.S.C. § 2901 et seq., and the Iowa community
19 reinvestment Act, § 525.21 et seq.

20 f. That the management or other principals of the
21 applicant are qualified by character and financial
22 responsibility to control and operate in a legal and
23 proper manner the Iowa bank or Iowa bank holding
24 company proposed to be acquired.

25 g. That the interest of the depositors and
26 creditors of the Iowa bank or Iowa bank holding
27 company proposed to be acquired and the interest of
28 the general public will not be jeopardized by the
29 proposed acquisition.

30 h. That the applicant furnished all the
31 information the superintendent required in reaching
32 its decision.

33 i. That the applicant has a record of and proposes
34 adequate activities to ascertain the credit needs of
35 its community, including the extent of efforts to
36 communicate the availability of credit services
37 offered, especially marketing and special credit-
38 related programs to make members of the community
39 aware of the credit services offered.

40 j. That the applicant has no plans or practices
41 intended to discourage applications for types of
42 credit.

43 k. That there is no record of prohibited
44 discriminatory or other illegal practices by the
45 applicant.

46 l. That the applicant has a history of
47 participation, including investments, in local
48 community development and redevelopment projects or
49 programs.

50 m. That the applicant has a favorable history for

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1 origination of residential mortgage loans, housing
2 rehabilitation loans, home improvement loans, and
3 small business or family farm loans within its
4 community, or the purchase of such loans originated in
5 its community.

6 5. If the superintendent determines that the
7 applicant is qualified, the superintendent shall
8 review the laws of the state in which an applicant
9 maintains its principal place of business, and certify
10 the level of reciprocity granted an Iowa bank holding
11 company seeking to acquire a bank or bank holding
12 company in that state. The superintendent may approve
13 an application otherwise complying with this chapter
14 if the superintendent certifies that the state in
15 which the regional bank holding company is located
16 grants reciprocity to Iowa bank holding companies on
17 terms generally as favorable as permitted in this
18 chapter. If the superintendent certifies that the
19 reciprocity is on less favorable terms, then the bank
20 holding company located in a state with less favorable
21 terms shall only acquire an interest in an Iowa bank
22 or Iowa bank holding company to the same extent as an
23 Iowa bank holding company may acquire an interest in a
24 bank in the state where the regional bank holding
25 company is located.

26 6. The superintendent shall issue an order either
27 approving or disapproving an application. The order
28 shall include findings of fact based upon the
29 application, investigation, public comments, or other
30 submittals or evidence considered. An order
31 disapproving an application shall list the reasons for
32 disapproval. An order approving an application shall
33 include any reciprocity conditions or limitations
34 consistent with the superintendent's certification
35 under subsection 5.

36 7. Appeals from a decision of the superintendent
37 shall be pursuant to chapter 17A.

38 Sec 6. NEW SECTION. 525.6 RESTRICTIONS ON
39 ACQUISITIONS.

40 1. A regional bank holding company may not acquire
41 an Iowa bank or Iowa bank holding company under this
42 chapter if, following the acquisition, the acquired
43 bank or the Iowa banks controlled by the regional bank
44 holding company, and all Iowa affiliates of the
45 acquired bank or controlled banks, would hold a
46 percentage of the total deposits in all Iowa banks
47 larger than the percentage permitted under subsection
48 2.

49 2. The percentage referred to in subsection 1 is:

50 a. Ten percent before July 1, 1989.

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1 b. Eleven percent on or after July 1, 1989, and
2 before July 1, 1990.

3 c. Twelve percent on or after July 1, 1990.

4 3. A regional bank holding company shall not
5 acquire either of the following:

6 a. An Iowa bank under this chapter unless the Iowa
7 bank has been in existence and continuously operated
8 as a bank for five or more years.

9 b. An Iowa bank holding company under this chapter
10 unless each of the Iowa bank holding company's Iowa
11 bank subsidiaries has been in existence and
12 continuously operated as a bank for five or more
13 years.

14 4. However, for purposes of this section, a bank
15 shall be considered to have been in existence and
16 continuously operated as a bank for five or more years
17 if either of the following apply:

18 a. The bank is a new bank as a result of a
19 consolidation of banks each of which had been in
20 existence and continuously operated as a bank for five
21 or more years before the consolidation.

22 b. The bank was organized solely for the purpose
23 of facilitating the acquisition of another bank that
24 had been in existence and continuously operated as a
25 bank for five or more years before the acquisition.

26 5. This section does not apply to acquisitions of
27 a troubled bank. A troubled bank is a bank which the
28 superintendent reasonably believes will fail without
29 assistance or an acquisition, or a bank which has
30 failed.

31 Sec. 7. NEW SECTION. 525.7 BASIC SERVICES
32 TRANSACTION ACCOUNT.

33 A bank controlled by a regional bank or regional
34 bank holding company must offer a basic services
35 transaction account to eligible individuals. For
36 purposes of this section:

37 1. "Basic services transaction account" means a
38 transaction account that has no initial or periodic
39 service fees, allows at least six checks per month to
40 be drawn on the account without charge, and allows at
41 least six free electronic funds transfer transactions
42 per month; and for additional checks or electronic
43 funds transfer transactions, service fees must not
44 exceed the lowest fee for similar services charged by
45 the bank for other than basic accounts.

46 2. "Eligible individual" means a person whose
47 annual family income is less than the federal poverty
48 income guidelines as published annually in the Federal
49 Register.

50 Sec. 8. NEW SECTION. 525.8 DEVELOPMENTAL LOANS.

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1 A bank located in this state owned by a regional
2 bank holding company shall provide a level of
3 developmental loans as defined by the superintendent
4 by rule. "Developmental loans" include but are not
5 limited to the following:

6 1. Loans for low and moderate income housing,
7 loans to community development corporations, loans to
8 targeted small businesses, student education loans,
9 and alternative energy or energy conservation loans.

10 2. Loans within a distressed area or on an Indian
11 reservation for a commercial nonreal estate purpose,
12 home loans, home improvement loans, and operating
13 loans to family farmers. The director shall annually
14 designate distressed areas. A distressed area may be
15 made for a geographic region smaller than a county.
16 The determination of a distressed area should be made
17 on the area's unemployment rate, economic conditions,
18 and credit needs.

19 **Sec. 9. NEW SECTION. 525.9 LOCAL ADVISORY BOARD.**

20 A regional bank holding company acquiring an Iowa
21 bank or Iowa bank holding company pursuant to this
22 division shall establish a five-person advisory board
23 of directors for each bank acquired if the bank is not
24 continued as a separately organized or chartered bank
25 with its own board of directors. Members of the
26 advisory board or a majority of the members of the
27 board of directors of a bank continued as a separately
28 organized or chartered bank with its own board, shall
29 be appointed from the basic service area, as
30 determined under section 525.24, of the acquired bank.
31 The advisory board or the board of directors shall
32 make recommendations to the bank holding company
33 regarding policies to better serve the acquired bank's
34 basic service area.

35 **Sec. 10. NEW SECTION. 525.10 PROHIBITIONS.**

36 1. A person who violates a provision of this
37 division, or a rule adopted under this division, is
38 subject to a civil penalty of not more than one
39 thousand dollars per day for each day the violation
40 continues. The superintendent shall report the
41 violation and the results of any investigation to the
42 attorney general, who may institute a civil action on
43 behalf of the state to enforce this division in the
44 county in which the violation occurs or Polk county.

45 **Sec. 11. NEW SECTION. 525.11 NONSEVERABILITY.**

46 If it is ultimately determined that the reciprocity
47 limitation in section 525.4 is invalid, then all of
48 sections 525.4 through 525.10 are void and no

49 reciprocity is allowed. However, if sections 525.4
50 through 525.10 become void, a regional bank holding

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1 company which directly or indirectly owns voting
2 shares, an interest in, or control of a bank located
3 in Iowa may maintain the interest and may expand its
4 holdings not to exceed the limitations contained in
5 section 524.1802.

6 Sec. 12. NEW SECTION. 525.21 SHORT TITLE.

7 This division, sections 525.21 through 525.29, may
8 be cited as the "Iowa Community Reinvestment Act".

9 Sec. 13. NEW SECTION. 525.22 DEFINITIONS.

10 As used in this division, unless the context
11 requires otherwise:

12 1. "Basic service area" means the area determined
13 as provided in section 525.24.

14 2. "Department" means the department of commerce.

15 3. "Director" means the director of the
16 department.

17 4. "Financial institution" means a financial
18 institution as defined in section 525.2.

19 5. "Regulator" means one of the following:

20 a. The superintendent of the division of banking
21 of the department for banks organized or regulated
22 under chapter 524.

23 b. The superintendent of the division of savings
24 and loan associations of the department for savings
25 and loan associations organized or regulated under
26 chapter 534.

27 c. The superintendent of the division of credit
28 unions of the department for credit unions organized
29 or regulated under chapter 533.

30 Sec. 14. NEW SECTION. 525.23 COMMUNITY
31 REINVESTMENT RESPONSIBILITY.

32 A financial institution organized or regulated
33 under chapter 524, 533, or 534 shall meet the credit
34 needs of the community or communities in which it is
35 located, including low-income and moderate-income
36 neighborhoods, as determined under section 525.25, and
37 rural areas within the financial institution's basic
38 service area, consistent with safe and sound
39 operations of the financial institution.

40 Sec. 15. NEW SECTION. 525.24 ANNUAL COMMUNITY
41 REINVESTMENT DISCLOSURE REPORT AND PUBLIC NOTICE.

42 A financial institution organized or regulated
43 under chapter 524, 533, or 534, shall submit to the
44 director an annual report in a form determined by the
45 director, which describes the following:

46 1. The credit needs of the community served by the
47 financial institution, and the method by which this
48 determination was made. The director may by rule
49 stipulate a method to determine the credit needs of a
50 community served by a financial institution.

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1 2. The methods used to market to the community the
2 credit services offered by the financial institution.

3 3. A description of how services actually provided
4 by the financial institution satisfied the needs
5 described under subsection 1.

6 4. The financial institution's participation in
7 local, state, and federal business and economic
8 development programs, small business assistance
9 programs, programs addressing the financial needs of
10 minorities, and programs that meet the specific credit
11 needs of rural communities, including but not limited
12 to the rural economic development program and the
13 rural agricultural diversification linked-deposit
14 program. The director may specify by rule which
15 programs must be included in the report.

16 A financial institution shall delineate the local
17 community or communities that comprise its basic
18 service area. The basic service area so claimed is
19 subject to the approval of the department. The
20 department may order an expansion or contraction of a
21 financial institution's basic service area if the
22 department finds the claimed area does not correspond
23 to the territory in fact served by the institution.

24 The department shall adopt rules for determination of
25 the basic service area based on a financial
26 institution's facilities, business practices, and the
27 location, distribution, and concentration of the
28 institution's borrowers and depositors.

29 A financial institution shall provide a public
30 notice in the lobby of each of its facilities which
31 requests the public to submit comments to the
32 financial institution regarding its community lending
33 activities. Each institution shall maintain a file
34 open to public inspection which contains the five most
35 recent annual community reinvestment disclosure
36 reports, public comments received on its community
37 investment activities, and the institution's response
38 to those comments.

39 **Sec. 16. NEW SECTION. 525.25 COMMUNITY**
40 **REINVESTMENT DISCLOSURE REQUIREMENTS.**

41 A financial institution with more than ten million
42 dollars of assets shall disclose as part of its annual

43 community reinvestment disclosure report the
44 following:

- 45 1. The number and aggregate dollar amount of
46 housing, commercial, small business, agricultural, and
47 consumer loans originated in the state in which the
48 financial institution's principal place of business,
49 as defined in section 525.2, is located.
50 2. The number and aggregate dollar amount of

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1 housing, commercial, small business, agricultural, and
2 consumer loans originated in this state.
3 3. The number and aggregate dollar amount of
4 housing, commercial, small business, agricultural, and
5 consumer loans originated within low-income and
6 moderate-income neighborhoods within the institution's
7 basic service area. The department may by rule or
8 decision determine the geographic boundaries of low-
9 income and moderate-income neighborhoods within the
10 state, or criteria for designating low-income and
11 moderate-income neighborhoods within a financial
12 institution's basic service area.

13 **Sec. 17. NEW SECTION. 525.26 REQUIREMENTS OF**
14 **FINANCIAL INSTITUTIONS NOT REGULATED BY IOWA STATUTES**
15 **FOR PARTICIPATION IN CERTAIN PROGRAMS.**

16 A financial institution operating in Iowa and not
17 organized or regulated under chapter 524, 533, or 534,
18 shall meet the reporting requirements under sections
19 525.24 and 525.25, and the rating requirements under
20 section 525.27 to be eligible for participation in
21 programs identified in section 525.28.

22 **Sec. 18. NEW SECTION. 525.27 COMMUNITY**
23 **REINVESTMENT RATING SYSTEM.**

24 The director shall adopt rules, not later than
25 January 1, 1989, for a community reinvestment rating
26 system for financial institutions, to be based upon a
27 review of the information provided in a financial
28 institution's annual community reinvestment disclosure
29 report, and other information which the director finds
30 to be relevant. The system must at minimum provide
31 for an unacceptable community reinvestment rating, a
32 minimum acceptable community reinvestment rating, and
33 a top rating for exemplary community reinvestment, and
34 the information shall be public information. The
35 rating system may contain more steps than an
36 unacceptable rating, a minimum acceptable rating, and
37 an exemplary rating.

38 **Sec. 19. NEW SECTION. 525.28 ELIGIBILITY FOR**
39 **PARTICIPATION IN CERTAIN STATE PROGRAMS CONDITIONED ON**

40 COMMUNITY REINVESTMENT GUIDELINES.

41 After July 1, 1989, unconditional eligibility for
42 financial institutions to participate in the following
43 programs is conditioned upon achieving a minimum
44 acceptable community reinvestment rating under section
45 525.27 and preference is given for financial
46 institutions achieving higher ratings, with the
47 highest preferences given to financial institutions
48 with an exemplary rating:
49 1. Deposit of public funds, including state
50 treasury funds and the funds of political

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1 subdivisions.
2 2. State loan guarantee programs.
3 3. State interest rate buy-down programs.
4 4. Other financial programs offered through the
5 use of state funds.
6 A financial institution not meeting a minimum
7 acceptable community reinvestment rating may receive
8 conditional approval for eligibility for such programs
9 provided that the financial institution develops a
10 proposal for improving its community reinvestment
11 rating to an acceptable level within a period of no
12 more than two years and the proposal is approved by
13 the director.

14 After July 1, 1989, eligibility for a financial
15 institution to extend its service territory, acquire
16 or merge with another financial institution, build or
17 acquire a new facility, transfer a home office, or
18 take other action requiring approval of the financial
19 institution's state regulator is conditioned upon
20 achieving at least a minimum acceptable community
21 reinvestment rating. The director may by rule
22 condition approval or degree of approval for an action
23 requiring a regulator's approval on higher community
24 reinvestment ratings. However, the regulator may
25 grant approval for an action of a financial
26 institution receiving less than an acceptable
27 community reinvestment rating if the regulator finds
28 that the action is an essential part of a proposal
29 approved by the director for improving the financial
30 institution's community reinvestment rating to an
31 acceptable level within a period of no more than two
32 years.

33 Sec. 20. **NEW SECTION. 525.29 COMMUNITY**
34 **REINVESTMENT TASK FORCE ESTABLISHED.**

35 A community reinvestment task force is established
36 to recommend a community reinvestment rating system to

37 the director which will encourage financial
 38 institutions to invest in their communities and to
 39 meet the requirements of this division. The task
 40 force shall also recommend appropriate uses of a
 41 rating system including incentives and disincentives
 42 for various levels of performance. The community
 43 reinvestment task force shall be composed of seven
 44 individuals selected for their knowledge of the
 45 financial needs of Iowa's business, farm, and consumer
 46 communities, with none having a financial interest in
 47 or position with a financial institution. The
 48 majority and minority leaders in the senate and the
 49 speaker and the minority leader in the house of
 50 representatives shall each appoint one member and the

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1 governor shall appoint three members of the task
 2 force. The task force shall report its
 3 recommendations to the director not later than July 1,
 4 1988, and submit proposed rules to implement the
 5 recommendations. The department and the legislative
 6 service bureau shall provide staff support to the task
 7 force.
 8 Sec. 21. Section 524.1805, Code 1987, is repealed.
 9 Sec. 22. The Code editor shall codify new sections
 10 525.1 through 525.11 as division I of chapter 525, and
 11 new sections 525.21 through 525.29 as division II of
 12 chapter 525."

MICHAEL E. GRONSTAL

S-3359

1 Amend Senate File 396 as follows:
 2 1. Page 2, line 13, by striking the words "these
 3 wastes" and inserting the following: "wastes
 4 generated in this state or in other states".
 5 2. Page 2, by striking lines 26 through 32.
 6 3. Page 3, line 5, by inserting after the word
 7 "centers," the following: "waste incineration
 8 centers, waste detoxification centers,".
 9 4. Page 4, lines 15 and 16, by striking the words
 10 "WASTE MANAGEMENT AUTHORITY" and inserting the fol-
 11 lowing: "ADMINISTRATOR".
 12 5. Page 4, line 17, by striking the words "waste
 13 management authority" and inserting the following:
 14 "administrator".

- 15 6. Page 4, line 18, by striking the word
16 "administrator" and inserting the following:
17 "commission".
- 18 7. Page 4, line 27, by inserting after the word
19 "agreements" the following: ", with the approval of
20 the commission for contracts in excess of twenty-five
21 thousand dollars,".
- 22 8. Page 5, by striking lines 12 and 13 and in-
23 serting the following:
24 "9. Include in the annual report to the governor
25 and the general assembly required by section 455A.4,
26 subsection 1, paragraph "d", information outlining the
27 activities of the authority in".
- 28 9. Page 5, line 34, by inserting after the word
29 "agreements" the following: ", in excess of twenty-
30 five thousand dollars,".
- 31 10. Page 6, line 3, by striking the words "waste
32 management authority" and inserting the following:
33 "administrator".
- 34 11. Page 6, lines 6 and 7, by striking the words
35 "waste management authority" and inserting the
36 following: "administrator".
- 37 12. Page 6, line 10, by striking the word
38 "authority" and inserting the following:
39 "administrator".
- 40 13. Page 6, line 11, by striking the word
41 "authority" and inserting the following:
42 "administrator".
- 43 14. Page 6, line 14, by striking the words "waste
44 management authority" and inserting the following:
45 "commission".
- 46 15. Page 6, line 17, by striking the words "waste
47 management authority" and inserting the following:
48 "administrator".
- 49 16. Page 6, line 21, by striking the word
50 "authority" and inserting the following:

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- 1 "administrator".
- 2 17. Page 6, line 22, by striking the word
3 "authority" and inserting the following:
4 "administrator".
- 5 18. Page 6, line 27, by striking the words "waste
6 management authority" and inserting the following:
7 "commission".
- 8 19. Page 6, line 32, by striking the words "waste
9 management authority" and inserting the following:
10 "commission".
- 11 20. Page 7, line 16, by striking the words "waste

- 12 management authority” and inserting the following:
 13 “administrator”.
 14 21. Page 7, line 20, by striking the words “waste
 15 management authority” and inserting the following:
 16 “administrator”.
 17 22. Page 8, by striking lines 1 through 6.
 18 23. By renumbering as necessary.

PATRICK J. DELUHERY

S-3360

- 1 Amend Senate File 351 as follows:
 2 1. Page 1, by inserting after line 20 the
 3 following:
 4 “Sec. ____ . NEW SECTION. 525.10 BASIC SERVICES
 5 TRANSACTION ACCOUNT.
 6 A bank controlled by a regional bank or regional
 7 bank holding company must offer a basic services
 8 transaction account to eligible individuals. For
 9 purposes of this section:
 10 1. “Basic services transaction account” means a
 11 transaction account that has no initial or periodic
 12 service fees, allows at least six checks per month to
 13 be drawn on the account without charge, and allows at
 14 least six free electronic funds transfer transactions
 15 per month; and for additional checks or electronic
 16 funds transfer transactions, service fees must not
 17 exceed the lowest fee for similar services charged by
 18 the bank for other than basic accounts.
 19 2. “Eligible individual” means a person whose
 20 annual family income is less than the federal poverty
 21 income guidelines as published annually in the Federal
 22 Register.
 23 Sec. ____ . NEW SECTION. 525.11 DEVELOPMENTAL
 24 LOANS.
 25 A bank located in this state owned by a regional
 26 bank holding company shall provide a level of
 27 developmental loans as defined by the superintendent
 28 by rule. “Developmental loans” include but are not
 29 limited to the following:
 30 1. Loans for low and moderate income housing,
 31 loans to community development corporations, loans to
 32 targeted small businesses, student education loans,
 33 and alternative energy or energy conservation loans.
 34 2. Loans within a distressed area or on an Indian
 35 reservation for a commercial nonreal estate purpose,
 36 home loans, home improvement loans, and operating
 37 loans to family farmers. The director shall annually

38 designate distressed areas. A distressed area may be
39 made for a geographic region smaller than a county.
40 The determination of a distressed area should be made
41 on the area's unemployment rate, economic conditions,
42 and credit needs.

43 Sec. ____ . NEW SECTION. 525.12 LOCAL ADVISORY
44 BOARD.

45 A regional bank holding company acquiring an Iowa
46 bank or Iowa bank holding company pursuant to section
47 524.1805 shall establish a five-person advisory board
48 of directors for each bank acquired if the bank is not
49 continued as a separately organized or chartered bank
50 with its own board of directors. Members of the

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1 advisory board or a majority of the members of the
2 board of directors of a bank continued as a separately
3 organized or chartered bank with its own board, shall
4 be appointed from the basic service area of the
5 acquired bank. The advisory board or the board of
6 directors shall make recommendations to the bank
7 holding company regarding policies to better serve the
8 acquired bank's basic service area.

9 Sec. ____ . NEW SECTION. 525.13 NET NEW FUNDS.

10 A regional bank holding company acquiring an Iowa
11 bank or bank holding company pursuant to section
12 524.1805 must file a statement of how the acquisition
13 will bring "net new funds" to this state. The
14 description of net new funds must be filed with the
15 superintendent prior to acquisition and annually
16 thereafter, and must state the amount of capital
17 funds, including the increase in equity capital that
18 will result from the acquisition. The description
19 must state the net increase in loanable funds
20 expressed as an increase in the total loan to asset
21 ratio of Iowa loans and assets. The statement must
22 also include a discussion of initial capital
23 investments, loan policy, investment policy, dividend
24 policy, and the general plan of business, including
25 the full range of consumer and business services which
26 will be offered by the bank or banks owned by the bank
27 holding company after the acquisition. Compliance
28 with this section is a condition for an acquisition
29 under section 524.1805. After acquisition, failure to
30 implement the net new funds plan shall be grounds for
31 the superintendent to order divestment of the Iowa
32 bank or bank holding company by the regional bank
33 holding company."

MICHAEL E. GRONSTAL

S-3361

1 Amend Senate File 351 as follows:

2 1. By striking everything after the enacting
3 clause and inserting the following:

4 "Section 1. **NEW SECTION. 525.1 SHORT TITLE.**

5 This division, sections 525.1 through 525.9, may be
6 cited as the "Iowa Regional Interstate Banking Act".

7 Sec. 2. **NEW SECTION. 525.2 DEFINITIONS.**

8 As used in this division, unless the context
9 requires otherwise:

10 1. "Acquire" means to do one or more of the
11 following:

12 a. Obtain control.

13 b. Obtain all or substantially all of the assets
14 of a bank or bank holding company.

15 c. Assume all liabilities for deposits of a bank.

16 d. Merge or consolidate with a bank or bank
17 holding company.

18 2. "Bank" means a bank, as that term is defined in
19 section 524.103, subsection 5, and includes national
20 banking associations.

21 3. "Bank holding company" means a bank holding
22 company as defined or referred to in the Bank Holding
23 Company Act of 1956, 12 U.S.C. § 1841 et seq., as
24 amended to January 1, 1971.

25 4. "Control" means the power, directly or
26 indirectly, to do one or more of the following:

27 a. Direct or exercise a controlling influence over
28 the management or policies of a bank or bank holding
29 company or the election of a majority of the directors
30 of a bank or bank holding company.

31 b. Vote twenty percent or more of any class of
32 voting securities of a bank or bank holding company.

33 5. "Department" means the department of commerce.

34 6. "Director" means the director of the
35 department.

36 7. "Division" means the division of banking of the
37 department.

38 8. "Equity capital" means the sum of common stock,
39 preferred stock, and surplus and undivided profits.

40 9. "Financial institution" means any of the
41 following:

42 a. A state bank organized in this state or another
43 state.

44 b. A national banking association.

45 c. A savings and loan association or other thrift

46 institution organized in this state or another state,
47 or under federal law.

48 d. A credit union organized in this state or
49 another state, or under federal law.

50 10. "Midwestern region" means the states of

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1 Illinois, Kansas, Minnesota, Missouri, Nebraska, North
2 Dakota, South Dakota, Wisconsin, and Iowa.

3 11. "Out-of-state bank" means a bank whose
4 principal place of business is located in or whose
5 operations are principally conducted in a state other
6 than this state.

7 12. "Out-of-state bank holding company" means an
8 out-of-state bank holding company as defined or
9 referred to in 12 U.S.C. § 1842(d), as amended to
10 January 1, 1971.

11 13. "Principal place of business" means the state
12 in which operations are principally conducted.
13 Operations are principally conducted in the state
14 where the largest percentage of aggregate deposits of
15 a bank or all subsidiaries of a bank holding company
16 are held.

17 14. "Regional bank" means a bank located in the
18 midwestern region.

19 15. "Regional bank holding company" means a bank
20 holding company located in the midwestern region.

21 16. "Subsidiary" means a subsidiary as defined or
22 referred to in 12 U.S.C. § 1841(d), as amended to
23 January 1, 1987.

24 17. "Superintendent" means the superintendent of
25 the division of banking of the department.

26 Sec. 3. NEW SECTION. 525.3 OUT-OF-STATE BANK
27 HOLDING COMPANIES.

28 An out-of-state bank holding company shall not
29 acquire any of the voting shares of, any interest in,
30 all or substantially all of the assets of, or power to
31 control in any manner the election of any of the
32 directors of a bank in this state, except as provided
33 in sections 525.4 through 525.8, unless the out-of-
34 state bank holding company was on January 1, 1971,
35 registered with the federal reserve board as a bank
36 holding company, and on that date owned at least two
37 banks in this state.

38 Sec. 4. NEW SECTION. 525.4 REGIONAL RECIPROCAL
39 INTERSTATE BANKING.

40 1. A regional bank or regional bank holding
41 company may, upon the approval of the superintendent,
42 acquire a bank or bank holding company doing business

43 in this state, provided that all of the conditions of
44 this division are met.

45 2. A regional bank or regional bank holding
46 company seeking to acquire a bank or bank holding
47 company in this state must submit an application to
48 the superintendent, in a form approved by the
49 superintendent, containing all of the following
50 information:

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1 a. The identity, personal history, business
2 background, and experience of each person by whom or
3 on whose behalf the acquisition is to be made,
4 including the person's material business activities
5 and affiliations during the past five years, and a
6 description of any material pending legal or
7 administrative proceedings in which the person is a
8 party and any criminal indictment or conviction of
9 that person by a state or federal court.

10 b. A statement of the assets and liabilities of
11 each person by whom or on whose behalf the acquisition
12 is to be made, as of the end of the fiscal year for
13 each of the five years immediately preceding the date
14 of the notice, together with related statements of
15 income, sources, and applications of funds for each of
16 the fiscal years then concluded, all prepared in
17 accordance with generally accepted accounting
18 principles consistently applied, and an interim
19 statement of the assets and liabilities for each
20 person, together with related statements of income,
21 sources, and applications of funds as of a date not
22 more than ninety days prior to the date of the filing
23 of the application.

24 c. The terms and conditions of the proposed
25 acquisition and the manner in which the acquisition is
26 to be made.

27 d. The identity, source, and amount of the funds
28 or other consideration to be used in making the
29 acquisition, and if any part of these funds or other
30 consideration has been or is to be borrowed or
31 otherwise obtained for the purpose of making the
32 acquisition, a description of the transaction, the
33 names of the parties, and any arrangements,
34 agreements, or understandings with those persons.

35 e. Any plans or proposals which an acquiring party
36 has to liquidate the bank, to sell its assets or merge
37 it, or make any other major change in its business or
38 corporate structure or management.

39 f. The identification of any person employed,

40 retained, or to be compensated by the acquiring party,
41 or by any person on the acquiring party's behalf, to
42 make solicitations or recommendations to stockholders
43 for the purpose of assisting in the acquisition, and a
44 brief description of the terms of the employment,
45 retainer, or arrangement for compensation.

46 g. Copies of all invitations, tenders, or
47 advertisements making tender offers to stockholders
48 for purchase of their stock to be used in connection
49 with the proposed acquisition.

50 h. Any additional relevant information in the form

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1 the commissioner requires by rule or by specific
2 request in connection with any particular application.

3 i. Unless the applicant is a resident of Iowa, a
4 corporation organized in this state, or a foreign
5 corporation admitted to do business in this state, a
6 written consent to service of process on a resident of
7 this state in any action arising out of the
8 applicant's activities related to this state.

9 j. Evidence of the applicant's compliance in this
10 or other states with the Community Reinvestment Act of
11 1977, 12 U.S.C. § 2901, et seq., and any state
12 community reinvestment statutes or rules applicable to
13 any of the applicant's activities.

14 3. An applicant shall enter into an agreement with
15 the superintendent to provide reports and permit
16 examination of its records to the extent deemed
17 necessary by the superintendent to ensure compliance
18 with the provisions of this chapter and other relevant
19 provisions of the Code and any rules adopted under
20 those provisions. If the applicant or the resulting
21 bank or bank holding company is federally chartered,
22 the agreement may provide that compliance examination
23 information shall be provided by the federal agency
24 responsible for supervision of that bank or bank
25 holding company. The superintendent may specify the
26 information which requires verification, and shall be
27 provided a report of that status of compliance by the
28 federal agency.

29 4. An Iowa bank or Iowa bank holding company which
30 is to be acquired or held, shall have, on the date of
31 acquisition, and shall maintain a minimum equity
32 capital which the superintendent determines acceptable
33 given the basic service area to be served and the
34 general plan of business; however, the equity capital
35 shall not be less than one million dollars. Equity
36 capital shall be maintained consistent with sound

37 banking practices.

38 5. An application to be considered for approval by
39 the superintendent must be accompanied by an
40 application fee of five thousand dollars, payable to
41 the treasurer of state. The application fee is to
42 compensate the superintendent for expenses incurred to
43 process the application.

44 Sec. 5. NEW SECTION. 525.5 SUPERINTENDENT OF
45 BANKING -- RESPONSIBILITIES.

46 1. If a regional bank holding company files an
47 application to acquire an Iowa bank or Iowa bank
48 holding company under this chapter, the superintendent
49 shall do one of the following within ten days of
50 receipt of the application:

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1 a. Accept the application for processing.
2 b. Request additional information to complete the
3 application.

4 c. Return the application if it is substantially
5 incomplete.

6 2. If an application is accepted for processing,
7 the superintendent shall immediately notify the
8 applicant and the bank or bank holding company
9 proposed to be acquired of its acceptance of the
10 application and publish notice of the application in
11 the administrative bulletin.

12 3. Within forty days of acceptance of an
13 application for processing, the superintendent shall
14 conduct an investigation into the condition of the
15 applicant and the Iowa bank or Iowa bank holding
16 company to be acquired. The superintendent may
17 request additional information from the applicant and
18 require its production as a precondition to approval
19 of the application. The superintendent may accept
20 public comment on the acquisition.

21 4. In deciding whether to approve an acquisition
22 under this chapter, the superintendent shall condition
23 approval of the application upon a finding of the
24 restrictions in section 525.6 and any other
25 restrictions in this chapter, and all of the following
26 facts:

27 a. That the banks already controlled by the
28 applicant are operated in a safe, sound, and prudent
29 manner.

30 b. That the financial condition of the applicant
31 or any of its affiliates will not jeopardize the
32 financial stability of the Iowa bank or Iowa bank
33 holding company proposed to be acquired.

- 34 c. That the proposed merger or acquisition will
35 not result in an Iowa bank that has inadequate
36 capital, unsatisfactory management, or poor earnings
37 prospects.
- 38 d. That banks already controlled by the applicant
39 have provided adequate and appropriate services
40 including services contemplated by the Community
41 Reinvestment Act of 1977, 12 U.S.C. § 2901 et seq.,
42 and any state or local community reinvestment statutes
43 or rules applicable to the applicant's operations, and
44 if subject to a rating.
- 45 e. That the applicant proposes to provide adequate
46 and appropriate services, including services
47 contemplated by the Community Reinvestment Act of
48 1977, 12 U.S.C. § 2901 et seq.
- 49 f. That the management or other principals of the
50 applicant are qualified by character and financial

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- 1 responsibility to control and operate in a legal and
2 proper manner the Iowa bank or Iowa bank holding
3 company proposed to be acquired.
- 4 g. That the interest of the depositors and
5 creditors of the Iowa bank or Iowa bank holding
6 company proposed to be acquired and the interest of
7 the general public will not be jeopardized by the
8 proposed acquisition.
- 9 h. That the applicant furnished all the
10 information the superintendent required in reaching
11 its decision.
- 12 i. That the applicant has a record of and proposes
13 adequate activities to ascertain the credit needs of
14 its community, including the extent of efforts to
15 communicate the availability of credit services
16 offered, especially marketing and special credit-
17 related programs to make members of the community
18 aware of the credit services offered.
- 19 j. That the applicant has no plans or practices
20 intended to discourage applications for types of
21 credit.
- 22 k. That there is no record of prohibited
23 discriminatory or other illegal practices by the
24 applicant.
- 25 l. That the applicant has a history of
26 participation, including investments, in local
27 community development and redevelopment projects or
28 programs.
- 29 m. That the applicant has a favorable history for
30 origination of residential mortgage loans, housing

31 rehabilitation loans, home improvement loans, and
32 small business or family farm loans within its
33 community, or the purchase of such loans originated in
34 its community.

35 5. If the superintendent determines that the
36 applicant is qualified, the superintendent shall
37 review the laws of the state in which an applicant
38 maintains its principal place of business, and certify
39 the level of reciprocity granted an Iowa bank holding
40 company seeking to acquire a bank or bank holding
41 company in that state. The superintendent may approve
42 an application otherwise complying with this chapter
43 if the superintendent certifies that the state in
44 which the regional bank holding company is located
45 grants reciprocity to Iowa bank holding companies on
46 terms generally as favorable as permitted in this
47 chapter. If the superintendent certifies that the
48 reciprocity is on less favorable terms, then the bank
49 holding company located in a state with less favorable
50 terms shall only acquire an interest in an Iowa bank

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1 or Iowa bank holding company to the same extent as an
2 Iowa bank holding company may acquire an interest in a
3 bank in the state where the regional bank holding
4 company is located.

5 6. The superintendent shall issue an order either
6 approving or disapproving an application. The order
7 shall include findings of fact based upon the
8 application, investigation, public comments, or other
9 submittals or evidence considered. An order
10 disapproving an application shall list the reasons for
11 disapproval. An order approving an application shall
12 include any reciprocity conditions or limitations
13 consistent with the superintendent's certification
14 under subsection 5.

15 7. Appeals from a decision of the superintendent
16 shall be pursuant to chapter 17A.

17 Sec. 6. NEW SECTION. 525.6 RESTRICTIONS ON
18 ACQUISITIONS.

19 1. A regional bank holding company may not acquire
20 an Iowa bank or Iowa bank holding company under this
21 chapter if, following the acquisition, the acquired
22 bank or the Iowa banks controlled by the regional bank
23 holding company, and all Iowa affiliates of the
24 acquired bank or controlled banks, would hold a
25 percentage of the total deposits in all Iowa banks
26 larger than the percentage permitted under subsection
27 2.

- 28 2. The percentage referred to in subsection 1 is:
29 a. Ten percent before July 1, 1989.
30 b. Eleven percent on or after July 1, 1989, and
31 before July 1, 1990.
32 c. Twelve percent on or after July 1, 1990.
33 3. A regional bank holding company shall not
34 acquire either of the following:
35 a. An Iowa bank under this chapter unless the Iowa
36 bank has been in existence and continuously operated
37 as a bank for five or more years.
38 b. An Iowa bank holding company under this chapter
39 unless each of the Iowa bank holding company's Iowa
40 bank subsidiaries has been in existence and
41 continuously operated as a bank for five or more
42 years.
43 4. However, for purposes of this section, a bank
44 shall be considered to have been in existence and
45 continuously operated as a bank for five or more years
46 if either of the following apply:
47 a. The bank is a new bank as a result of a
48 consolidation of banks each of which had been in
49 existence and continuously operated as a bank for five
50 or more years before the consolidation.

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- 1 b. The bank was organized solely for the purpose
2 of facilitating the acquisition of another bank that
3 had been in existence and continuously operated as a
4 bank for five or more years before the acquisition.
5 5. This section does not apply to acquisitions of
6 a troubled bank. A troubled bank is a bank which the
7 superintendent reasonably believes will fail without
8 assistance or an acquisition, or a bank which has
9 failed.
10 Sec. 7. NEW SECTION. 525.7 LOCAL ADVISORY BOARD.
11 A regional bank holding company acquiring an Iowa
12 bank or Iowa bank holding company pursuant to this
13 division shall establish a five-person advisory board
14 of directors for each bank acquired if the bank is not
15 continued as a separately organized or chartered bank
16 with its own board of directors. Members of the
17 advisory board or a majority of the members of the
18 board of directors of a bank continued as a separately
19 organized or chartered bank with its own board, shall
20 be appointed from the basic service area of the
21 acquired bank. The advisory board or the board of
22 directors shall make recommendations to the bank
23 holding company regarding policies to better serve the
24 acquired bank's basic service area.

25 Sec. 8. NEW SECTION. 525.8 PROHIBITIONS.

26 1. A person who violates a provision of this
27 division, or a rule adopted under this division, is
28 subject to a civil penalty of not more than one
29 thousand dollars per day for each day the violation
30 continues. The superintendent shall report the
31 violation and the results of any investigation to the
32 attorney general, who may institute a civil action on
33 behalf of the state to enforce this division in the
34 county in which the violation occurs or Polk county.

35 Sec. 9. NEW SECTION. 525.9 NONSEVERABILITY.

36 If it is ultimately determined that the reciprocity
37 limitation in section 525.4 is invalid, then all of
38 sections 525.1 through 525.8 are void and no
39 reciprocity is allowed. However, if sections 525.1
40 through 525.8 become void, a regional bank holding
41 company which directly or indirectly owns voting
42 shares, an interest in, or control of a bank located
43 in Iowa may maintain the interest and may expand its
44 holdings not to exceed the limitations contained in
45 section 524.1802.

46 Sec. 10. Section 524.1805, Code 1987, is repealed.

47 Sec. 11. CODIFICATION. The Code editor shall
48 codify new sections 525.1 through 525.9 as division I
49 of chapter 525."

MICHAEL E. GRONSTAL

S-3362

1 Amend Senate File 351 as follows:

2 1. Page 1, by inserting after line 20 the
3 following:

4 "Sec. ____ . NEW SECTION. 525.1 SHORT TITLE.

5 This division, sections 525.1 through 525.9, may be
6 cited as the "Iowa Community Reinvestment Act".

7 Sec. ____ . NEW SECTION. 525.2 DEFINITIONS.

8 As used in this division, unless the context
9 requires otherwise:

10 1. "Basic service area" means the area determined
11 as provided in section 525.4.

12 2. "Department" means the department of commerce.

13 3. "Director" means the director of the
14 department.

15 4. "Financial institution" means any of the
16 following:

17 a. A state bank organized in this state or another
18 state.

19 b. A national banking association.
20 c. A savings and loan association or other thrift
21 institution organized in this state or another state,
22 or under federal law.
23 d. A credit union organized in this state or
24 another state, or under federal law.
25 5. "Regulator" means one of the following:
26 a. The superintendent of the division of banking
27 of the department for banks organized or regulated
28 under chapter 524.
29 b. The superintendent of the division of savings
30 and loan associations of the department for savings
31 and loan associations organized or regulated under
32 chapter 534.
33 c. The superintendent of the division of credit
34 unions of the department for credit unions organized
35 or regulated under chapter 533.
36 Sec. ____ . NEW SECTION. 525.3 COMMUNITY
37 REINVESTMENT RESPONSIBILITY.
38 A financial institution organized or regulated
39 under chapter 524, 533, or 534 shall meet the credit
40 needs of the community or communities in which it is
41 located, including low-income and moderate-income
42 neighborhoods, as determined under section 525.5, and
43 rural areas within the financial institution's basic
44 service area, consistent with safe and sound
45 operations of the financial institution.
46 Sec. ____ . NEW SECTION. 525.4 ANNUAL COMMUNITY
47 REINVESTMENT DISCLOSURE REPORT AND PUBLIC NOTICE.
48 A financial institution organized or regulated
49 under chapter 524, 533, or 534, shall submit to the
50 director an annual report in a form determined by the

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1 director, which describes the following:
2 1. The credit needs of the community served by the
3 financial institution, and the method by which this
4 determination was made. The director may by rule
5 stipulate a method to determine the credit needs of a
6 community served by a financial institution.
7 2. The methods used to market to the community the
8 credit services offered by the financial institution.
9 3. A description of how services actually provided
10 by the financial institution satisfied the needs
11 described under subsection 1.
12 4. The financial institution's participation in
13 local, state, and federal business and economic
14 development programs, small business assistance
15 programs, programs addressing the financial needs of

16 minorities, and programs that meet the specific credit
17 needs of rural communities, including but not limited
18 to the rural economic development program and the
19 rural agricultural diversification linked-deposit
20 program. The director may specify by rule which
21 programs must be included in the report.

22 A financial institution shall delineate the local
23 community or communities that comprise its basic
24 service area. The basic service area so claimed is
25 subject to the approval of the department. The
26 department may order an expansion or contraction of a
27 financial institution's basic service area if the
28 department finds the claimed area does not correspond
29 to the territory in fact served by the institution.
30 The department shall adopt rules for determination of
31 the basic service area based on a financial
32 institution's facilities, business practices, and the
33 location, distribution, and concentration of the
34 institution's borrowers and depositors.

35 A financial institution shall provide a public
36 notice in the lobby of each of its facilities which
37 requests the public to submit comments to the
38 financial institution regarding its community lending
39 activities. Each institution shall maintain a file
40 open to public inspection which contains the five most
41 recent annual community reinvestment disclosure
42 reports, public comments received on its community
43 investment activities, and the institution's response
44 to those comments.

45 Sec. ____ . NEW SECTION. 525.5 COMMUNITY
46 REINVESTMENT DISCLOSURE REQUIREMENTS.

47 A financial institution with more than ten million
48 dollars of assets shall disclose as part of its annual
49 community reinvestment disclosure report the
50 following:

Page 3

- 1 1. The number and aggregate dollar amount of
2 housing, commercial, small business, agricultural, and
3 consumer loans originated in the state in which the
4 financial institution's principal place of business is
5 located.
- 6 2. The number and aggregate dollar amount of
7 housing, commercial, small business, agricultural, and
8 consumer loans originated in this state.
- 9 3. The number and aggregate dollar amount of
10 housing, commercial, small business, agricultural, and
11 consumer loans originated within low-income and
12 moderate-income neighborhoods within the institution's

13 basic service area. The department may by rule or
14 decision determine the geographic boundaries of low-
15 income and moderate-income neighborhoods within the
16 state, or criteria for designating low-income and
17 moderate-income neighborhoods within a financial
18 institution's basic service area.

19 Sec. — . NEW SECTION. 525.6 REQUIREMENTS OF
20 FINANCIAL INSTITUTIONS NOT REGULATED BY IOWA STATUTES
21 FOR PARTICIPATION IN CERTAIN PROGRAMS.

22 A financial institution operating in Iowa and not
23 organized or regulated under chapter 524, 533, or 534,
24 shall meet the reporting requirements under sections
25 525.4 and 525.5, and the rating requirements under
26 section 525.7 to be eligible for participation in
27 programs identified in section 525.8.

28 Sec. — . NEW SECTION. 525.7 COMMUNITY
29 REINVESTMENT RATING SYSTEM.

30 The director shall adopt rules, not later than
31 January 1, 1989, for a community reinvestment rating
32 system for financial institutions, to be based upon a
33 review of the information provided in a financial
34 institution's annual community reinvestment disclosure
35 report, and other information which the director finds
36 to be relevant. The system must at minimum provide
37 for an unacceptable community reinvestment rating, a
38 minimum acceptable community reinvestment rating, and
39 a top rating for exemplary community reinvestment, and
40 the information shall be public information. The
41 rating system may contain more steps than an
42 unacceptable rating, a minimum acceptable rating, and
43 an exemplary rating.

44 Sec. — . NEW SECTION. 525.8 ELIGIBILITY FOR
45 PARTICIPATION IN CERTAIN STATE PROGRAMS CONDITIONED ON
46 COMMUNITY REINVESTMENT GUIDELINES.

47 After July 1, 1989, unconditional eligibility for
48 financial institutions to participate in the following
49 programs is conditioned upon achieving a minimum
50 acceptable community reinvestment rating under section

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1 525.7 and preference is given for financial
2 institutions achieving higher ratings, with the
3 highest preferences given to financial institutions
4 with an exemplary rating:

5 1. Deposit of public funds, including state
6 treasury funds and the funds of political
7 subdivisions.

8 2. State loan guarantee programs.

9 3. State interest rate buy-down programs.

10 4. Other financial programs offered through the
11 use of state funds.

12 A financial institution not meeting a minimum
13 acceptable community reinvestment rating may receive
14 conditional approval for eligibility for such programs
15 provided that the financial institution develops a
16 proposal for improving its community reinvestment
17 rating to an acceptable level within a period of no
18 more than two years and the proposal is approved by
19 the director.

20 After July 1, 1989, eligibility for a financial
21 institution to extend its service territory, acquire
22 or merge with another financial institution, build or
23 acquire a new facility, transfer a home office, or
24 take other action requiring approval of the financial
25 institution's state regulator is conditioned upon
26 achieving at least a minimum acceptable community
27 reinvestment rating. The director may by rule
28 condition approval or degree of approval for an action
29 requiring a regulator's approval on higher community
30 reinvestment ratings. However, the regulator may
31 grant approval for an action of a financial
32 institution receiving less than an acceptable
33 community reinvestment rating if the regulator finds
34 that the action is an essential part of a proposal
35 approved by the director for improving the financial
36 institution's community reinvestment rating to an
37 acceptable level within a period of no more than two
38 years.

39 Sec. — . NEW SECTION. 525.9 COMMUNITY
40 REINVESTMENT TASK FORCE ESTABLISHED.

41 A community reinvestment task force is established
42 to recommend a community reinvestment rating system to
43 the director which will encourage financial
44 institutions to invest in their communities and to
45 meet the requirements of this division. The task
46 force shall also recommend appropriate uses of a
47 rating system including incentives and disincentives
48 for various levels of performance. The community
49 reinvestment task force shall be composed of seven
50 individuals selected for their knowledge of the

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1 financial needs of Iowa's business, farm, and consumer
2 communities, with none having a financial interest in
3 or position with a financial institution. The
4 majority and minority leaders in the senate and the
5 speaker and the minority leader in the house of
6 representatives shall each appoint one member and the

7 governor shall appoint three members of the task
8 force. The task force shall report its
9 recommendations to the director not later than July 1,
10 1988, and submit proposed rules to implement the
11 recommendations. The department and the legislative
12 service bureau shall provide staff support to the task
13 force.
14 Sec. ____ . CODIFICATION. The Code editor shall
15 codify new sections 525.1 through 525.9 as division I
16 of chapter 525."

MICHAEL E. GRONSTAL

S-3363

1 Amend Senate File 480 as follows:
2 1. Page 2, line 7, by striking the words "
3 speech or written article" and inserting the words "or
4 speech".
5 2. Page 3, line 6, by inserting after the word
6 "of" the words "either house or both houses of".
7 3. Page 3, line 30, by striking the word "five"
8 and inserting the word "twenty-five".
9 4. Page 7, line 33, by inserting after the word
10 "donee." the following: "The executive order may
11 waive the reporting of food and beverage provided for
12 immediate consumption."
13 5. Page 8, line 7, by inserting after the word
14 "donee." the following: "The rules may waive the
15 reporting of food and beverage provided for immediate
16 consumption."
17 6. Page 9, line 6, by inserting after the word
18 "of" the following: "either house or both houses of".

TOM MANN, Jr.

S-3364

1 Amend Senate File 486 as follows:
2 1. Page 2, by striking lines 5 through 18.
3 2. Title, by striking lines 3 through 5 and inserting
4 the words "professional engineers and registered land
5 surveyors."

JACK NYSTROM

S-3365

- 1 Amend House File 494 as passed by the House as
- 2 follows:
- 3 1. Page 2, line 12, by striking the words
- 4 "provide for reassignments" and inserting the words
- 5 "be reassigned".
- 6 2. Page 3, by striking lines 4 through 6 and
- 7 inserting the following: "acquiring a used mobile
- 8 home, titled in Iowa, apply for and obtain from the
- 9 county treasurer of the dealer's county of residence a
- 10 new certificate of title for the mobile home."
- 11 3. Page 3, line 14, by striking the words "trade-
- 12 in mobile home" and inserting the words "used mobile
- 13 home, titled in Iowa".
- 14 4. Page 3, line 24, by inserting after the figure
- 15 "321.24." the following: "Mobile homes titled under
- 16 chapter 448 that have been subject under section
- 17 446.18 to a scavenger sale in a county, shall be
- 18 titled in the county's name, with no fee and the
- 19 county treasurer shall issue the title."
- 20 5. Page 3, by striking lines 27 through 31 and
- 21 inserting the following:
- 22 NEW SUBSECTION. 3. A mobile home dealer who
- 23 acquires a used mobile home, titled in Iowa, and who
- 24 does not apply for and obtain a certificate of title
- 25 from the county treasurer of the dealer's county of
- 26 residence within fifteen days of the date of
- 27 acquisition, as required under section 321.45,
- 28 subsection 4, is".
- 29 6. Page 4, by striking lines 11 and 12 and
- 30 inserting the following: "certificate of title for a
- 31 used mobile home, titled in Iowa, acquired by the
- 32 dealer within fifteen days from the date of
- 33 acquisition as required under".
- 34 7. Page 4, by striking lines 17 and 18 and
- 35 inserting the following: "county treasurer a
- 36 certificate of title for a used mobile home, titled in
- 37 Iowa, acquired by the dealer within fifteen days from
- 38 the date of acquisition, as".
- 39 8. Title page, line 2, by striking the words
- 40 "mobile homes received as a trade-in" and inserting
- 41 the following: "certain used mobile homes acquired by
- 42 the dealers".

COMMITTEE ON TRANSPORTATION
 C. JOSEPH COLEMAN, Chairperson

S-3366

1 Amend House File 407, as passed by the House, as
2 follows:

3 1. Page 1, line 10, by striking the word and
4 figures "321.555, and 321J.2" and inserting the word
5 and figure "and 321.555".

6 2. Page 1, line 13, by inserting after the word
7 "department." the following: "The director shall
8 destroy any records of the department relating to a
9 violation of sections 321.281 and 321J.2 which have
10 been maintained on file for six years for individuals
11 who have not committed any violations of sections
12 321.281 and 321J.2 for six years and which the
13 director deems obsolete and of no further service in
14 carrying out the powers and duties of the department."

15 3. Title page, line 1, by inserting after the
16 words "violations of" the following: "sections
17 321.281 and".

18 4. Title page, line 2, by inserting after the
19 word "violations" the following: "and retention of
20 records relating to sections 321.198, 321.201,
21 321.209, 321.210, 321.281, 321.555, 321A.5, 321A.6,
22 321A.7, 321A.13, 321A.16, and 321J.2".

COMMITTEE ON TRANSPORTATION
C. JOSEPH COLEMAN, Chairperson

S-3367

1 Amend Senate File 310 as follows:

2 1. Page 2, line 2, by striking the figure "1988"
3 and inserting the following: "1989".

4 2. Page 2, line 4, by striking the figure "1989"
5 and inserting the following: "1990".

6 3. Page 6, by inserting after line 10, the
7 following:

8 "Sec. 12. EFFECTIVE DATE. This Act takes effect
9 on July 1, 1989."

10 4. Title page, line 2, by striking the words "and
11 penalties" and inserting the following: "penalties,
12 and an effective date".

JIM RIORDAN

S-3368

- 1 Amend Senate File 464 as follows:
2 1. Page 8, line 20, by inserting after the word
3 "corporation" the following: ", the national credit
4 union administration,".

AL STURGEON

S-3369

- 1 Amend amendment, S-3201, to Senate File 92, as
2 follows:
3 1. Page 1, by striking lines 19 through 24 and
4 inserting the following:
5 "a. Thirty percent shall be retained by the
6 licensee to be used for debt retirement or capital
7 improvements to the racetrack.
8 b. Forty percent shall be allocated to the depart-
9 ment of agriculture and land stewardship for use in
10 the department's horse and dog racing programs subject
11 to the approval of the standing agriculture and
12 natural resources appropriations subcommittee of the
13 general assembly."
14 2. Page 1, line 25, by striking the word "Thirty"
15 and inserting the word "Fifteen".
16 3. Page 1, line 29, by striking the word "Thirty"
17 and inserting the word "Fifteen".
18 4. Page 1, by striking lines 33 through 47 and
19 inserting the following:
20 " — . Page 1, line 1, by striking the word and
21 figure "Section 1." and inserting the following:
22 "Sec. 2."
23 — . Page 1, line 23, by striking the word
24 "winnings" and inserting the words "total
25 nonsupplemented winning purses".
26 — . Page 1, by inserting after line 26 the
27 following:
28 "Sec. 3. A licensee licensed for dog racing shall
29 be paid an amount from unclaimed winnings which would
30 otherwise be allocated to the department of
31 agriculture and land stewardship under section 99D.13,
32 subsection 2, sufficient to cover the increased award
33 of purses and purse supplements as required by section
34 2 of this Act, through April 1, 1986."
35 — . Page 1, line 27, by striking the words and
36 figure "Sec. 2. This" and inserting the following:
37 "Sec. 4. Section 2 of this".

38 ____ . Title page, line 1, by inserting after the
39 words "relating to" the following: "the Iowa
40 parimutuel wagering Act by providing for the
41 allocation of unclaimed winnings and by providing
42 for"."

JAMES R. RIORDAN
BERL E. PRIEBE
DALE L. TIEDEN

S-3370

1 Amend amendment S-3227 to Senate File 424 as
2 follows:
3 1. Page 1, by inserting after line 44 the
4 following:
5 "The provisions of this paragraph are in addition to
6 any other reporting requirements of this chapter and
7 any reporting rules adopted by either house of the
8 general assembly."

EDGAR H. HOLDEN

S-3371

1 Amend the State Government Committee amendment, S-3348,
2 to House File 79 as amended, passed and reprinted by the
3 House as follows:
4 1. Page 1, lines 9 and 10, by striking the words
5 "with a seating capacity of less than fifty persons".

EDGAR H. HOLDEN

S-3372

1 Amend Senate File 171 as follows:
2 1. Page 1, line 15, by inserting after the word
3 "area." the following: "The restriction in this
4 paragraph does not apply to a small business that will
5 be employing one hundred or fewer employees."
6 2. Page 1, line 29, by inserting after the word
7 "area." the following: "The restriction in this
8 paragraph does not apply to a small business that will
9 be employing one hundred or fewer employees."

LINN FUHRMAN

S-3373

- 1 Amend amendment S-3227 to Senate File 424 as
2 follows:
3 1. Page 1, line 33, by inserting after the word
4 "session." the following: "The committee may request,
5 in writing, a fourteen-day extension on a letter
6 report which shall be granted if received on or before
7 the date the report is due."

FORREST SCHWENGELS
JACK NYSTROM

S-3374

- 1 Amend amendment S-3356 to Senate File 390 as
2 follows:
3 1. Page 1, line 12, by striking the words "or
4 telephone service" and inserting in lieu thereof the
5 following: ", telephone service or natural gas".
6 2. Page 1, line 22, by striking the words "or
7 telephone service" and inserting in lieu thereof the
8 following: ", telephone service or natural gas".
9 3. Page 1, line 24, by striking the word
10 "telephone" and inserting in lieu thereof the following:
11 ", telephone or natural gas".

CALVIN O. HULTMAN

S-3375

- 1 Amend Senate File 477 as follows:
2 1. Page 9, by inserting after line 9 the
3 following:
4 "Sec. 15. The Iowa state fair board shall conduct
5 a study and file its recommendations with the general
6 assembly by January 15, 1988. The study shall examine
7 whether the cultural and exposition objectives of the
8 state fair would, in the long term, be better served
9 by a relocation of the state fairgrounds and by the
10 development of more multipurpose buildings on a new or
11 the present fairgrounds.
12 Only fifteen million dollars of the bonds and notes
13 authorized by section 173.14B may be issued before and
14 by January 15, 1988."

GEORGE R. KINLEY

S-3376

1 Amend Senate File 464 as follows:

- 2 1. Page 1, line 11, by inserting after the word
3 "person" the following: "in business for a primary
4 purpose of".
- 5 2. Page 1, line 30, by striking the word "A" and
6 inserting the following: "Except for purposes of
7 sections 552.4, 552.7, 552.13, and 552.15, a".
- 8 3. Page 1, line 31 by striking the words and
9 figures "before January 1, 1987".
- 10 4. Page 1, line 35, by striking the word "A" and
11 inserting the following: "Except for purposes of
12 sections 552.4, 552.7, 552.13, and 552.15, a".
- 13 5. Page 3, lines 7 and 8 by striking the words
14 "The contract constitutes the entire agreement between
15 the seller and the buyer and shall so state."
- 16 6. Page 3, line 26, by striking the words
17 "fifteen business" and inserting the following:
18 "thirty".
- 19 7. Page 4, line 22, by striking the word
20 "fifteen" and inserting the following: "thirty".
- 21 8. Page 4, line 25, by striking the word
22 "fifteen" and inserting the following: "thirty".
- 23 9. Page 4, line 31, by striking the word "twenty-
24 four" and inserting the following: "thirty-six".
- 25 10. Page 5, by striking lines 2 through 7 and
26 inserting the following:
27 "The health club shall orally inform the buyer
28 prior to the buyer's entering into a health club
29 contract of the three-day cancellation provision and
30 provide the buyer with a written or oral list of all
31 membership plans and their respective prices."
32 11. Page 6, by striking lines 1 through 11 and
33 inserting the following:
34 "A health club shall compile a written list which
35 shall be available to a buyer upon request showing:
36 1. The equipment by kind and quantity that is or
37 will be made available.
38 2. Each service which the health club intends to
39 have available for use by the buyers.
40 Subject to section 552.17, subsection 3, paragraph
41 "a", a health club that accepts prepayments shall not
42 be considered fully open for business until all of the
43 equipment and services so listed are actually
44 available for use by the buyers."
45 12. Page 6, line 16, by striking the word
46 "triple".
47 13. Page 6, by striking lines 25 through 33.

48 14. Page 7, lines 29 and 30 by striking the words
 49 "officers, directors, and stockholders" and inserting
 50 the following: "officers and directors".

Page 2

1 15. Page 8, line 7, by inserting after the word
 2 "available" the following: "upon request".
 3 16. Page 9, line 1, by striking the words "one
 4 hundred eight-first" and inserting the following:
 5 "two hundred eleventh".
 6 17. Page 9, line 25 by inserting after the word
 7 "buyers." the following: "The attorney general may
 8 upon application certify that a health club is fully
 9 open for business if substantially all of the promised
 10 equipment and services are available for use, and the
 11 health club has made a diligent effort to provide the
 12 remaining equipment and services."
 13 18. Page 9, by inserting after line 27 the
 14 following:
 15 "5. In lieu of establishing the escrow account
 16 described in subsections 1 through 4, a health club
 17 may post a one hundred fifty thousand dollar bond with
 18 the office of the attorney general, in a form deemed
 19 acceptable by the attorney general to protect the
 20 interest of buyers. Notice of the existence of the
 21 bond must be disclosed to the buyer in the health club
 22 contract. Either the attorney general or a buyer
 23 shall be entitled to collect on the bond in the same
 24 manner and on the same terms as provided for an escrow
 25 account in subsections 1 through 4. The aggregate
 26 liability of the surety for all damages shall not
 27 exceed the amount of the bond."
 28 19. Page 10, line 32, by striking the word
 29 "sixty" and inserting the following: "ninety".

AL STURGEON
 JIM LIND
 JOY CORNING

S-3377

1 Amend the amendment S-3350 to Senate File 461 as
 2 follows:
 3 1. Page 1, by striking lines 23 through 39 and
 4 inserting the following:
 5 "Sec. ____ . Section 527.10, Code 1987, is amended
 6 to read as follows:
 7 527.10 CONFIDENTIALITY.

8 A satellite terminal, multiple use terminal, data
9 processing center, or central routing unit shall not
10 be operated in any manner to permit ~~any a~~ person to
11 obtain information concerning the account of ~~any a~~
12 person with a financial institution, or the amount,
13 number, or kind of transactions by a merchant, unless
14 such information is essential to complete or prevent
15 the completion of a transaction then being engaged in
16 through the use of that facility.”

EDGAR H. HOLDEN

S-3378

1 Amend Senate File 461 as follows:
2 1. Page 7, by inserting after line 30, the
3 following:
4 “Sec. ____ . Section 527.10, Code 1987, is amended
5 to read as follows:
6 527.10 CONFIDENTIALITY.

7 A satellite terminal, multiple use terminal, data
8 processing center, or central routing unit shall not
9 be operated in any manner to permit ~~any a~~ person to
10 obtain information concerning the account of ~~any a~~
11 person with a financial institution, or the amount,
12 number, or kind of transactions by a merchant, unless
13 such information is essential to complete or prevent
14 the completion of a transaction then being engaged in
15 through the use of that facility.”

EDGAR H. HOLDEN

S-3379

1 Amend Senate File 461 as follows:
2 1. Page 1, by inserting before line 1 the
3 following:
4 “Section 1. Section 527.2, subsection 1, Code
5 1987, is amended to read as follows:
6 1. “Satellite terminal”, commonly referred to as
7 an automatic teller machine, means and includes any
8 machine or device located off the premises of a
9 financial institution, whether attended or unattended,
10 by means of which the financial institution and its
11 customers may engage through either the immediate
12 transmission of electronic impulses to or from the
13 financial institution or the recording of electronic

14 impulses or other indicia of a transaction for delayed
 15 transmission to the financial institution, in
 16 transactions, including, but not limited to, accepting
 17 moneys for deposit, dispensing cash withdrawn from an
 18 account, transferring moneys between accounts, and
 19 other transactions, which are incidental to the
 20 conduct of the business of the financial institution
 21 and which otherwise are specifically permitted by
 22 applicable law. However, the term "satellite terminal"
 23 does not include any such machine or device, wherever
 24 located, if that machine or device is not generally
 25 accessible to persons other than employees of a
 26 financial institution or an affiliate of a financial
 27 institution."

28 2. Page 1, by inserting after line 13 the
 29 following:

30 "Sec. ____ . Section 527.2, subsection 7, Code 1987,
 31 is amended to read as follows:

32 7. "Multiple use terminal" means any machine or
 33 device where use and operation is independent of a
 34 satellite terminal to which all of the following are
 35 applicable:

36 a. The machine or device is owned or operated by a
 37 person who primarily engages in a service, business or
 38 enterprise, including but not limited to the retail
 39 sale of goods or services, but who is not organized
 40 under the laws of this state or under federal law as a
 41 bank, savings and loan association, or credit union;

42 b. The machine or device is used by the person by
 43 whom it is owned or operated in some capacity other
 44 than as a satellite terminal; ~~and,~~

45 c. A financial institution proposes to contract or
 46 has contracted to utilize that machine or device ~~as a~~
 47 ~~satellite terminal in a manner similar to a satellite~~
 48 ~~terminal, except that the machine or device shall not~~
 49 ~~accept deposits or dispense cash, script, or other~~
 50 ~~negotiable instruments, and if the multiple use~~

Page 2

1 terminal is utilized for the purpose of making payment
 2 to a retailer for goods or services purchased at the
 3 location of the multiple use terminal."

4 3. Page 2, by inserting after line 27 the
 5 following:

6 "This lettered paragraph shall not be construed to
 7 limit the location of a multiple use terminal."

8 4. Page 3, line 7, by striking the word

9 "satellite" and inserting the following: "satellite".
10 5. By renumbering as necessary.

EDGAR H. HOLDEN

S-3380

1 Amend the amendment, S-3376, to Senate File 464 as
2 follows:
3 1. Page 1, by striking lines 5 through 9 and
4 inserting the following:
5 "___ . Page 1, by striking lines 30 through 31."
6 2. Page 1, by inserting before line 10 the
7 following:
8 "___ . Page 1, by striking line 34 and inserting
9 the following:
10 "d. An existing health club, so long as it
11 continues to operate exclusively on the same terms as
12 offered existing buyers as of January 1, 1987."
13 3. By renumbering as necessary.

EDGAR H. HOLDEN

S-3381

1 Amend Senate File 44 as follows:
2 1. Page 1, line 4, by striking the word "seven"
3 and inserting the following: "~~seven~~ nine".
4 2. Page 1, line 6, by striking the word "and" and
5 inserting the following: "~~and~~,".
6 3. Page 1, line 9, by inserting after the word
7 "technology" the following: "a representative of
8 the Iowa association of independent colleges and
9 universities, and a representative of the Iowa
10 association of community college presidents".

LEONARD L. BOSWELL

S-3382

1 Amend the amendment, S-3363, to Senate File 480 as
2 follows:
3 1. Page 1, by striking lines 7 and 8 and
4 inserting the following:
5 "___ . Page 3, line 30, by striking the words
6 "five thousand" and inserting the following: "two
7 thousand five hundred".

TOM MANN, Jr.

S-3383

- 1 Amend Senate File 436 as follows:
- 2 1. Page 2, by inserting after line 4 the
3 following:
- 4 "Sec. 3. Section 106.5, Code 1987, is amended by
5 adding the following new subsection:
6 NEW SUBSECTION. 8. The registration certificate
7 shall indicate if the vessel is subject to the
8 requirement of a certificate of title and the county
9 from which the certificate of title is issued."
- 10 2. Page 2, line 10, by striking the word
11 "department" and inserting the following: "county
12 recorder of the county in which the owner resides".
- 13 3. Page 2, line 11, by inserting after the word
14 "vessel." the following: "The requirement of a
15 certificate of title does not apply to canoes or
16 inflatable vessels regardless of length."
- 17 4. Page 2, by striking lines 14 through 17.
- 18 5. Page 2, line 19, by inserting after the word
19 "vessel" the following: "seventeen feet or longer in
20 length".
- 21 6. Page 2, line 24, by striking the word
22 "department" and inserting the words "county
23 recorder".
- 24 7. Page 3, line 7, by striking the word
25 "department" and inserting the words "county
26 recorder".
- 27 8. Page 3, line 19, by striking the word
28 "department" and inserting the words "county
29 recorder".
- 30 9. Page 3, line 20, by striking the word
31 "department" and inserting the words "county
32 recorder".
- 33 10. Page 3, line 30, by striking the word
34 "department" and inserting the words "county
35 recorder".
- 36 11. Page 4, line 1, by striking the word
37 "department's" and inserting the words "county
38 recorder's".
- 39 12. Page 4, line 2, by striking the word
40 "department" and inserting the words "county
41 recorder".
- 42 13. Page 4, by inserting after line 14 the
43 following:
- 44 "5. The funds collected under this section shall
45 be placed in the general fund of the county and used

46 for the expenses of the county conservation board if
47 one exists in that county.”

48 14. Page 5, line 6, by inserting after the words
49 “the department” the words “in cooperation with the
50 county recorder”.

Page 2

1 15. Page 5, by striking lines 15 through 20 and
2 inserting the following:
3 “The owner of the vessel or device shall file an
4 affidavit with the department which describes the
5 vessel or device.”

6 16. Page 5, line 33, by striking the word
7 “department” and inserting the words “county
8 recorder”.

9 17. Page 5, line 34, by striking the word
10 “department” and inserting the words “county
11 recorder”.

12 18. Page 6, by inserting after line 23 the
13 following:

14 “7. A security interest perfected under chapter
15 554 before the effective date of this Act.”

16 19. By striking page 6, line 24 through page 10,
17 line 6, and inserting the following:

18 “Sec. 10. NEW SECTION. 106.79 PERFECTION AND
19 TITLES.

20 1. In addition to the requirements of chapter 554,
21 a security interest created in this state in a vessel
22 required to have a certificate of title is not
23 perfected unless and until the security interest is
24 noted on the certificate of title.

25 2. The certificate of title shall be filed with
26 the county recorder when the financing statement for
27 that security interest or assigning the security
28 interest is filed and a new or endorsed certificate of
29 title shall be issued to the secured party with the
30 name and address of the secured party upon it.

31 3. The secured party shall file the certificate of
32 title with the county recorder when a termination or
33 release statement is filed and a new or endorsed
34 certificate shall be issued to the owner.”

35 20. Page 10, line 10, by inserting after the word
36 “forms” the following: “, other than those provided
37 under chapter 554.”

38 21. Page 10, line 11, by striking the figure
39 “106.84” and inserting the following: “106.79”.

40 22. Page 10, line 14, by striking the figure
41 “106.84” and inserting the figure “106.79”.

42 23. Page 10, by striking lines 15 through 23.

43 24. Title page, line 1, by striking the words
44 "authorizing the department of natural resources".

BEVERLY HANNON

S-3384

1 Amend Senate File 492 as follows:
2 1. Page 1, lines 9 and 10, by striking the words
3 ", whatever the form of the security deposit,".
4 2. Page 1, line 11, by striking the word "may"
5 and inserting the following: "shall".
6 3. Page 1, line 13, by striking the words "
7 however, the" and inserting the following: "in the
8 names of both the franchiser or distributor and
9 dealer, with account statements provided to both
10 parties. The".
11 4. Page 1, line 15, by inserting after the word
12 "Failure" the following: "of the dealer".

BEVERLY HANNON

S-3385

1 Amend Senate File 489 as follows:
2 1. Page 5, line 18, by striking the words "mental
3 health and".
4 2. Page 6, by striking lines 2 through 4 and
5 inserting the following:
6 "b. Has at least two years of postdegree
7 experience, supervised by a mental health
8 professional, in assessing mental health problems and
9 needs of individuals used in providing appropriate
10 mental health services for those individuals."

LARRY MURPHY

S-3386

1 Amend Senate File 5 as follows:
2 1. Page 4, by striking lines 4 through 9.

EDGAR H. HOLDEN

S-3387

1 Amend Senate File 465 as follows:
2 1. Page 1, line 8, by inserting after the word
3 "trust." the following: "A corporation or trust shall
4 not hold, lease, or acquire a production site, if the
5 corporation or trust has an interest in a person,
6 firm, corporation, or limited partnership involved in
7 processing poultry or selling or distributing at
8 either the wholesale or retail level, poultry
9 products."

RICHARD VARN

S-3388

1 Amend House File 469, as amended, passed, and re-
2 printed by the House as follows:
3 1. Page 1, line 15, by inserting after the word
4 "regulations," the words "or to drug tests conducted
5 pursuant to a nuclear regulatory commission policy
6 statement for employees hired directly by a utility
7 company operating a nuclear power plant not including
8 employees employed by a contractor or subcontractor."

JAMES D. WELLS

S-3389

1 Amend the amendment, S-3346, to Senate File 484, as
2 follows:
3 1. Page 1, by striking lines 14 and 15 and in-
4 serting the following:
5 "The commissioner shall, on or before the".

COMMITTEE ON JUDICIARY
DONALD V. DOYLE, Chairperson

S-3390

1 Amend Senate File 484 as follows:

DIVISION S—3390A

2 1. Page 1, line 4, by striking the word
3 "accessibility" and inserting the word

4 "unavailability".

5 2. Page 2, line 13, by inserting after the word

6 "insurance" the following: "or the compensation fund

7 administrator appointed pursuant to section 147B.10".

DIVISION S—3390B

8 3. Page 4, by striking lines 6 through 32.

DIVISION S—3390A (cont'd)

9 4. Page 6, line 14, by striking the word

10 "director" and inserting the following:

11 "commissioner".

DIVISION S—3390C

12 5. Page 6, by inserting after line 22 the
13 following:

14 "Sec. ____ . Section 147.136, Code 1987, is amended
15 by striking the section and inserting in lieu thereof
16 the following:

17 147.136 JOINT AND SEVERAL LIABILITY.

18 Notwithstanding section 668.4, the rule of joint
19 and several liability shall apply to defendants in an
20 action for damages for personal injury against a
21 physician and surgeon, osteopath, osteopathic
22 physician and surgeon, dentist, podiatrist,
23 optometrist, pharmacist, chiropractor, or nurse
24 licensed to practice that profession in this state, or
25 against a hospital licensed for operation in this
26 state, based on the alleged negligence of the
27 practitioner in the practice of the profession or
28 occupation, or upon the alleged negligence of the
29 hospital in patient care, in which liability is
30 admitted or established.

31 Sec. ____ . NEW SECTION. 147B.10 COMPENSATION FUND
32 ADMINISTRATOR.

33 The commissioner may appoint an administrator to
34 perform all duties and responsibilities pursuant to
35 this chapter. The administrator shall serve at the
36 pleasure of the commissioner. The salary and expenses
37 of the administrator shall be paid from the fund.

38 Sec. ____ . NEW SECTION. 147B.11 ADMINISTRATION.

39 The commissioner shall either provide staff
40 services necessary for the implementation and
41 operation of this chapter or may contract with an
42 insurance company licensed to do business in this
43 state, or both, to perform any administrative duties
44 and responsibilities of the commissioner pursuant to

45 this chapter. The commissioner shall retain
46 supervisory control over all services for which a
47 contract is entered into. All reasonable costs and
48 charges incurred in the administration of this chapter
49 shall be paid from the fund.
50 Sec. ____ . NEW SECTION. 147B.12 RULES.

Page 2

DIVISION S—3390C (cont'd)

1 The commissioner shall adopt rules for the
2 administration and efficient operation of this chapter
3 in accordance with its terms and intent.
4 Sec. ____ . Section 614.1, subsection 9, Code 1987,
5 is amended to read as follows:
6 9. MALPRACTICE. Those founded on injuries to the
7 person or wrongful death against any physician and
8 surgeon, osteopath, osteopathic physician and surgeon,
9 dentist, podiatrist, optometrist, pharmacist,
10 chiropractor, or nurse, licensed under chapter 147, or
11 a hospital licensed under chapter 135B, arising out of
12 patient care, within two years after the date on which
13 the claimant knew, or through the use of reasonable
14 diligence should have known, or received notice in
15 writing of the existence of, the injury or death for
16 which damages are sought in the action, whichever of
17 the dates occurs first; ~~but in no event shall any~~
18 ~~action be brought more than six years after the date~~
19 ~~on which occurred the act or omission or occurrence~~
20 ~~alleged in the action to have been the cause of the~~
21 ~~injury or death unless a foreign object~~
22 ~~unintentionally left in the body caused the injury or~~
23 ~~death."~~
24 6. Renumber as necessary.

COMMITTEE ON JUDICIARY
DONALD V. DOYLE, Chairperson

S-3391

1 Amend Senate File 482 as follows:
2 1. Page 1, by inserting after line 11 the
3 following:
4 Sec. ____ . Section 613A.1, Code 1987, is amended by
5 adding the following new subsection:
6 NEW SUBSECTION. 5. "Discretionary function or
7 duty" means a policy-making decision or policy-

8 implementing action normally made or taken by the
9 governing body of a municipality, its officers, or
10 management level employees and includes, but is not
11 limited to, a decision or action on or involving one
12 or more of the following considerations:

13 a. The type or level of a service provided by a
14 municipality.

15 b. A reduction in services provided by a
16 municipality.

17 c. The number or level of employees or staff, or
18 the employee or officer job classes or positions of a
19 municipality.

20 d. The necessary qualifications of officers or
21 employees.

22 e. The type or number of public improvements or
23 facilities to be constructed, reconstructed, altered,
24 or replaced.

25 f. The design, specifications, or both the design
26 and specifications of public improvements and
27 facilities if the design or specifications chosen are
28 within the range of generally accepted standards at
29 the time of construction, reconstruction, alteration,
30 or replacement.

31 g. The budget or expenditure of municipal funds
32 including, but not limited to, a decision necessitated
33 by budgetary constraints.

34 h. The issuance of bonds or incurring of any form
35 of municipal indebtedness authorized by law.

36 i. The decision of a peace officer not to stop,
37 apprehend, detain, arrest, or charge an individual
38 suspected of a crime if the decision was made without
39 actual malice.

40 j. The time, order, priority, or sequence of any
41 action taken based on the considerations of this
42 subsection.

43 This subsection does not abrogate a municipality's
44 duties under section 309.67 or section 364.12,
45 subsection 2.

46 Sec. ____ . Section 602.8102, subsection 100, Code
47 1987, is amended to read as follows:

48 100. When Except for an action brought pursuant to
49 chapter 668, when the judgment is for recovery of
50 money, compute the interest from the date of verdict

Page 2

1 to the date of payment of the judgment as provided in
2 section 625.21.

3 Sec. ____ . Section 613A.4, Code 1987, is amended by
4 adding the following new unnumbered paragraph:

5 NEW UNNUMBERED PARAGRAPH. This section shall not
6 be construed to create a claim not recognized by
7 common law and shall not be construed to amplify or
8 extend any common law theory of tort recovery.

9 Sec. ____ . Section 625.21, Code 1987, is amended to
10 read as follows:

11 625.21 INTEREST.

12 ~~When Except for an action brought pursuant to~~
13 ~~chapter 668, when~~ the judgment is for the recovery of
14 money, interest from the time of the verdict or report
15 until judgment is finally entered shall be computed by
16 the clerk and added to the costs of the party entitled
17 thereto.”

18 2. Page 3, line 3, by inserting after the word
19 “notice” the word “monthly”.

20 3. Renumber as necessary.

COMMITTEE ON JUDICIARY
DONALD V. DOYLE, Chairperson

S-3392

1 Amend Senate File 486 as follows:

2 1. Page 2, by striking lines 15 through 18 and
3 inserting in lieu thereof the following: “engineering
4 services with a registered civil engineer.”

JOE J. WELSH

S-3393

1 Amend amendment, S-3390, to Senate File 484 as
2 follows:

DIVISION S—3393A

3 1. Page 1, by striking line 8 and inserting the
4 following:

5 “ ____ . Page 4, by striking lines 29 through 32.”

DIVISION S—3393B

6 2. Page 1, by striking lines 14 through 30.

DIVISION S—3393C

7 3. Page 2, by striking lines 4 through 23.

JULIA GENTLEMAN
RICHARD DRAKE

S-3394

- 1 Amend Senate File 471 as follows:
- 2 1. Page 1, line 16, by inserting after the word
- 3 "shareholders" the following: "or members".
- 4 2. Page 1, line 20, by striking the word
- 5 "stockholders" and inserting the following:
- 6 "shareholders or members".

DAVID M. READINGER

S-3395

- 2 1. Page 2, by striking line 26 and inserting the
- 3 following:
- 4 "1. Interest, on economic damages actually paid,".
- 5 2. Page 4, by striking lines 10 and 11 and
- 6 inserting the following: "the claim arose constituted
- 7 actual malice."

JULIA GENTLEMAN

S-3396

- 1 Amend the Commerce Committee amendment S-3346, to
- 2 Senate File 484 as follows:
- 3 1. Page 2, by striking lines 6 through 32.

JULIA GENTLEMAN
RICHARD F. DRAKE

S-3397

- 1 Amend Senate File 481 as follows:
- 2 1. Page 1, by striking lines 9 through 11 and
- 3 inserting the following: "October 1, 1985 and at the
- 4 rate of eighteen mills on each cigarette beginning
- 5 July 1, 1987.
- 6 Sec. ____ . Section 98.35, Code 1987, is amended to
- 7 read as follows:
- 8 98.35 TAX AND FEES PAID TO GENERAL FUND.
- 9 The proceeds derived from the sale of stamps and
- 10 the payment of taxes, fees and penalties provided for
- 11 under this chapter, and the permit fees received from

12 all permits issued by the department, shall be
13 credited to the general fund of the state. Beginning
14 July 1, 1987, the department shall determine, to the
15 extent possible, the amount of the revenue resulting
16 from the increase in the tax under section 98.6 from
17 thirteen mills to eighteen mills. This amount shall
18 be deposited in a special account in the general fund
19 and shall be used only to reimburse, on a pro rata
20 basis, counties which have paid costs under chapters
21 222 and 230. Revenues credited to this special
22 account during a fiscal year shall be used to
23 reimburse the counties for payments made by them
24 during that fiscal year. The treasurer of state shall
25 adopt rules for the reimbursement to the counties.
26 All permit fees provided for in this chapter and
27 collected by cities in the issuance of permits granted
28 by the cities shall be paid to the treasurer of the
29 city where the permit is effective, or to another city
30 officer as designated by the council, and credited to
31 the general fund of the city. Permit fees so
32 collected by counties shall be paid to the county
33 treasurer."

JIM RIORDAN

S-3398

- 1 Amend Senate File 482 as follows:
- 2 1. Page 2, by striking line 26 and inserting the
- 3 following:
- 4 "1. Interest".
- 5 2. Page 2, line 27, by inserting after the word
- 6 "action" the following: ", but the accrual of
- 7 interest shall be limited to expenses actually paid by
- 8 the plaintiff prior to the time of the judgment and
- 9 shall be awarded to the party who actually paid any
- 10 preaward expenses. Prejudgment interest shall not
- 11 apply to awards for past noneconomic, future economic
- 12 or noneconomic, or punitive damages. Prejudgment
- 13 interest shall not be included within the award amount
- 14 on which a contingent attorney's fee is calculated."

JULIA GENTLEMAN

S-3399

- 1 Amend Senate File 5 as follows:
- 2 1. Page 3, by striking lines 33 and 34 and inserting
- 3 in lieu thereof the following: "discriminatory acts
- 4 consisted of outrageous conduct."

LEE W. HOLT
 RICHARD F. DRAKE
 HURLEY W. HALL
 LINN FUHRMAN
 WILLIAM W. DIELEMAN

S-3400

- 1 Amend Senate File 496 as follows:
- 2 1. Page 2, line 16, by striking the figure "1978"
- 3 and inserting the following: "~~1978~~ 1987".
- 4 2. By striking page 2, line 19 through page 3,
- 5 line 8.
- 6 3. Page 3, by inserting after line 26 the fol-
- 7 lowing:
- 8 "Sec. ____ . An individual who is a temporary
- 9 employee of the general assembly on April 1, 1987
- 10 shall receive credit for previous membership service
- 11 as provided in section 97B.41, subsection 13A."
- 12 4. By renumbering sections as necessary.

JOHN N. NYSTROM

S-3401

- 1 Amend Senate File 489 as follows:
- 2 1. By striking page 2, line 30 through page 3,
- 3 line 7 and inserting the following:
- 4 "NEW SUBSECTION. 12. For behavioral science
- 5 examiners, one member who is engaged in teaching,
- 6 training, or research in school psychology or is a
- 7 practicing school psychologist; one member who is
- 8 engaged in teaching, training, or research in mental
- 9 health counseling or is a practicing mental health
- 10 counselor; one member who is engaged in teaching,
- 11 training, or research in marital and family therapy or
- 12 is a practicing marital and family therapist; one
- 13 member who is licensed to practice psychology under
- 14 chapter 154B and has been a practicing psychologist
- 15 for the five years immediately preceding the
- 16 appointment; and three members who are not licensed to
- 17 practice".
- 18 2. Page 5, by striking lines 1 through 6 and

19 inserting the following: "application of principles
20 and methods of counseling in the assessment and
21 resolution of social conflict, modification of
22 perceptions and behavior, and alteration and
23 establishment of attitudes and patterns of interaction
24 directly related to marriage and family life."

25 3. Page 5, by striking line 12 and inserting the
26 following: "based upon counseling procedures."

27 4. By striking page 6, line 34 through page 7,
28 line 26 and inserting the following:

29 "2. The board shall meet at least once each year."

30 5. Page 9, by striking lines 25 and 26, and
31 inserting the following:

32 "The members of the behavioral science examining
33 board representing school psychologists, mental health
34 counselors, and marital and family therapists, or
35 their designees, shall meet".

36 6. By striking page 10, line 34 through page 11,
37 line 4 and inserting the following: "member
38 representing a profession and one member representing
39 the general public shall be appointed for one-year
40 terms, one member representing a profession and one
41 member representing the general public shall be
42 appointed for two-year terms, and two members
43 representing professions and one member representing
44 the general public shall be appointed for".

45 7. By renumbering as necessary.

EDGAR H. HOLDEN
JULIA GENTLEMAN

S-3402

1 Amend Senate File 465 as follows:

2 1. Page 1, line 5, by striking the word "three"
3 and inserting the following: "five".

4 2. Page 1, lines 6 through 8, by striking the
5 words "that is adjacent to another production site
6 held, leased, or acquired by the same corporation or
7 trust" and inserting the following: "if another
8 production site is located in the same county".

9 3. Page 1, line 10, by striking the words "three
10 hundred twenty" and inserting the following: "one
11 hundred sixty".

BERL E. PRIEBE

S-3403

1 Amend Senate File 484 as follows:

2 1. Page 6, by inserting after line 22 the
3 following:

4 "Sec. ____ . 147B.10 COMPENSATION FUND
5 ADMINISTRATOR.

6 The commissioner may appoint an administrator to
7 perform all duties and responsibilities pursuant to
8 this chapter. The administrator shall serve at the
9 pleasure of the commissioner. The salary and expenses
10 of the administrator shall be paid from the fund.

11 Sec. ____ . 147B.11 ADMINISTRATION.

12 The commissioner shall either provide staff
13 services necessary for the implementation and
14 operation of this chapter or may contract with an
15 insurance company licensed to do business in this
16 state, or both, to perform any administrative duties
17 and responsibilities of the commissioner pursuant to
18 this chapter. The commissioner shall retain
19 supervisory control over all services for which a
20 contract is entered into. All reasonable costs and
21 charges incurred in the administration of this chapter
22 shall be paid from the fund.

23 Sec. ____ . 147B.12 RULES.

24 The commissioner shall adopt rules for the
25 administration and efficient operation of this chapter
26 in accordance with its terms and intent.

27 Sec. ____ . Section 147.136 is repealed."

28 2. Renumber as necessary.

TOM MANN, Jr.

S-3404

1 Amend Senate File 483 as follows:

2 1. Page 3, line 14, by inserting after the word
3 "mailing" the following: "; however, such a
4 certificate of mailing is not required if cancellation
5 is for nonpayment of premium".

WILLIAM D. PALMER

S-3405

1 Amend Senate File 465 as follows:

2 1. By striking everything after the enacting
3 clause and inserting the following:

4 "Section 1. Section 172C.4, Code 1987, is amended
5 by adding the following new subsection:

6 NEW SUBSECTION 12. A production site. However, a
7 corporation or trust shall not hold or lease, more
8 than two production sites in the state. The
9 corporation shall not lease a production site in any
10 county, if the production site would be greater than
11 the size required to produce twice the number of eggs
12 being produced by the average producer in the county."

13 2. Title page, lines 1 and 2, by striking the
14 words " , hold, lease, or acquire" and inserting the
15 following: "hold or lease".

JIM RIORDAN

S-3406

1 Amend Senate File 465 as follows:

2 1. Page 1, by striking lines 10 through 12 and
3 inserting the following: "is used for raising poultry
4 and producing eggs. The site must be agricultural
5 land that does not exceed twenty acres with
6 facilities, including buildings for raising poultry or
7 producing eggs, located on the land. The site must be
8 located within an industrial park."

JIM RIORDAN

S-3407

1 Amend Senate File 465 as follows:

2 1. Page 1, line 12, by inserting after the word "eggs." the
3 following:

4 "The corporation or trust that holds or leases
5 a production site under this subsection must rent at least
6 two hundred acres upon which the waste products of the
7 site are to be disposed."

JIM RIORDAN

S-3408

1 Amend House File 506, as amended, passed, and re-
2 printed by the House, as follows:

3 1. Page 3, by inserting after line 15 the fol-
4 lowing:

5 "5. This section applies to all forms of property
6 and casualty insurance written pursuant to this
7 chapter."

8 2. Page 4, line 6, by inserting after the word
9 "section" the following "applies to all forms of
10 property and casualty insurance written pursuant to
11 this chapter. It".

WILLIAM D. PALMER

S-3409

1 Amend Senate File 482 as follows:

2 1. Page 1, by inserting after line 11 the
3 following:

4 "Sec. ____ . Section 602.8102, subsection 100, Code
5 1987, is amended to read as follows:

6 100. When Except for an action brought pursuant to
7 chapter 668, when the judgment is for recovery of
8 money, compute the interest from the date of verdict
9 to the date of payment of the judgment as provided in
10 section 625.21.

11 Sec. ____ . Section 613A.4, Code 1987, is amended by
12 adding the following new unnumbered paragraph:

13 NEW UNNUMBERED PARAGRAPH. This section shall not
14 be construed to create a claim not recognized by
15 common law and shall not be construed to amplify or
16 extend any common law theory of tort recovery.

17 Sec. ____ . Section 625.21, Code 1987, is amended to
18 read as follows:

19 625.21 INTEREST.

20 When Except for an action brought pursuant to
21 chapter 668, when the judgment is for the recovery of
22 money, interest from the time of the verdict or report
23 until judgment is finally entered shall be computed by
24 the clerk and added to the costs of the party entitled
25 thereto."

26 2. Renumber as necessary.

TOM MANN, JR.

S-3410

1 Amend Senate File 484 as follows:
2 1. Page 6, by inserting after line 22 the
3 following:
4 "Sec. ____ . **NEW SECTION. 147B.10 MEDICAL**
5 **LIABILITY INSURANCE PROFITS.**
6 The commissioner shall establish rules which shall
7 limit the profits of an insurance company admitted to
8 this state to not more than seven percent on all
9 policies of medical liability insurance sold in this
10 state."

JOE WELSH
JIM RIORDAN

S-3411

1 Amend amendment, S-3390, to Senate File 484 as
2 follows:
3 1. Page 1, by striking lines 14 through 30.
4 2. Page 2, by striking lines 4 through 23.

JULIA GENTLEMAN
RICHARD DRAKE

S-3412

1 Amend Senate File 479 as follows:
2 1. Page 2, by inserting after line 15 the
3 following:
4 **"5. CERTIFICATION OF HOME CHLORDANE APPLICATOR.**
5 An individual may be certified by the secretary as a
6 home chlordane applicator for authorization to use
7 chlordane inside the individual's home or injected
8 into the ground around the individual's home pursuant
9 to the requirements of this chapter. The applicant
10 for such certification shall be required to attend an
11 approved informational course providing instruction on
12 the correct use of chlordane and its hazards. The
13 course shall be approved by the secretary and shall be
14 at least three hours in length. In addition, the
15 applicant shall be required to take and pass a written
16 test on the uses and hazards of chlordane and pay a
17 fee for the certification.
18 The secretary shall adopt by rule, pursuant to
19 chapter 17A, requirements for the examination and
20 certification of the applicants and set a fee of not

21 more than five dollars for certification.

22 The secretary may adopt rules for the training of
23 home chlordane applicators in cooperation with the
24 cooperative extension service at Iowa State University
25 of science and technology."

RICHARD VARN
HURLEY W. HALL
LINN FUHRMAN
JAMES D. WELLS

S-3413

1 Amend Senate File 471 as follows:

2 1. Page 1, by inserting after line 26 the
3 following:

4 "“Acts or omissions in good faith” means that the
5 director’s acts or omissions from which a claim for
6 damages has arisen were objectively reasonable and
7 that the acts or omissions did not violate clearly
8 established statutory rights or other rights of a
9 person of which a reasonable person would know or
10 should have known.

11 Sec. ____ . Section 496A.2, Code 1987, is amended by
12 adding the following new subsection:

13 NEW SUBSECTION. 15. “Acts or omissions in good
14 faith” means that the director’s acts or omissions
15 from which a claim for damages has arisen were
16 objectively reasonable and that the acts or omissions
17 did not violate clearly established statutory rights
18 or other rights of a person of which a reasonable
19 person would know or should have known.”

20 2. Page 3, by inserting after line 16 the
21 following:

22 "“Acts or omissions in good faith” means that the
23 director’s acts or omissions from which a claim for
24 damages has arisen were objectively reasonable and
25 that the acts or omissions did not violate clearly
26 established statutory rights or other rights of a
27 person of which a reasonable person would know or
28 should have known.”

29 3. Page 3, by inserting after line 28 the
30 following:

31 "“Acts or omissions in good faith” means that the
32 director’s acts or omissions from which a claim for
33 damages has arisen were objectively reasonable and
34 that the acts or omissions did not violate clearly
35 established statutory rights or other rights of a
36 person of which a reasonable person would know or

37 should have known.”

38 5. Page 4, by inserting after line 5 the
39 following:

40 ““Acts or omissions in good faith” means that the
41 director’s acts or omissions from which a claim for
42 damages has arisen were objectively reasonable and
43 that the acts or omissions did not violate clearly
44 established statutory rights or other rights of a
45 person of which a reasonable person would know or
46 should have known.”

47 4. Page 4, by inserting after line 17 the
48 following:

49 ““Acts or omissions in good faith” means that the
50 director’s acts or omissions from which a claim for

Page 2

1 damages has arisen were objectively reasonable and
2 that the acts or omissions did not violate clearly
3 established statutory rights or other rights of a
4 person of which a reasonable person would know or
5 should have known.”

6 5. Page 4, by inserting after line 32 the
7 following:

8 ““Acts or omissions in good faith” means that the
9 director’s acts or omissions from which a claim for
10 damages has arisen were objectively reasonable and
11 that the acts or omissions did not violate clearly
12 established statutory rights or other rights of a
13 person of which a reasonable person would know or
14 should have known.”

15 6. Page 5, by inserting after line 14 the
16 following:

17 ““Acts or omissions in good faith” means that the
18 director’s acts or omissions from which a claim for
19 damages has arisen were objectively reasonable and
20 that the acts or omissions did not violate clearly
21 established statutory rights or other rights of a
22 person of which a reasonable person would know or
23 should have known.”

24 7. Page 5, by inserting after line 30 the
25 following:

26 ““Acts or omissions in good faith” means that the
27 director’s acts or omissions from which a claim for
28 damages has arisen were objectively reasonable and
29 that the acts or omissions did not violate clearly
30 established statutory rights or other rights of a
31 person of which a reasonable person would know or
32 should have known.”

33 8. Page 6, by inserting after line 21 the

34 following:

35 "Acts or omissions in good faith" means that the
 36 director's acts or omissions from which a claim for
 37 damages has arisen were objectively reasonable and
 38 that the acts or omissions did not violate clearly
 39 established statutory rights or other rights of a
 40 person of which a reasonable person would know or
 41 should have known."

42 9. Renumber as necessary.

TOM MANN, Jr.

S-3414

1 Amend Senate File 480 as follows:

2 1. Page 2, by striking lines 6 and 7.

3 2. Page 3, by striking line 4.

JULIA GENTLEMAN

S-3415

1 Amend Senate File 101 as follows:

2 1. Page 4, line 35, by striking the words "in a
 3 dealer's inventory" and inserting the following: "put
 4 in use from a dealer's inventory".
 5 2. Page 5, line 2, by inserting after the word
 6 "period" the following: ", but the purchaser is not
 7 required to pay the tax at the time of purchase".
 8 3. Page 5, line 8, by inserting after the figure
 9 "446.9." the following: "The owner of a mobile home
 10 who sells the mobile home between July 1 and December
 11 31 and obtains a tax clearance statement is
 12 responsible only for the September tax payment and is
 13 not required to pay taxes for subsequent tax periods.
 14 Interest added as a penalty for delinquent taxes shall
 15 be calculated to the nearest whole dollar."

16 4. Page 5, line 13, by inserting after the word
 17 "section" the following: "unless the home is placed
 18 in a mobile home park and not converted to real
 19 property".

20 5. Page 5, by inserting after line 14 the
 21 following:

22 "Sec. ____ . Section 135D.24, subsection 6, Code
 23 1987, is amended to read as follows:

24 6. Before a mobile home may be moved from its
 25 present site, a tax clearance statement in the name of
 26 the owner must be obtained from the county treasurer

27 of the county where the present site is located
 28 certifying that taxes are not owing under this section
 29 for previous years and that the taxes have been paid
 30 for the current tax period. However, a tax clearance
 31 statement shall not be required for a mobile home in a
 32 manufacturer's or dealer's stock which is not used as
 33 a place for human habitation. A tax clearance form is
 34 not required to move an abandoned mobile home. A tax
 35 clearance form is not required in eviction cases
 36 provided the mobile home park owner or manager advises
 37 the county treasurer that the tenant is being evicted.
 38 If a dealer acquires a mobile home from a person other
 39 than a manufacturer, the person shall provide a tax
 40 clearance statement in the name of the owner of record
 41 to the dealer. The tax clearance statement shall be
 42 provided by the county treasurer and shall be made out
 43 in quadruplicate. Two copies are to be provided to
 44 the company or person transporting the mobile home
 45 with one copy to be carried in the vehicle
 46 transporting the mobile home. One copy is to be
 47 forwarded to the county treasurer of the county in
 48 which the mobile home is to be relocated and one copy
 49 is to be retained by the county treasurer issuing the
 50 tax clearance statement."

Page 2

- 1 6. Page 5, by inserting after line 29 the
- 2 following:
- 3 "Sec. ____ . Section 135D.25, Code 1987, is amended
- 4 by adding the following new unnumbered paragraph:
- 5 **NEW UNNUMBERED PARAGRAPH.** When a mobile home is
- 6 removed from the county where delinquent taxes, both
- 7 regular or special, are owing, or when it is
- 8 administratively impractical to pursue tax collection
- 9 through the remedies of this section, all taxes, both
- 10 regular or special, penalties, interest, and costs
- 11 shall be abated by resolution of the county board of
- 12 supervisors. The resolution shall direct the county
- 13 treasurer to strike from the tax books the reference
- 14 to that mobile home."
- 15 7. Amend the title, line 1, by inserting after
- 16 the word "taxes" the following: "and providing an
- 17 effective date".
- 18 8. Renumber sections and correct internal
- 19 references as necessary in accordance with this
- 20 amendment.

S-3416

1 Amend Senate File 481 as follows:

2 1. Page 11, by inserting after line 21 the
3 following:

4 "Sec. 60. Section 422.16, subsection 1, unnumbered
5 paragraph 1, Code 1987, is amended to read as follows:
6 Every withholding agent and every employer as
7 defined in this chapter and further defined in the
8 Internal Revenue Code of 1954, with respect to income
9 tax collected at source, making payment of wages to a
10 nonresident employee working in Iowa, or to a resident
11 employee, shall deduct and withhold from the wages an
12 amount which will approximate the employee's annual
13 tax liability on a calendar year basis, calculated on
14 the basis of tables to be prepared by the department
15 and schedules or percentage rates, based on the wages,
16 to be prescribed by the department. Every employee or
17 other person shall declare to the employer or
18 withholding agent the number of the employee's or
19 other person's personal exemptions and dependency
20 exemptions or credits to be used in applying the
21 tables and schedules or percentage rates. However, no
22 greater number of personal or dependency exemptions or
23 credits may be declared by the employee or other
24 person than the number to which the employee or other
25 person is entitled except as allowed under section
26 3402(m)(1) of the Internal Revenue Code of 1954 or is
27 allowed under rules prescribed by the director for
28 payments of alimony or separate maintenance. The
29 claiming of exemptions, alimony, or separate
30 maintenance payments, or credits in excess of
31 entitlement is a serious misdemeanor."

32 2. Page 18, line 6, by inserting before the word
33 "of" the following: ", and 60".

34 3. Title page, line 2, by inserting after the
35 word "rates," the following: "withholding,".

JOY CORNING

S-3417

1 Amend House File 499, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 1, line 27, by inserting after the word
4 "position." the following: "For purposes of phase
5 III, "teacher" as it applies to a teacher employed by
6 an area education agency means only an individual

7 employed by an area education agency who actually
8 performs teaching duties in a classroom of students.”

JOY CORNING

S-3418

1 Amend House File 499, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 1, line 27, by inserting after the word
4 “position.” the following: “For the purposes of phase
5 III, “teacher” also includes a principal employed by
6 the board of directors of a school district.”

JOY CORNING

S-3419

1 Amend Senate File 312 as follows:
2 1. By striking everything after the enacting
3 clause and inserting the following:
4 “Section 1. NEW SECTION. 306C.24 COMPENSATION
5 FOR SIGN REMOVAL.
6 1. DEFINITION. As used in this section, “off-
7 premise advertising device” means an advertising
8 device which does not qualify as an “on-premise sign”
9 under rules adopted by the department pursuant to
10 chapter 17A.
11 2. JUST COMPENSATION REQUIRED. Political
12 subdivisions of this state shall not remove, take, or
13 cause to be removed or taken, a lawfully erected off-
14 premise advertising device without paying just
15 compensation in cash to the owner of the advertising
16 device and to the owner of the real property on which
17 the advertising device is located. The department
18 shall not remove, take, or cause to be removed or to
19 be taken a lawfully erected off-premise advertising
20 device subject to control under chapter 306B or 306C
21 without paying just compensation when required under
22 23 U.S.C. § 131(g) to the owner of the advertising
23 device and to the owner of the real property on which
24 the advertising device is located as provided in
25 section 306C.16. For the department, the sole intent
26 of this section is to comply with 23 U.S.C. § 131(g)
27 and it is not the intent of this section to, in any
28 manner, relinquish any powers of the department
29 relating to the control and removal of advertising
30 devices under police power.

31 3. EXCEPTIONS. This section does not apply to the
32 removal or taking of an off-premise advertising device
33 under any of the following conditions:

34 a. The device is unlawfully erected or is being
35 maintained in violation of the provisions of section
36 306C.13, subsection 8, or section 306C.18.

37 b. The device has been abandoned or not used for a
38 period of at least six months.

39 4. DEPARTMENT AUTHORIZATION. When required by 23
40 U.S.C. § 131(g), the department may acquire through
41 purchase or condemnation and shall pay just
42 compensation as provided in section 306C.16 for off-
43 premise advertising devices removed after the
44 effective date of this Act through amortization by an
45 ordinance of a political subdivision enacted prior to
46 the effective date of this Act. Notwithstanding the
47 requirements of section 306C.14, the department may
48 first pay just compensation from the highway
49 beautification fund and then claim reimbursement for
50 the federal share of the payment from the federal

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1 government.

2 5. SAVINGS CLAUSE. If any provision of this
3 section which relates to the department is
4 inconsistent or conflicts with, or is not required by,
5 23 U.S.C. § 131 to avoid the loss of federal funds,
6 the provision shall be suspended but only to the
7 extent necessary to eliminate the inconsistency,
8 conflict or requirement. If any part of this section
9 is found to be invalid or unconstitutional, such
10 judgment shall not affect the validity of the section
11 as a whole or any provision or part of the section not
12 found to be invalid or unconstitutional.”

DON E. GETTINGS

S-3420

1 Amend Senate File 465 as follows:

2 1. Page 1, by inserting after line 12 the
3 following:

4 “The land upon which a site is located shall not be
5 eligible for any property tax abatement if the taxable
6 earnings of persons employed on the site do not equal
7 the amount of the abatement. If a corporation
8 participates in a project pursuant to chapter 280B,
9 the income of all persons who are involved in the

10 project and who are employed on the site must increase
11 to a level at least equal to the amount of the
12 abatement. If a corporation participates in a project
13 pursuant to chapter 280B, the amount of a tax
14 abatement for land on which there is a site shall not
15 exceed the amount of the combined increase in wages
16 received by persons who are involved in the project
17 and employed on the site. If land upon which the
18 production site is located is the subject of a
19 property tax abatement, or if lottery funds are used
20 to establish, maintain, or improve a site, or if
21 production site employees participate in a project
22 under chapter 280B, all production site employees must
23 receive a wage that at least equals the prevailing
24 wage paid to persons performing similar services in
25 the county where the site is located.”

JIM RIORDAN

S-3421

1 Amend Senate File 465 as follows:
2 1. Page 1, by inserting after line 12, the
3 following:
4 “The site must establish a system for the control
5 of odors and toxicity, and for the disposal of waste
6 produced from the site, consistent with standards
7 adopted by the county board of supervisors for the
8 county where the land is located or by the city if the
9 site is located within the city limits. The system
10 must comply with all applicable standards promulgated
11 by the United States environmental protection agency.”

JIM RIORDAN

S-3422

1 Amend Senate File 5 as follows:
2 1. Page 3, by striking lines 31 through 34 and
3 inserting the following:
4 “**NEW UNNUMBERED PARAGRAPH.** The term “injury” as
5 used in this subparagraph includes pain, humiliation,
6 and emotional distress when the pain, humiliation, and
7 emotional distress is caused by or aggravated by a
8 discriminatory act.”

TOM MANN, Jr.

S-3423

1 Amend Senate File 465 as follows:
2 1. By striking everything after the enacting
3 clause and inserting the following:
4 "Section 1. Section 172C.4, Code 1987, is amended
5 by adding the following new subsection:
6 NEW SUBSECTION 12. A production site. However, a
7 corporation or trust shall not hold or lease, more
8 than two production sites in the state. The
9 corporation shall not lease a production site in any
10 county, if the production site would be greater than
11 the size required to produce twice the number of eggs
12 being produced by the average producer in the county.
13 As used in this subsection, "production site" means
14 agricultural land that does not exceed three hundred
15 twenty acres and that is held or leased by a
16 corporation or trust for the raising of poultry or the
17 production of eggs."
18 2. Title page, lines 1 and 2, by striking the
19 words " , hold, lease, or acquire" and inserting the
20 following: "hold or lease".

JIM RIORDAN

S-3424

1 Amend Senate File 465 as follows:
2 1. Page 1, line 8, by inserting before the word
3 "As" the following: "A corporation or trust shall not
4 hold, lease, or acquire a production site, if the
5 corporation or trust has an interest in a person,
6 firm, corporation, or limited partnership involved in
7 processing poultry or selling or distributing at
8 either the wholesale or retail level, poultry
9 products."

RICHARD VARN

S-3425

1 Amend Senate File 459 as follows:
2 1. Page 1, by inserting after line 20 the
3 following:
4 "Notwithstanding chapter 805, violations of this
5 subsection which are admitted shall be charged and
6 collected upon a simple notice of fine and no costs or

7 other charges shall be assessed. Violations which are
8 denied shall be charged on the same simple notice of
9 fine and proceed before the court the same as other
10 traffic violations and court costs shall be assessed.
11 A uniform citation and complaint signed by the
12 charging officer may be used for the notice of fine."

RICHARD F. DRAKE
DONALD V. DOYLE

S-3426

1 Amend amendment, S-3357, to Senate File 432 as
2 follows:
3 1. Page 1, line 24, by striking the figure
4 "110.53" and inserting the following: "524.332".

JACK RIFE

S-3427

1 Amend the amendment, S-3419, to Senate File 312, as
2 follows:
3 1. Page 1, by striking lines 11 through 17 and
4 inserting the following:
5 "2. JUST COMPENSATION REQUIRED. The department or
6 a political subdivision".
7 2. Page 1, line 25, by striking the words "For
8 the department, the" and inserting the word "The".
9 3. Page 1, line 28, by striking the words "of the
10 department".
11 4. Page 1, by striking lines 45 and 46 and
12 inserting the following: "ordinance of a political
13 subdivision. Notwithstanding the".
14 5. Page 2, line 3, by striking the words "relates
15 to the department".

JEAN LLOYD-JONES

S-3428

1 Amend Senate File 352 as follows:
2 1. Page 1, by striking lines 19 through 24 and
3 inserting in lieu thereof the following: "to the
4 amount suspended. ~~This section applies only with~~
5 ~~respect to criminal actions commenced on or after July~~
6 ~~1, 1982.~~

7 The surcharge is subject to the provisions of
 8 chapter 909 governing the payment and collection of
 9 fines, as provided in section 909.8."

RICHARD VARN

S-3429

1 Amend Senate File 347 as follows:
 2 1. Page 1, line 15, by inserting after the word
 3 "sections" the following: "pursuant to chapter 17A.".
 4 2. Page 1, line 16, by striking the words "A
 5 class II violation" and inserting the following: "A
 6 class II violation An initial citing of a class II
 7 violation is subject to a hearing and if the violation
 8 is founded".
 9 3. Page 1, line 21, by striking the word "A" and
 10 inserting the following: "A If a health care facility
 11 is cited a second time for a class II violation, a".
 12 4. Page 1, line 22, by striking the words "one
 13 five" and inserting the word "one".
 14 5. Page 1, line 22, by striking the words "one
 15 thousand".
 16 6. Page 1, line 24, by inserting after the word
 17 "cited," the following: "A health care facility
 18 cited a third or subsequent time for a class II
 19 violation shall be subject to a penalty of not more
 20 than one thousand five hundred dollars."

BERL PRIEBE
 LEE HOLT
 KENNETH SCOTT

S-3430

1 Amend Senate File 499 as follows:
 2 1. By striking everything after the enacting
 3 clause and inserting the following:
 4 "Section 1. Section 220.1, Code 1987, is amended
 5 by adding the following new subsections:
 6 NEW SUBSECTION. 36. "State housing credit
 7 ceiling" means the state housing credit ceiling as
 8 defined in I.R.C. § 42(h)(3)(C).
 9 NEW SUBSECTION. 37. "Low-income housing credit"
 10 means the low-income housing credit as defined in
 11 I.R.C. § 42(a).
 12 Sec. 2. Section 220.1, unnumbered paragraph 2,

13 Code 1987, is amended by striking the paragraph and
14 inserting in lieu thereof the following:

15 The authority shall establish by rule further
16 definitions applicable to this chapter, and
17 clarification of the definitions in this section, as
18 necessary to assure eligibility for funds available
19 under federal housing laws, or to assure compliance
20 with federal tax laws relating to the issuance of tax
21 exempt mortgage subsidy bonds pursuant to I.R.C. §
22 103A, or relating to the issuance of tax exempt
23 residential rental property bonds for qualified
24 residential housing under I.R.C. § 103, or relating to
25 the allowance of low-income credits under I.R.C. § 42.
26 Sec. 3. **NEW SECTION. 220.52 STATE HOUSING CREDIT**
27 **CEILING ALLOCATION.**

28 1. The authority is designated the housing credit
29 agency for the allowance of low-income housing credit
30 under the state housing credit ceiling.

31 2. The authority shall adopt rules and allocation
32 procedures which will ensure the maximum use of
33 available tax credits in order to encourage
34 development of low-income housing in the state. The
35 authority shall consider the following factors in the
36 adoption and application of the allocation rules:

- 37 a. Timeliness of the application.
- 38 b. Location of the proposed housing project.
- 39 c. Relative need in the proposed area for low-
40 income housing.
- 41 d. Availability of low-income housing in the
42 proposed area.
- 43 e. Economic feasibility of the proposed project.
- 44 f. Ability of the applicant to proceed to
45 completion of the project in the calendar year for
46 which the credit is sought.

47 The authority shall adopt rules specifying the
48 application procedure and the allowance of low-income
49 housing credits under the state housing credit
50 ceiling.

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1 3. The authority shall not allow more than ninety
2 percent of the low-income housing credits under the
3 state housing credit ceiling to projects other than
4 qualified low-income housing projects as defined in
5 I.R.C. § 42(g)."

6 2. Title page, lines 1 through 3, by striking the
7 words "by providing for its allocation and designating
8 the Iowa finance authority as the housing credit
9 agency" and inserting the following: "allowance".

S-3431

- 1 Amend Senate File 432 as follows:
- 2 1. Page 1, line 17, by striking the word "broad".

BERL E. PRIEBE
JACK RIFE

S-3432

- 1 Amend the amendment, S-3277, to Senate File 481 as
- 2 follows:
- 3 1. Page 1, by inserting after line 11 the
- 4 following:
- 5 "a. For all taxpayers, except a married person
- 6 filing separately, the tax rates are as follows:"
- 7 2. Page 1, line 12, by striking the following:
- 8 "a." and inserting the following: "(1)".
- 9 3. Page 1, line 14, by striking the following:
- 10 "b." and inserting the following: "(2)".
- 11 4. Page 1, line 17, by striking the following:
- 12 "c." and inserting the following: "(3)".
- 13 5. Page 1, lines 19 and 20, by striking the
- 14 following: "paragraphs "a" through "c"" and inserting
- 15 the following: "subparagraphs (1) through (3)".
- 16 6. Page 1, line 28, by striking the words
- 17 "dollars." and inserting the following: "dollars."
- 18 b. For a married person filing separately, the tax
- 19 rates are as follows:
- 20 (1) On all taxable income from zero through two
- 21 thousand five hundred dollars, three percent.
- 22 (2) On all taxable income exceeding two thousand
- 23 five hundred dollars but not exceeding five thousand
- 24 dollars, four percent.
- 25 (3) On all taxable income exceeding five thousand
- 26 dollars, six and one-half percent.
- 27 In addition to the tax imposed under subparagraphs
- 28 (1) through (3), an additional tax is imposed on a
- 29 taxpayer whose taxable income exceeds twelve thousand
- 30 five hundred dollars at a rate of one and three-
- 31 fourths percent of the taxable income exceeding twelve
- 32 thousand five hundred dollars but not exceeding
- 33 seventeen thousand five hundred dollars and at a rate
- 34 of one and one-fourth percent of the taxable income
- 35 exceeding seventeen thousand five hundred dollars but

36 not exceeding twenty-two thousand five hundred
37 dollars.””

CALVIN O. HULTMAN

S-3433

1 Amend Senate File 446 as follows:

2 1. Page 1, by striking lines 6 through 15.

3 2. Page 1, line 16, by striking the figure “2.”
4 and inserting the following: “1.”

5 3. Page 1, line 23, by striking the figure “3.”
6 and inserting the following: “2.”

7 4. Page 4, line 27, by inserting after the word
8 “service” the following: “profession”.

9 5. Page 6, by inserting after line 11 the
10 following:

11 “34. “Wholesale salesperson” or “manufacturer’s
12 representative” means an individual who takes purchase
13 orders on behalf of a wholesaler for prescription
14 drugs, medicinal chemicals, medicines, or poisons.
15 “Wholesale salesperson” or “manufacturer’s
16 representative” does not include an individual who
17 sells only proprietary medicines.”

18 6. Page 13, line 8, by inserting after the word
19 “license.” the following: “This section does not
20 apply to a manufacturer’s representative acting in the
21 usual course of business or employment as a
22 manufacturer’s representative.”

23 7. Page 14, line 27, by inserting after the word
24 “carrier” the following: “, manufacturer’s
25 representative,”.

26 8. Page 17, line 34, by striking the words “and
27 six months”.

28 9. Page 18, by striking line 34 and inserting the
29 following: “cost of the prescription or any part of
30 it will be paid by expenditure of public funds
31 authorized under chapter 249A, the pharmacist shall
32 exercise professional judgment by selecting a drug
33 product with the same generic name and demonstrated
34 bioavailability as the one prescribed for dispensing
35 and sale. If the pharmacist exercises drug product
36 selection, the pharmacist shall inform the patient
37 of”.

38 10. Page 19, line 10, by inserting after the word
39 “dispensed.” the following: “However, this paragraph
40 does not apply if the cost of the prescription or any

41 part of it will be paid by expenditure of public funds
42 authorized under chapter 249A.”

FORREST V. SCHWENGELS

S-3434

- 1 Amend amendment S-3243 to Senate File 5 as
- 2 follows:
- 3 1. Page 1, by striking lines 20 through 24 and
- 4 inserting in lieu thereof the following:
- 5 “ ____ . Page 4, by striking lines 4 through 9.”

EDGAR H. HOLDEN

S—3435

- 1 Amend amendment S—3422 to Senate File 5 as follows:
- 2 1. Page 1, line 8 by inserting after the word
- 3 “act” the following: “where such discriminatory act
- 4 consists of outrageous conduct”.

LEE W. HOLT
RICHARD F. DRAKE
HURLEY W. HALL
LINN FUHRMAN
WILLIAM W. DIELEMAN

S-3436

- 1 Amend amendment, S-3358, to Senate File 351 as
- 2 follows:
- 3 1. Page 1, by striking lines 34 through 36.
- 4 2. Page 1, line 50, by inserting after the word
- 5 “law” the following: “if a community charter has been
- 6 granted by the superintendent of credit unions”.
- 7 3. Page 4, line 19, by striking the word
- 8 “commissioner” and inserting the following:
- 9 “superintendent”.
- 10 4. Page 10, by striking lines 14 through 16.
- 11 5. Page 10, lines 32 and 33, by striking the
- 12 words and figures “organized or regulated under
- 13 chapter 524, 533, or 534”.
- 14 6. Page 10, lines 42 and 43, by striking the
- 15 words and figures “organized or regulated under
- 16 chapter 524, 533, or 534,”.
- 17 7. Page 10, line 43, by striking the word “the”

18 and inserting the following: "their".
19 8. Page 10, line 44, by striking the word
20 "director" and inserting the following: "regulator".
21 9. Page 10, line 45, by striking the word
22 "director" and inserting the following: "regulator".
23 10. Page 10, line 48, by striking the word
24 "director" and inserting the following: "regulator".
25 11. Page 11, line 6, by inserting after the word
26 "participation" the following: ", if eligible to
27 participate,".
28 12. Page 11, line 14, by striking the word
29 "director" and inserting the following: "regulator".
30 13. Page 11, line 19, by striking the word
31 "department" and inserting the following:
32 "regulator".
33 14. Page 11, line 20, by striking the word
34 "department" and inserting the following:
35 "regulator".
36 15. Page 11, line 22, by striking the word
37 "department" and inserting the following:
38 "regulator".
39 16. Page 11, line 24, by striking the word
40 "department" and inserting the following:
41 "regulator".
42 17. Page 11, line 44, by inserting after the word
43 "following" the following: "if and to the extent the
44 financial institution is permitted to engage in the
45 listed activity".
46 18. Page 12, line 7, by striking the word
47 "department" and inserting the following:
48 "regulator".
49 19. Page 12, line 24, by striking the word
50 "director" and inserting the following: "regulator".

Page 2

1 20. Page 12, line 29, by striking the word
2 "director" and inserting the following: "regulator".
3 21. Page 13, line 13, by striking the word
4 "director" and inserting the following: "regulator".
5 22. Page 13, by striking lines 21 through 24, and
6 inserting the following: "reinvestment rating. The
7 regulator may condition approval or degree of approval
8 on higher community reinvestment ratings, and may".
9 23. Page 13, line 29, by striking the word
10 "director" and inserting the following: "regulator".
11 24. Page 13, line 37, by striking the word
12 "director" and inserting the following: "regulators".
13 25. Page 14, line 3, by striking the word
14 "director" and inserting the following: "regulators".

- 15 26. Page 14, line 4, by inserting after the word
 16 "to" the following: "each division to".
 17 27. By renumbering as necessary.

MICHAEL E. GRONSTAL

S-3437

- 1 Amend House File 410, as passed by the House, as
 2 follows:
 3 1. Page 1, by inserting after line 18 the
 4 following:
 5 "Sec. ____ . Section 372.13, subsection 8, Code
 6 1987, is amended to read as follows:
 7 8. By ordinance, the council shall prescribe the
 8 compensation of the mayor, council members, and other
 9 elected city officers, but a change in the
 10 compensation of the mayor shall not become effective
 11 during the term in which the change is adopted, and
 12 the council shall not adopt such an ordinance changing
 13 the compensation of the mayor or council members
 14 during the months of November and December immediately
 15 following a regular city election. A change in the
 16 compensation of council members shall become effective
 17 for all council members at the beginning of the term
 18 of the council members elected at the election next
 19 following the change in compensation. Except as
 20 provided in section 362.5, an elected city officer
 21 shall not receive any other compensation for any other
 22 city office or city employment during that officer's
 23 ~~term of tenure~~ in office, but may be reimbursed for
 24 actual expenses incurred. However, if the mayor pro
 25 tem performs the duties of the mayor during the
 26 mayor's absence or disability for a continuous period
 27 of fifteen days or more, the mayor pro tem may be paid
 28 for that period such compensation as determined by the
 29 council, based upon the mayor pro tem's performance of
 30 the mayor's duties and upon the compensation of the
 31 mayor."
 32 2. Title page, line 1, by striking the word "the"
 33 and inserting the following: "city officers and
 34 employees, by authorizing an".
 35 3. Title page, line 2, by inserting after the
 36 word "city" the following: "and by providing for the
 37 employment of a former city council member by a city".

C. JOSEPH COLEMAN

S-3438

1 Amend amendment S-3422 to Senate File 5 as follows:
2 1. Page 1, by striking lines 5 through 8 and
3 inserting in lieu thereof the following: "used in this
4 subparagraph includes emotional distress where the
5 discriminatory act consisted of outrageous conduct."

LEE W. HOLT
RICHARD F. DRAKE
HURLEY W. HALL
LINN FUHRMAN
WILLIAM W. DIELEMAN

S-3439

1 Amend Senate File 5 as follows:
2 1. Page 4, by inserting after line 9 the
3 following:
4 "Sec. ____ . Section 601A.16, subsection 5, Code
5 1987, is amended to read as follows:
6 5. The district court may grant any relief in an
7 action under this section which is authorized by
8 section 601A.15, subsection 8 to be issued by the
9 commission. The district court may also award the
10 respondent reasonable attorney's fees and court costs
11 when the court finds that the complainant's action was
12 frivolous. The district court may award exemplary
13 damages where the respondent acted with actual malice
14 or where the respondent acts with deliberate
15 indifference to or with willful or reckless disregard
16 of the rights of the complainant."

TOM MANN, JR.

S-3440

1 Amend Senate File 2 as follows:
2 1. By striking everything after the enacting
3 clause and inserting the following:
4 "Section 1. NEW SECTION. 730.5 DRUG TESTING OF
5 EMPLOYEES OR APPLICANTS REGULATED.
6 1. As used in this section, "drug test" means any
7 blood, urine, saliva, chemical, or skin tissue test
8 conducted for the purpose of detecting the presence of
9 a chemical substance in an individual.
10 2. Except as provided in subsection 7, an employer

11 shall not require or request employees or applicants
12 for employment to submit to a drug test as a condition
13 of employment, preemployment, promotion, or change in
14 status of employment. An employer shall not request,
15 require, or conduct random or blanket drug testing of
16 employees. However, this section does not apply to
17 preemployment drug tests authorized for peace officers
18 or correctional officers of the state, or to drug
19 tests required under federal statutes or regulations,
20 or to drug tests conducted to determine if an employee
21 is ineligible to receive workers' compensation under
22 section 85.16, subsection 2.

23 3. This section does not prohibit an employer from
24 requiring a specific employee to submit to a drug test
25 if all of the following conditions are met:

26 a. The employer has reasonable suspicion to
27 believe that an employee's faculties are impaired on
28 the job.

29 b. The employee is in a position where such
30 impairment presents a danger to the safety of the
31 employee, another employee, a member of the public, or
32 the property of the employer, or when impairment due
33 to intoxication is a violation of a known rule of the
34 employer.

35 c. The test sample withdrawn from the employee is
36 analyzed by a laboratory or testing facility that has
37 been approved under rules adopted by the department of
38 public health.

39 d. If a test is conducted and the results indicate
40 that the employee is under the influence of alcohol or
41 a controlled substance or indicate the presence of a
42 controlled substance, a second test using an
43 alternative method of analysis shall be conducted.
44 When possible and practical, the second test shall use
45 a portion of the same test sample withdrawn from the
46 employee for use in the first test.

47 e. An employee shall be accorded a reasonable
48 opportunity to rebut or explain the results of a drug
49 test.

50 f. The employer shall provide substance abuse

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1 evaluation and treatment with costs apportioned as
2 provided under the employee benefit plan or at
3 employer expense, if there is no employee benefit
4 plan, for those employees whose drug test indicates
5 the presence of alcohol or a controlled substance. If
6 an employee whose drug test indicates the presence of
7 alcohol or a controlled substance undergoes substance

8 abuse evaluation which indicates an addiction for
9 which substance abuse treatment is recommended, and if
10 the employee successfully completes substance abuse
11 treatment, if recommended by the evaluation, the
12 employer shall take no disciplinary action against the
13 employee. However, if an employee fails to undergo
14 substance abuse evaluation when required under the
15 results of a drug test, or fails to successfully
16 complete substance abuse treatment when recommended by
17 an evaluation, the employee may be disciplined up to
18 and including discharge. The substance abuse
19 evaluation and treatment provided by the employer
20 shall take place under a program approved by the
21 department of public health.

22 4. In conducting those tests designed to identify
23 the presence of chemical substances in the body, the
24 employer shall ensure to the extent feasible that the
25 tests only measure and that the records of the tests
26 only show or make use of information regarding
27 chemical substances in the body which are likely to
28 affect the ability of the employee to perform safely
29 the employee's duties while on the job.

30 5. This section does not restrict an employer's
31 ability to prohibit the use of alcohol or controlled
32 substances during work hours or to discipline
33 employees for being under the influence of alcohol or
34 controlled substances during work hours.

35 6. This section does not prevent an employer from
36 conducting medical screening in order to monitor
37 exposure to toxic or other unhealthy substances
38 encountered in the workplace or in the performance of
39 their job responsibilities. Any such screening must
40 be limited to the specific substances required to be
41 monitored.

42 7. A drug test conducted as a part of a
43 preemployment physical or a regularly scheduled
44 physical is only permissible under the following
45 circumstances:

46 a. For a preemployment physical, the employer
47 shall include notice that a drug test will be part of
48 a preemployment physical in any notice or
49 advertisement soliciting applicants for employment,
50 and an applicant for employment shall be personally

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1 informed of the requirement for a drug test at the
2 first interview.

3 b. For a regularly scheduled physical, the
4 employer shall give notice that a drug test will be

5 part of the physical at least thirty days prior to the
6 date the physical is scheduled.

7 Drug testing conducted under this subsection shall
8 conform to the requirements of subsection 3,
9 paragraphs "c", "d", "e", and "f".

10 8. An employer shall protect the confidentiality
11 of the results of any drug test conducted on an
12 employee. The results of the test may be recorded in
13 the employee's record; however, if an employee whose
14 test indicated the employee was under the influence of
15 alcohol or a controlled substance or indicated the
16 presence of a controlled substance has undergone
17 substance abuse evaluation and, when treatment is
18 indicated under the substance abuse evaluation,
19 successfully completed treatment for substance abuse,
20 the employee's records shall be expunged of any
21 reference to the test or its results when the employee
22 leaves employment.

23 9. This section may be enforced through a civil
24 action.

25 a. A person who violates this section or who aids
26 in the violation of this section is liable to an
27 aggrieved employee or applicant for employment for
28 affirmative relief including reinstatement or hiring,
29 with or without back pay, or any other equitable
30 relief as the court deems appropriate including
31 attorney fees and court costs.

32 b. When a person commits, is committing, or
33 proposes to commit, an act in violation of this
34 section, an injunction may be granted through an
35 action in district court to prohibit the person from
36 continuing such acts. The action for injunctive
37 relief may be brought by an aggrieved employee or
38 applicant for employment, the county attorney, or the
39 attorney general.

40 In an action brought under this subsection alleging
41 that an employer has required or requested a drug test
42 in violation of this section, the employer has the
43 burden of proving that the requirements of this
44 section were met.

45 10. An employee shall not be discharged,
46 disciplined, or discriminated against in any manner
47 for filing a complaint or testifying in any proceeding
48 or action involving violations of this section. An
49 employee discharged, disciplined, or otherwise
50 discriminated against in violation of this section

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1 shall be compensated by the employer in the amount of
2 any loss of wages and benefits arising out of the
3 discrimination and shall be restored to the employee's
4 previous position of employment.
5 11. A person who violates this section is, upon
6 conviction, guilty of a simple misdemeanor."
7 2. Title page, by striking lines 1 through 6, and
8 inserting the following:
9 "An Act to regulate the circumstance and procedure
10 under which an employer may request a drug test of an
11 employee or an applicant for employment and providing
12 a penalty."

TOM MANN, JR.

S-3441

1 Amend Senate Resolution 10 as follows:
2 1. Page 6, line 12, by inserting after the word
3 "gift" the following: ", which does not include food
4 or drink provided for immediate consumption,".

C. JOSEPH COLEMAN

S-3442

1 Amend Senate File 297 as follows:
2 1. By striking everything after the enacting
3 clause and inserting the following:
4 "Section 1. Section 601A.2, subsection 10,
5 unnumbered paragraph 1, Code 1987, is amended to read
6 as follows:
7 "Public accommodation" means each ~~and every~~ place,
8 establishment, or facility of whatever kind, nature,
9 or class that caters or offers services, facilities,
10 or goods for a fee or charge to the public or
11 nonmembers of any organization or association
12 utilizing the place, establishment, or facility,
13 provided that any place, establishment, or facility
14 that caters or offers services, facilities, or goods
15 to the public or nonmembers gratuitously shall be
16 deemed a public accommodation if the accommodation
17 receives governmental support or subsidy. ~~Public~~
18 ~~accommodation shall~~ "Public accommodation" does not
19 mean any bona fide private club or other place,
20 establishment, or facility which is by its nature
21 distinctly private, except when ~~such~~ the distinctly
22 private place, establishment, or facility caters or

23 offers services, facilities, or goods to the
 24 nonmembers for fee or charge or gratuitously, it shall
 25 be deemed a public accommodation during such period.

26 Sec. 2. Section 601A.2, subsection 11, Code 1987,
 27 is amended by striking the subsection and inserting in
 28 lieu thereof the following:

29 11. "Disability" means the physical or mental
 30 condition of a person which constitutes a substantial
 31 handicap.

32 Sec. 3. Section 601A.5, subsections 6 and 8, Code
 33 1987, are amended by striking the subsections and
 34 inserting in lieu thereof the following:

35 6. To issue such publications and reports of
 36 investigations and research as in the judgment of the
 37 commission will tend to promote good will and minimize
 38 or eliminate discrimination in credit, education,
 39 employment, housing, and public accommodations because
 40 of age, color, creed, disability, marital status,
 41 national origin, race, religion, or sex.

42 8. To make recommendations to the general assembly
 43 for such further legislation concerning discrimination
 44 because of age, color, creed, disability, marital
 45 status, national origin, race, religion, or sex as it
 46 may deem necessary and desirable.

47 Sec. 4. Section 601A.11, Code 1987, is amended by
 48 striking the section and inserting in lieu thereof the
 49 following:

50 601A.11 AIDING AND ABETTING OR RETALIATION.

Page 2

1 1. AIDING AND ABETTING. It is an unfair or
 2 discriminatory practice for a person to intentionally
 3 aid, abet, compel, or coerce another person to engage
 4 in any of the practices declared unfair or
 5 discriminatory by this chapter.

6 2. RETALIATION. It is an unfair or discriminatory
 7 practice for a person to discriminate against another
 8 person in any of the rights protected against
 9 discrimination by this chapter because such person has
 10 lawfully opposed any practice forbidden under this
 11 chapter, obeys the provisions of this chapter, or has
 12 filed a complaint, testified, or assisted in any
 13 proceeding under this chapter."

14 2. Title page, by striking lines 1 through 4 and
 15 inserting the following:

16 "An Act relating to the state civil rights law and
 17 the civil rights commission."

S-3443

1 Amend House File 469, as amended, passed, and re-
2 printed by the House as follows:
3 1. Page 1, line 15, by inserting after the word
4 "regulations," the words "or to drug tests conducted
5 pursuant to a nuclear regulatory commission policy
6 statement,".

JAMES D. WELLS
HURLEY W. HALL
CALVIN O. HULTMAN
JAMES R. RIORDAN
WILLIAM D. PALMER

S-3444

1 Amend the amendment, S-3439, to Senate File 5 as
2 follows:
3 1. Page 1, by striking lines 14 through 16 and
4 inserting the following: "or with willful or wanton
5 disregard of the rights of the complainant."

EDGAR H. HOLDEN

S-3445

1 Amend Senate File 297 as follows:
2 1. By striking everything after the enacting
3 clause and inserting the following:
4 "Section 1. Section 601A.2, subsection 10,
5 unnumbered paragraph 1, Code 1987, is amended to read
6 as follows:
7 "Public accommodation" means each ~~and every~~ place,
8 establishment, or facility of whatever kind, nature,
9 or class that caters or offers services, facilities,
10 or goods for a fee or charge to the public or
11 nonmembers of any organization or association
12 utilizing the place, establishment, or facility,
13 provided that any place, establishment, or facility
14 that caters or offers services, facilities, or goods
15 to the public or nonmembers gratuitously shall be
16 deemed a public accommodation if the accommodation
17 receives governmental support or subsidy. ~~Public~~
18 ~~accommodation shall~~ "Public accommodation" does not
19 mean any bona fide private club or other place,
20 establishment, or facility which is by its nature

21 distinctly private, except when ~~such~~ the distinctly
 22 private place, establishment, or facility caters or
 23 offers services, facilities, or goods to the
 24 nonmembers for fee or charge or gratuitously, it shall
 25 be deemed a public accommodation during such period.

26 Sec. 2. Section 601A.2, subsection 11, Code 1987,
 27 is amended by striking the subsection and inserting in
 28 lieu thereof the following:

29 11. "Disability" means the physical or mental
 30 condition of a person which constitutes a substantial
 31 handicap.

32 In reference to employment, "disability" means a
 33 substantial handicap as follows:

34 a. Handicap is not related to the ability to do
 35 the job.

36 b. Handicap is related to the job but through
 37 experience and training the person has overcome the
 38 handicap and is able to perform the job.

39 Sec. 3. Section 601A.5, subsections 6 and 8, Code
 40 1987, are amended by striking the subsections and
 41 inserting in lieu thereof the following:

42 6. To issue such publications and reports of
 43 investigations and research as in the judgment of the
 44 commission will tend to promote good will and minimize
 45 or eliminate discrimination in credit, education,
 46 employment, housing, and public accommodations because
 47 of age, color, creed, disability, marital status,
 48 national origin, race, religion, or sex.

49 8. To make recommendations to the general assembly
 50 for such further legislation concerning discrimination

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1 because of age, color, creed, disability, marital
 2 status, national origin, race, religion, or sex as it
 3 may deem necessary and desirable.

4 Sec. 4. Section 601A.11, Code 1987, is amended by
 5 striking the section and inserting in lieu thereof the
 6 following:

7 601A.11 AIDING AND ABETTING OR RETALIATION.

8 1. AIDING AND ABETTING. It is an unfair or
 9 discriminatory practice for a person to intentionally
 10 aid, abet, compel, or coerce another person to engage
 11 in any of the practices declared unfair or
 12 discriminatory by this chapter.

13 2. RETALIATION. It is an unfair or discriminatory
 14 practice for a person to discriminate against another
 15 person in any of the rights protected against
 16 discrimination by this chapter because such person has
 17 lawfully opposed any practice forbidden under this

18 chapter, obeys the provisions of this chapter, or has
19 filed a complaint, testified, or assisted in any
20 proceeding under this chapter.”
21 2. Title page, by striking lines 1 through 4 and
22 inserting the following:
23 “An Act relating to the state civil rights law and
24 the civil rights commission.”

TOM MANN, JR.

S-3446

1 Amend Senate Resolution 10 as follows:

DIVISION S—3446B

2 1. Page 6, by striking lines 13 and 14 and
3 inserting the following: “or series of gifts made to
4 them or each family member from any one donor which
5 exceed fifteen dollars in cumulative value in any one
6 calendar day. The”.

DIVISION S—3446A

7 2. Page 9, line 6, by striking the words
8 “legislative council” and inserting the words “senate
9 or the senate rules and administration committee when
10 the senate is not in session”.

DIVISION S—3446B (cont'd.)

11 3. Page 10, by striking lines 16 and 17 and
12 inserting the following:
13 “15. COMPLAINT FILING FORM. The following form
14 shall be used to file a complaint under these rules:”
15 4. Page 11, line 3, by striking the word “ns”.
16 5. Page 11, by inserting after line 9 the
17 following:
18 “16. COMPLAINT NOTICE FORM. The following form
19 shall be used for notice of a complaint under these
20 rules:”
21 6. Page 12, by inserting after line 13 the
22 following:
23 “17. HEARING NOTICE FORM. The following form
24 shall be used for notice of a hearing under these
25 rules:”
26 7. Page 13, by inserting after line 29 the
27 following:
28 “BE IT FURTHER RESOLVED BY THE SENATE, That the

29 senate code of ethics contained in this resolution
30 takes effect upon enactment by the senate and
31 supersedes any previously adopted senate code of
32 ethics."

TOM MANN, Jr.

S-3447

1 Amend Senate File 481 as follows:
2 1. By striking everything after the enacting
3 clause and inserting the following:
4 "Section 1. Section 422.3, subsection 5, Code
5 1987, is amended by striking the subsection and
6 inserting in lieu thereof the following:
7 5. "Internal Revenue Code" means the Internal
8 Revenue Code of 1954, prior to the date of its
9 redesignation as the Internal Revenue Code of 1986 by
10 the Tax Reform Act of 1986, or means the Internal
11 Revenue Code of 1986 as amended to and including
12 January 1, 1987, whichever is applicable.
13 Sec. 2. Section 422.4, subsection 17, Code 1987,
14 is amended to read as follows:
15 17. a. "Annual inflation factor" ~~means an index,~~
16 ~~expressed as a percentage, determined by the~~
17 ~~department each year to reflect the purchasing power~~
18 ~~of the dollar as a result of inflation during the~~
19 ~~preceding calendar year. For the 1981 and subsequent~~
20 ~~calendar years, "annual inflation factor" means an~~
21 ~~index, expressed as a percentage, determined by the~~
22 ~~department by October 15 of the calendar year~~
23 ~~preceding the calendar year for which the factor is~~
24 ~~determined to reflect the purchasing power of the~~
25 ~~dollar as a result of inflation during the fiscal year~~
26 ~~ending in the calendar year preceding the calendar~~
27 ~~year for which the factor is determined. In~~
28 ~~determining the annual inflation factor, the~~
29 ~~department shall use the annual percent change, but~~
30 ~~not less than zero percent, in the implicit price~~
31 ~~deflator for the gross national product computed for~~
32 ~~the whole calendar year or for the second quarter of~~
33 ~~the calendar year; in the case of the annual inflation~~
34 ~~factor for the 1981 and subsequent calendar years, by~~
35 ~~the bureau of economic analysis of the United States~~
36 ~~department of commerce and shall add two-fourths for~~
37 ~~the 1980 and subsequent calendar years of that percent~~
38 ~~change to one hundred percent. The annual inflation~~
39 ~~factor for the 1979 calendar year is one hundred two~~
40 ~~point three percent. The annual inflation factor and~~

41 the cumulative inflation factor shall each be
42 expressed as a percentage rounded to the nearest one-
43 tenth of one percent. The annual inflation factor
44 shall not be less than one hundred percent.
45 b. "Cumulative inflation factor" means the product
46 of the annual inflation factor for the ~~1978~~ 1988
47 calendar year and all annual inflation factors for
48 subsequent calendar years as determined pursuant to
49 this subsection. The cumulative inflation factor
50 applies to all tax years beginning on or after January

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1 1 of the calendar year for which the latest annual
2 inflation factor has been determined.
3 c. The annual inflation factor for the ~~1978~~ 1988
4 calendar year is one hundred percent.
5 d. Notwithstanding the computation of the annual
6 inflation factor under paragraph "a" of this
7 subsection, the annual inflation factor is one hundred
8 percent for any calendar year in which the unobligated
9 state general fund balance on June 30 as certified by
10 the director of revenue and finance by September 10 of
11 the fiscal year beginning in that calendar year is
12 less than sixty million dollars. However, for the
13 1981 and subsequent calendar years, the annual
14 inflation factor is one hundred percent for any
15 calendar year if the unobligated state general fund
16 balance on June 30 of the calendar year preceding the
17 calendar year for which the factor is determined, as
18 certified by the director of revenue and finance by
19 October 10, is less than sixty million dollars.
20 Sec. 3. Section 422.5, subsection 1, paragraphs a
21 through m, Code 1987, are amended by striking the
22 paragraphs and inserting in lieu thereof the
23 following:
24 a. For a single person other than a head of
25 household, the tax rates are as follows:
26 (1) On all taxable income from zero through three
27 thousand dollars, four percent.
28 (2) On all taxable income exceeding three thousand
29 dollars but not exceeding eleven thousand dollars, six
30 percent.
31 (3) On all taxable income exceeding eleven
32 thousand dollars, ten and one-half percent.
33 b. For a married couple filing jointly, a
34 surviving spouse, a qualifying widow, and a head of
35 household, the tax rates are as follows:
36 (1) On all taxable income from zero through four
37 thousand five hundred dollars, four percent.

38 (2) On all taxable income exceeding four thousand
39 five hundred dollars but not exceeding sixteen
40 thousand five hundred dollars, six percent.

41 (3) On all taxable income exceeding sixteen
42 thousand five hundred dollars, ten and one-half
43 percent.

44 c. For a married person filing separately, an
45 estate, and a trust, the tax rates are as follows:

46 (1) On all taxable income from zero through two
47 thousand two hundred fifty dollars, four percent.

48 (2) On all taxable income exceeding two thousand
49 two hundred fifty dollars but not exceeding eight
50 thousand two hundred fifty dollars, six percent.

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1 (3) On all taxable income exceeding eight thousand
2 two hundred fifty dollars, ten and one-half percent.

3 The tax rates and bracket amounts in paragraphs "a"
4 through "c" are effective for tax years beginning on
5 or after January 1, 1987 but before January 1, 1988.

6 Sec. 4. Section 422.5, subsection 1, paragraphs a
7 through m, Code 1987, are amended by striking the
8 paragraphs and inserting in lieu thereof the
9 following:

10 a. For a single person other than a head of
11 household, the tax rates are as follows:

12 (1) On all taxable income from zero through two
13 thousand dollars, four percent.

14 (2) On all taxable income exceeding two thousand
15 dollars but not exceeding eleven thousand dollars, six
16 percent.

17 (3) On all taxable income exceeding eleven
18 thousand dollars, ten and one-half percent.

19 b. For a married couple filing jointly, a
20 surviving spouse, a qualifying widow, and a head of
21 household, the tax rates are as follows:

22 (1) On all taxable income from zero through three
23 thousand dollars, four percent.

24 (2) On all taxable income exceeding three thousand
25 dollars but not exceeding sixteen thousand five
26 hundred dollars, six percent.

27 (3) On all taxable income exceeding sixteen
28 thousand five hundred dollars, ten and one-half
29 percent.

30 c. For a married person filing separately, an
31 estate, and a trust, the tax rates are as follows:

32 (1) On all taxable income from zero through one
33 thousand five hundred dollars, four percent.

34 (2) On all taxable income exceeding one thousand

35 five hundred dollars but not exceeding eight thousand
36 two hundred fifty dollars, six percent.

37 (3) On all taxable income exceeding eight thousand
38 two hundred fifty dollars, ten and one-half percent.
39 The tax rates and bracket amounts in paragraph "a"
40 through "c" are effective for tax years beginning on
41 or after January 1, 1988.

42 Sec. 5. Section 422.5, subsection 1, paragraph n,
43 Code 1987, is amended to read as follows:

44 ~~n~~ d. The tax imposed upon the taxable income of a
45 nonresident shall be computed by reducing the amount
46 determined pursuant to paragraphs "a" through ~~"m"~~ "c"
47 by the amounts of nonrefundable credits under this
48 division and by multiplying this resulting amount by a
49 fraction of which the nonresident's net income
50 allocated to Iowa, as determined in section 422.8,

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1 subsection 2, is the numerator and the nonresident's
2 total net income computed under section 422.7 is the
3 denominator. This provision also applies to
4 individuals who are residents of Iowa for less than
5 the entire tax year.

6 Sec. 6. Section 422.5, subsection 1, paragraph o,
7 unnumbered paragraph 1, Code 1987, is amended to read
8 as follows:

9 There is imposed upon every resident and
10 nonresident of this state, including estates and
11 trusts, the greater of the tax determined in
12 paragraphs "a" through ~~"n"~~ "d" or the state
13 alternative minimum tax equal to nine percent of the
14 state alternative minimum taxable income of the
15 taxpayer as computed under this paragraph.

16 Sec. 7. Section 422.5, subsections 6 and 7, Code
17 1987, are amended to read as follows:

18 6. A person who is disabled, is sixty-two years of
19 age or older or is the surviving spouse of an
20 individual or survivor having an insurable interest in
21 an individual who would have qualified for the
22 exemption under this paragraph for this tax year and
23 receives one or more annuities from the United States
24 civil service retirement and disability trust fund,
25 and whose net income, as defined in section 422.7, is
26 sufficient to require that the tax be imposed upon it
27 under this section, may determine final taxable income
28 for purposes of imposition of the tax by excluding the
29 amount of annuities received from the United States
30 civil service retirement and disability trust fund,
31 which are not already excluded in determining net

32 income, as defined in section 422.7, up to a maximum
33 each tax year of five thousand ~~five hundred six~~
34 hundred twenty-seven dollars for a person who files a
35 separate state income tax return and eight thousand
36 one hundred eighty-four dollars total for a husband
37 and wife who file a joint state income tax return.
38 However, a surviving spouse who is not disabled or
39 sixty-two years of age or older can only exclude the
40 amount of annuities received as a result of the death
41 of the other spouse. The amount of the exemption
42 shall be reduced by the amount of any social security
43 benefits received. For the purpose of this section,
44 the amount of annuities received from the United
45 States civil service retirement and disability trust
46 fund taxable under the Internal Revenue Code of 1954
47 shall be included in net income for purposes of
48 determining eligibility under the five thousand dollar
49 or less exclusion.
50 7. Upon determination of the latest cumulative

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1 inflation factor, the director shall multiply each
2 dollar amount set forth in subsection 1, paragraphs
3 "a" through "~~m~~" "c" of this section, and each dollar
4 amount specified in this section as the maximum amount
5 of annuities received which may be excluded in
6 determining final taxable income, by this cumulative
7 inflation factor, shall round off the resulting
8 product to the nearest one dollar, and shall
9 incorporate the result into the income tax forms and
10 instructions for each tax year.

11 Sec. 8. Section 422.8, subsection 2, Code 1987, is
12 amended to read as follows:

13 2. Nonresident's net income allocated to Iowa is
14 the net income, or portion thereof, which is derived
15 from a business, trade, profession, or occupation
16 carried on within this state or income from any
17 property, trust, estate, or other source within Iowa.
18 If any business, trade, profession, or occupation is
19 carried on partly within and partly without the state,
20 only the portion of the net income which is fairly and
21 equitably attributable to that part of the business,
22 trade, profession, or occupation carried on within the
23 state is allocated to Iowa for purposes of section
24 422.5, subsection 1, paragraph "~~n~~" "d" and section
25 422.13 and income from any property, trust, estate, or
26 other source partly within and partly without the
27 state is allocated to Iowa in the same manner, except
28 that annuities, interest on bank deposits and

29 interest-bearing obligations, and dividends are
30 allocated to Iowa only to the extent to which they are
31 derived from a business, trade, profession, or
32 occupation carried on within the state. However,
33 income received by an individual who is a resident of
34 another state is not allocated to Iowa if the income
35 is subject to an income tax imposed by the state where
36 the individual resides, and if the state of residence
37 allows a similar exclusion for income received in that
38 state by residents of Iowa. In order to implement the
39 exclusions, the director shall designate by rule the
40 states which allow a similar exclusion for income
41 received by residents of Iowa, and may enter into
42 agreements with other states to provide that similar
43 exclusions will be allowed, and to provide suitable
44 withholding requirements in each state.

45 Sec. 9. Section 422.9, subsection 1, unnumbered
46 paragraph 1, Code 1987, is amended by striking the
47 paragraph and inserting in lieu thereof the following:

48 For a single person who is not a head of household,
49 a married couple filing jointly, a surviving spouse, a
50 qualifying widow, a head of household, or a married

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1 person filing separately an optional standard deduc-
2 tion equal to the amount of the standard deduction
3 determined under section 63(c) of the Internal Revenue
4 Code for that filing status. In addition to the
5 optional standard deduction, the individual may deduct
6 the amount of federal income tax.

7 Sec. 10. Section 422.9, Code 1987, is amended by
8 adding after subsection 2 the following new subsection
9 and renumbering the other subsections:

10 NEW SUBSECTION. 3. In addition to the amount
11 deducted under subsection 1 or 2, the taxpayer may
12 deduct the amount of the applicable personal
13 exemptions allowed under section 151 or 642(b) of the
14 Internal Revenue Code.

15 Sec. 11. Section 422.12, subsection 1, Code 1987,
16 is amended by striking the subsection.

17 Sec. 12. Section 422.21, unnumbered paragraph 4,
18 Code 1987, is amended to read as follows:

19 The director shall determine for the ~~1979~~ 1989 and
20 subsequent calendar years the annual and cumulative
21 inflation factors for those calendar years to be
22 applied to tax years beginning on or after January 1
23 of that calendar year. The director shall compute the
24 new dollar amounts as specified therein to be adjusted
25 in section 422.5 by the latest cumulative inflation

26 factor and round off the result to the nearest one
27 dollar. The annual and cumulative inflation factors
28 determined by the director are not rules as defined in
29 section 17A.2, subsection 7.

30 Sec. 13. Section 422.43, subsections 1, 2, 6, and
31 10, Code 1987, are amended to read as follows:

32 1. There is imposed a tax of ~~four~~ five percent
33 upon the gross receipts from all sales of tangible
34 personal property, consisting of goods, wares, or
35 merchandise, except as otherwise provided in this
36 division, sold at retail in the state to consumers or
37 users; a like rate of tax upon the gross receipts from
38 the sales, furnishing or service of gas, electricity,
39 water, heat, and communication service, including the
40 gross receipts from such sales by any municipal
41 corporation furnishing gas, electricity, water, heat,
42 and communication service to the public in its
43 proprietary capacity, except as otherwise provided in
44 this division, when sold at retail in the state to
45 consumers or users; a like rate of tax upon the gross
46 receipts from all sales of tickets or admissions to
47 places of amusement, fairs, and athletic events except
48 those of elementary and secondary educational
49 institutions; and a like rate of tax upon that part of
50 private club membership fees or charges paid for the

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1 privilege of participating in any athletic sports
2 provided club members.

3 2. There is imposed a ~~tax of four percent like~~
4 rate of tax upon the gross receipts derived from the
5 operation of all forms of amusement devices and games
6 of skill, games of chance, raffles, and bingo games as
7 defined in chapter 99B, operated or conducted within
8 the state of Iowa, the tax to be collected from the
9 operator in the same manner as is provided for the
10 collection of taxes upon the gross receipts of tickets
11 or admission fees as provided in this section. The
12 tax shall also be imposed upon the gross receipts
13 derived from the sale of lottery tickets or shares
14 pursuant to chapter 99E. The tax on the lottery
15 tickets or shares shall be included in the sales price
16 and distributed to the general fund as provided in
17 section 99E.10.

18 6. There is imposed a ~~tax of four percent like~~
19 rate of tax upon the gross receipts from the sales of
20 optional service or warranty contracts which provide
21 for the furnishing of labor and materials and require
22 the furnishing of any taxable service enumerated under

23 this section. The gross receipts are subject to tax
24 even if some of the services furnished are not
25 enumerated under this section. For the purpose of
26 this division, the sale of an optional service or
27 warranty contract is a sale of tangible personal
28 property. Additional sales, services, or use tax
29 shall not be levied on services, parts, or labor
30 provided under optional service or warranty contracts
31 which are subject to tax under this section.

32 10. There is imposed a tax of ~~four~~ five percent
33 upon the gross receipts from the rendering,
34 furnishing, or performing of services as defined in
35 section 422.42.

36 Sec. 14. Section 422.47, Code 1987, is amended by
37 adding the following new subsection:

38 NEW SUBSECTION. Construction contractors may make
39 application to the department for a refund of the
40 additional one percent tax paid under this division or
41 the additional one percent tax paid under chapter 423
42 by reason of the increase in the tax from four to five
43 percent for taxes paid on goods, wares, or merchandise
44 under the following conditions:

45 a. The goods, wares, or merchandise are
46 incorporated into an improvement to real estate in
47 fulfillment of a written contract fully executed prior
48 to June 1, 1987. The refund shall not apply to
49 equipment transferred in fulfillment of a mixed
50 construction contract.

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1 b. The contractor has paid to the department or to
2 a retailer the full five percent tax.

3 c. The claim is filed on forms provided by the
4 department and is filed within one year of the date
5 the tax is paid.

6 A contractor who makes an erroneous application for
7 refund is liable for payment of the excess refund paid
8 plus interest at the rate in effect under section
9 421.7. In addition, a contractor who willfully makes
10 a false application for refund is guilty of a simple
11 misdemeanor and is liable for a penalty equal to
12 seventy-five percent of the excess refund claimed.
13 Excess refunds, penalties, and interest due under this
14 subsection may be enforced and collected in the same
15 manner as the tax imposed by this division.

16 Sec. 15. Section 423.2, Code 1987, is amended to
17 read as follows:

18 423.2 IMPOSITION OF TAX.

19 An excise tax is imposed on the use in this state

20 of tangible personal property purchased for use in
21 this state, at the rate of ~~four~~ five percent of the
22 purchase price of the property. The excise tax is
23 imposed upon every person using the property within
24 this state until the tax has been paid directly to the
25 county treasurer or the state department of
26 transportation, to a retailer, or to the department.
27 An excise tax is imposed on the use in this state of
28 services enumerated in section 422.43 at the rate of
29 ~~four~~ five percent. This tax is applicable ~~where~~ if
30 services are rendered, furnished, or performed in this
31 state or ~~where~~ if the product or result of the service
32 is used in this state. This tax is imposed on every
33 person using the services or the product of the
34 services in this state until the user has paid the tax
35 either to an Iowa use tax permit holder or to the
36 department.

37 Sec. 16. Section 442.7, subsection 1, paragraph a,
38 Code 1987, is amended by adding the following new
39 unnumbered paragraph:

40 NEW UNNUMBERED PARAGRAPH. However, the computation
41 in determining the state percent of growth shall not
42 include revenues generated as a result of state tax
43 increases or increased revenues resulting from reduced
44 federal taxes.

45 Sec. 17. This section applies in regard to the
46 increase in the state sales, services, and use tax
47 from four to five percent under sections 13 and 15.
48 The use tax rate of five percent applies to motor
49 vehicles subject to registration which are registered
50 on or after June 1, 1987. The five percent use tax

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1 rate will apply to the use of property when the first
2 taxable use in this state occurs on or after June 1,
3 1987. The five percent rate will apply to the gross
4 receipts from the sale, furnishing, or service of gas,
5 electricity, water, heat, and communication service if
6 the date of billing the customer is on or after June
7 1, 1987. In the case of a service contract entered
8 into prior to June 1, 1987 which contract calls for
9 periodic payments, the five percent rate will apply to
10 those payments made or due on or after June 1, 1987.
11 This periodic payment would apply, but not be limited
12 to, tickets of admissions, private club membership
13 fees, sources of amusement, equipment rental, dry
14 cleaning, reducing salons, dance schools, and all
15 other services subject to tax, except the
16 aforementioned utility services which are subject to a

17 special transitional rule. Unlike periodic payment
18 under service contracts, installments sales of goods,
19 wares, and merchandise are subject to the full amount
20 of sales or use tax when the sales contract is entered
21 into or the property is used in Iowa.

22 Sec. 18. Section 3 of this Act is retroactive to
23 January 1, 1987 for tax years beginning on or after
24 that date but before January 1, 1988. Section 3 of
25 this Act is repealed January 1, 1988 for tax years
26 beginning on or after that date.

27 Sec. 19. Section 4 of this Act is effective
28 January 1, 1988 for tax years beginning on or after
29 that date.

30 Sec. 20. Sections 13 through 15 and section 17 of
31 this Act are effective June 1, 1987.

32 Sec. 21. Sections 1, 2, and 5 through 12 of this
33 Act are retroactive to January 1, 1987 for tax years
34 beginning on or after that date.

35 Sec. 22. This Act, being deemed of immediate
36 importance is effective upon enactment."

37 2. Title page, by striking lines 5 through 12 and
38 inserting the following: "certain contractors as a
39 result of that increase; adjusting the allowable
40 growth under the school foundation formula; and".

CHARLES BRUNER
BILL HUTCHINS
MICHAEL E. GRONSTAL
EMIL J. HUSAK

S-3448

1 Amend the Bruner et al amendment, S-3447, to Senate
2 File 481 as follows:

3 1. Page 1, line 46, by striking the figure "1988"
4 and inserting the following: "1987".

5 2. Page 2, line 3, by striking the figure "1988"
6 and inserting the following: "1987".

7 3. By striking page 2, line 20 through page 3,
8 line 41, and inserting the following:

9 "Sec. 3. Section 422.5, subsection 1, paragraphs a
10 through m, Code 1987, are amended by striking the
11 paragraphs and inserting in lieu thereof the
12 following:

13 a. For all taxpayers except a married person
14 filing separately, the tax rates are as follows:

15 (1) On all taxable income from zero through five
16 thousand dollars, three percent.

17 (2) On all taxable income exceeding five thousand

18 dollars but not exceeding ten thousand dollars, four
19 percent.

20 (3) On all taxable income exceeding ten thousand
21 dollars, six and one-half percent.

22 In addition to the tax imposed under subparagraphs
23 (1) through (3), an additional tax is imposed on a
24 taxpayer whose taxable income exceeds twenty-five
25 thousand dollars at a rate of one and three-fourths
26 percent of the taxable income exceeding twenty-five
27 thousand dollars but not exceeding thirty-five
28 thousand dollars and at a rate of one and one-fourth
29 percent of the taxable income exceeding thirty-five
30 thousand dollars but not exceeding forty-five thousand
31 dollars.

32 b. For a married person filing separately, the tax
33 rates are as follows:

34 (1) On all taxable income from zero through two
35 thousand five hundred dollars, three percent.

36 (2) On all taxable income exceeding two thousand
37 five hundred dollars but not exceeding five thousand
38 dollars, four percent.

39 (3) On all taxable income exceeding five thousand
40 dollars, six and one-half percent.

41 In addition to the tax imposed under subparagraphs
42 (1) through (3), an additional tax is imposed on a
43 taxpayer whose taxable income exceeds twelve thousand
44 five hundred dollars at a rate of one and three-
45 fourths percent of the taxable income exceeding twelve
46 thousand five hundred dollars but not exceeding
47 seventeen thousand five hundred dollars and at a rate
48 of one and one-fourth percent of the taxable income
49 exceeding seventeen thousand five hundred dollars but
50 not exceeding twenty-two thousand five hundred

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1 dollars.”

2 4. Page 4, line 16, by striking the word and
3 figures “6 and 7” and inserting the following: “2, 6,
4 7, and 10”.

5 5. Page 4, by inserting after line 17 the
6 following:

7 “2. However, no tax shall be imposed on any
8 resident or nonresident whose net income, as defined
9 in section 422.7, is ~~five~~ seven thousand dollars or
10 less; but in the event that the payment of tax under
11 this division would reduce the net income to less than
12 ~~five~~ seven thousand dollars, then the tax shall be
13 reduced to that amount which would result in allowing
14 the taxpayer to retain a net income of ~~five~~ seven

15 thousand dollars. The preceding sentence does not
16 apply to estates or trusts. For the purpose of this
17 subsection, the entire net income, including any part
18 thereof not allocated to Iowa, shall be taken into
19 account. If the combined net income of a husband and
20 wife exceeds five seven thousand dollars, neither of
21 them shall receive the benefit of this subsection, and
22 it is immaterial whether they file a joint return or
23 separate returns. A person who is claimed as a
24 dependent by another person as defined in section
25 422.12 shall not receive the benefit of this
26 subsection if the person claiming the dependent has
27 net income exceeding five seven thousand dollars or
28 the person claiming the dependent and the person's
29 spouse have combined net income exceeding five seven
30 thousand dollars."

31 6. Page 4, line 48, by striking the word "five"
32 and inserting the following: "five seven".

33 7. Page 5, by inserting after line 10 the
34 following:

35 "10. In addition to the other taxes imposed by
36 this section, a tax is imposed on the amount of a lump
37 sum distribution for which the taxpayer has elected
38 under section 402(e) of the Internal Revenue Code of
39 1954 to be separately taxed for federal income tax
40 purposes for the tax year. The rate of tax is equal
41 to twenty-five percent of the separate federal tax
42 imposed on the amount of the lump sum distribution. A
43 nonresident is liable for this tax only on that
44 portion of the lump sum distribution allocable to
45 Iowa. The total amount of the lump sum distribution
46 subject to separate federal tax shall be included in
47 net income for purposes of determining eligibility
48 under the five seven thousand dollar or less
49 exclusion.

50 Sec. 50. Section 422.7, subsections 6, 8, and 19,

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1 Code 1987, are amended to read as follows:
2 6. Individual taxpayers and married taxpayers who
3 file a joint federal income tax return and who elect
4 to file a joint return; ~~or separate returns or~~
5 ~~separate filing on a combined return~~ for Iowa income
6 tax purposes, may avail themselves of the disability
7 income exclusion and shall compute the amount of the
8 disability income exclusion subject to the limitations
9 for joint federal income tax return filers provided by
10 section 105(d) of the Internal Revenue Code of 1954.
11 The disability income exclusion provided in section

12 105(d) of the Internal Revenue Code of 1954, as
13 amended up to and including December 31, 1982,
14 continues to apply for state income tax purposes for
15 tax years beginning on or after January 1, 1984.
16 8. Married taxpayers who file a joint federal
17 income tax return and who elect to file separate
18 returns ~~or separate filing on a combined return~~ for
19 Iowa income tax purposes, may avail themselves of the
20 expensing of business assets and capital loss
21 provisions of sections 179(a) and 1211(b) respectively
22 of the Internal Revenue Code of 1954 and shall compute
23 the amount of expensing of business assets and capital
24 loss subject to the limitations for joint federal
25 income tax return filers provided by sections 179(b)
26 and 1211(b) respectively of the Internal Revenue Code
27 of 1954.

28 19. Married taxpayers, who file a joint federal
29 income tax return and who elect to file separate
30 returns ~~or who elect separate filing on a combined~~
31 ~~return~~ for state income tax purposes, shall include in
32 net income any social security benefits or tier 1
33 railroad retirement benefits received to the same
34 extent as those benefits are taxable on the taxpayer's
35 joint federal return for that year under section 86 of
36 the Internal Revenue Code of 1954. The benefits
37 included in net income must be allocated between the
38 spouses in the ratio of the social security benefits
39 or tier 1 railroad retirement benefits received by
40 each spouse to the total of these benefits received by
41 both spouses."

42 8. By striking page 5, line 45 through page 6,
43 line 16 and inserting the following:
44 "Sec. 51. Section 422.12, subsection 2, unnumbered
45 paragraph 2, Code 1987, is amended to read as follows:
46 Married taxpayers electing to file separate returns
47 ~~or filing separately on a combined return~~ must
48 allocate the child and dependent care credit to each
49 spouse in the proportion that each spouse's respective
50 net income bears to the total combined net income.

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1 Taxpayers affected by the allocation provisions of
2 section 422.8 shall be permitted a deduction for the
3 credit only in the amount fairly and equitably
4 allocable to Iowa under rules prescribed by the
5 director.

6 Sec. 52. Section 422.12, Code 1987, is amended by
7 adding the following new subsections:

8 NEW SUBSECTION. 4. A two-earner credit for

9 married taxpayers filing jointly. The credit is equal
10 to one percent of the qualified earned income of the
11 spouse with the lower qualified earned income not to
12 exceed fifty dollars. For purposes of this credit the
13 term "qualified earned income" means the same as
14 provided in section 221 of the Internal Revenue Code
15 in effect on December 31, 1986, except that only
16 qualified earned income from Iowa sources shall be
17 considered for the credit. Nonresidents may claim the
18 credit only to the extent that both spouses have
19 qualified earned income from Iowa sources.

20 NEW SUBSECTION. 5. Upon determination of the
21 latest cumulative inflation factor, the director shall
22 multiply each dollar amount of the personal exemptions
23 set forth in subsection 1 and each dollar amount of
24 the two-earner credit set forth in subsection 4, by
25 this cumulative inflation factor, shall round off the
26 resulting product to the nearest one dollar, and shall
27 incorporate the result into the income tax forms and
28 instructions for each tax year.

29 Sec. 53. Section 422.13, subsection 1, paragraph
30 b, Code 1987, is amended to read as follows:

31 b. The individual has net income of ~~four~~ seven
32 thousand dollars or more for the tax year from sources
33 taxable under this division."

34 9. Page 6, line 19, by striking the figure "1989"
35 and inserting the following: "1988".

36 10. Page 6, line 25, by striking the word and
37 figure "section 422.5" and inserting the following:
38 "~~section sections 422.5 and 422.12~~".

39 11. Page 8, by striking lines 37 through 44.

40 12. Page 9, by striking lines 24 through 29 and
41 inserting the following: "that date."

42 13. Page 9, line 32, by inserting after the
43 figure "12" the following: ", 50, 51, 52, and 53".

44 14. Page 9, lines 39 and 40, by striking the
45 words "adjusting the allowable growth under the school
46 foundation formula;".

CALVIN O. HULTMAN
RICHARD F. DRAKE
JACK W. HESTER
NORMAN J. GOODWIN
JOY C. CORNING
JOHN W. JENSEN
RICHARD VANDE HOEF
LEE W. HOLT
WILMER RENSINK
JULIA GENTLEMAN
JIM LIND
FORREST SCHWENGELS

S-3449

- 1 Amend Senate Resolution 11 as follows:
- 2 1. Page 6, line 10, by inserting after the word
- 3 "gift" the following: ", which does not include food
- 4 or beverage provided for immediate consumption".

C. JOSEPH COLEMAN

S-3450

- 1 Amend the Bruner et al amendment, S-3447, to Senate
- 2 File 481 as follows:
- 3 1. Page 6, by inserting after line 16 the
- 4 following:
- 5 "Sec. 60. Section 422.16, subsection 1, unnumbered
- 6 paragraph 1, Code 1987, is amended to read as follows:
- 7 Every withholding agent and every employer as
- 8 defined in this chapter and further defined in the
- 9 Internal Revenue Code of 1954, with respect to income
- 10 tax collected at source, making payment of wages to a
- 11 nonresident employee working in Iowa, or to a resident
- 12 employee, shall deduct and withhold from the wages an
- 13 amount which will approximate the employee's annual
- 14 tax liability on a calendar year basis, calculated on
- 15 the basis of tables to be prepared by the department
- 16 and schedules or percentage rates, based on the wages,
- 17 to be prescribed by the department. Every employee or
- 18 other person shall declare to the employer or
- 19 withholding agent the number of the employee's or
- 20 other person's personal exemptions and dependency
- 21 exemptions or credits to be used in applying the
- 22 tables and schedules or percentage rates. However, no
- 23 greater number of personal or dependency exemptions or
- 24 credits may be declared by the employee or other
- 25 person than the number to which the employee or other
- 26 person is entitled except as allowed under section
- 27 3402(m)(1) of the Internal Revenue Code of 1954 or is
- 28 allowed under rules prescribed by the director for
- 29 payments of alimony or separate maintenance. The
- 30 claiming of exemptions, alimony or separate
- 31 maintenance payments, or credits in excess of
- 32 entitlement is a serious misdemeanor."
- 33 2. Page 9, line 32, by inserting before the word
- 34 "of" the following: ", and 60".
- 35 3. Page 9, by inserting after line 36 the

36 following:

37 " ____ . Title page, line 2, by inserting after the

38 word "rates," the following: "withholding,""

JOY CORNING

S-3451

1 Amend the Bruner et al amendment, S-3447, to Senate

2 File 481 as follows:

3 1. Page 8, by inserting after line 15 the

4 following:

5 "Sec. ____ . NEW SECTION. 422B.11 REFUNDS FOR
6 CONSTRUCTION CONTRACTORS.

7 1. Construction contractors may make application
8 to the department of revenue and finance for a refund
9 of the additional local option sales and services tax
10 paid under section 422B.8 by reason of the imposition
11 or increase in the tax rate, as appropriate, for taxes
12 paid on goods, wares, or merchandise under the
13 following conditions:

14 a. The goods, wares, or merchandise are
15 incorporated into an improvement to real estate in
16 fulfillment of a written contract fully executed prior
17 to the imposition or increase in rate, as appropriate.
18 The refund shall not apply to equipment transferred in
19 fulfillment of a mixed construction contract.

20 b. The contractor has paid to the department or to
21 a retailer the full local option sales and services
22 tax.

23 c. The claim is filed on forms provided by the
24 department and is filed within one year of the date
25 the tax is paid.

26 2. A contractor who makes an erroneous application
27 for refund shall be liable for payment of the excess
28 refund paid plus interest at the rate in effect under
29 section 421.7. In addition, a contractor who
30 willfully makes a false application for refund is
31 guilty of a simple misdemeanor and is liable for a
32 penalty equal to fifty percent of the excess refund
33 claimed. Excess refunds, penalties, and interest due
34 under this subsection may be enforced and collected in
35 the same manner as the tax imposed by section 422B.8."

36 2. Page 9, line 39, by inserting after the word
37 "increase" the following: "and as a result of the
38 imposition or increase in a local option sales and
39 services tax".

JOE WELSH

S-3452

- 1 Amend the Bruner et al amendment, S-3447, to Senate
- 2 File 481 as follows:
- 3 1. Page 9, by inserting after line 21 the
- 4 following:
- 5 "Sec. 90. 1984 Iowa Acts, chapter 1240, section
- 6 12, is amended to read as follows:
- 7 SEC. 12. This Act, except for section 8, applies
- 8 to the estates of persons dying on or after its
- 9 effective date and in the case of section 1 of this
- 10 Act, also applies to property passing by deed, grant,
- 11 sale, gift, or transfer made on or after the effective
- 12 date.
- 13 Sec. ____ . Notwithstanding any other provision of
- 14 law, a person entitled to a refund of state
- 15 inheritance tax as a result of section 90 of this Act
- 16 shall have until January 1, 1988 to file a claim for
- 17 refund of the state inheritance tax.
- 18 Sec. ____ . Section 90 of this Act is retroactive to
- 19 July 1, 1984."
- 20 2. Renumber as necessary.

JOE WELSH

S-3453

- 1 Amend the Bruner et al amendment, S-3447, to Senate
- 2 File 481 as follows:
- 3 1. By striking page 6, line 30 through page 8,
- 4 line 36.
- 5 2. By striking page 8, line 45 through page 9,
- 6 line 21.
- 7 3. Page 9, by striking lines 30 and 31.
- 8 4. Page 9, line 37, by striking the figure "5"
- 9 and inserting the following: "3".
- 10 5. Page 9, lines 38 and 39, by striking the words
- 11 "certain contractors as a result of that increase" and
- 12 inserting the following: "and personal exemptions and
- 13 credits".

CALVIN O. HULTMAN

S-3454

1 Amend Senate File 337 as follows:

2 1. By striking everything after the enacting

3 clause and inserting the following:

4 "Section 1. Section 455B.181, Code 1987, is

5 amended to read as follows:

6 455B.181 VARIANCES AND EXEMPTIONS.

7 The director may, after public notice and hearing,

8 grant exemptions from a maximum contaminant level or

9 treatment technique, or both. The director may also

10 grant a variance from drinking water standards for

11 public water supply systems when the characteristics

12 of the raw water sources, which are available to a

13 system, cannot meet the requirements with respect to

14 maximum contaminant level of the standards despite

15 application of the best treatment techniques which are

16 generally available and if the director determines

17 that the variance will not result in an unreasonable

18 risk to the public health. A schedule of compliance

19 may be prescribed by the director, at the time the

20 variance or exemption is granted. The director shall

22 also require the interim measures to minimize the

23 contaminant levels of systems subject to the variance

24 or exemption as may reasonably be implemented. The

25 director may also issue variances from other rules of

26 the department if necessary and appropriate. The

27 director shall submit variances granted regarding a

28 wastewater treatment facility to the commission for

29 the commission's review within thirty days of the

30 granting of a variance. The denial of a variance or

31 exemption may be appealed to the department

32 commission."

33 2. Title, by striking lines 1 and 2 and inserting

34 the following: "An Act relating to the wastewater

35 treatment facility and making variances granted

36 subject to the review of the environmental protection

commission."

FORREST V. SCHWENGELS

S-3455

1 Amend House File 164 as passed by the House, as
2 follows:

3 1. Page 1, by inserting before line 1 the

4 following:

5 "Sec. ____ . Section 77.1, Code 1987, is amended by

6 striking the section and inserting in lieu thereof the

7 following:

8 77.1 APPOINTMENT.

9 1. The secretary of state may at any time appoint
10 one or more notaries public and may at any time revoke
11 the appointment.

12 2. The secretary of state shall appoint members of
13 the general assembly as notaries public and may at any
14 time revoke the appointment.

15 Sec. ____ . Section 77.2, Code 1987, is amended to
16 read as follows:

17 77.2 TERMS.

18 The term of a notary who is an Iowa resident is
19 three years. The term of a notary who is a resident
20 of a state bordering Iowa and whose place of work or
21 business is in Iowa, is one year. The term of a
22 notary who is a member of the general assembly is the
23 member's term of office.

24 Sec. ____ . Section 77.4, subsection 5, unnumbered
25 paragraph 1, Code 1987, is amended to read as follows:

26 Remit the sum of fifteen dollars to the secretary
27 of state. Persons appointed as notaries under section
28 77.1, subsection 2, are not subject to the fee imposed
29 by this subsection.

30 2. Amend the title, lines 1 and 2, by striking
31 the words "the discretion of a notary public in
32 performing notarial services, and limiting that
33 discretion" and inserting the following: "notaries
34 public".

35 3. Renumber sections and correct internal
36 references as necessary in accordance with this
37 amendment.

RICHARD F. DRAKE
GEORGE R. KINLEY
BOB CARR

S-3456

1 Amend Senate File 347 as follows:

2 1. By striking everything after the enacting
3 clause and inserting the following:

4 "Section 1. Section 135C.36, subsection 2, Code
5 1987, is amended to read as follows:

6 2. A Class II violation is one which has a direct
7 or immediate relationship to the health, safety or
8 security of residents of a health care facility, but
9 which presents no imminent danger nor substantial
10 probability of death or physical harm to them. A
11 physical condition or one or more practices within a
12 facility, including either physical abuse of any
13 resident or failure to treat any resident with

14 consideration, respect and full recognition of the
 15 resident's dignity and individuality, in violation of
 16 a specific rule adopted by the department, may
 17 constitute a Class II violation. A violation of
 18 section 135C.14, subsection 8, or section 135C.31 ~~and~~
 19 ~~rules or a rule~~ adopted under those sections shall be
 20 pursuant to chapter 17A is at least a Class II
 21 violation and may be a Class I violation. ~~A Class II~~
 22 ~~violation~~ An initial citing of a Class II violation is
 23 subject to a hearing and if the violation is founded
 24 shall be corrected within a stated period of time
 25 determined by the department and specified in the
 26 citation issued under section 135C.40. The stated
 27 period of time specified in the citation may
 28 subsequently be modified by the department for good
 29 cause shown. ~~A~~ If a health care facility is cited a
 30 second time for a Class II violation, a licensee is
 31 subject to a penalty of not less than one hundred nor
 32 more than five hundred dollars for each Class II
 33 violation for which the licensee's facility is cited;
 34 ~~however the, A health care facility cited a third or~~
 35 subsequent time for a Class II violation shall be
 36 subject to a penalty of not more than one thousand
 37 five hundred dollars. The director may not waive the
 38 penalty if the violation is corrected within the time
 39 specified in the citation."

BERL E. PRIEBE
 LEE W. HOLT
 KENNETH SCOTT

S-3457

- 1 Amend Senate File 468 as follows:
- 2 1. Page 1, line 20, by inserting after the word
- 3 "following" the word "notice".
- 4 2. Page 1, line 27, by striking the words "SIX
- 5 MONTHS" and inserting the following: "TWELVE MONTHS
- 6 (or SIX MONTHS if the petition includes a waiver of
- 7 deficiency judgment)".
- 8 3. Page 1, by inserting after line 35 the
- 9 following:
- 10 "If the plaintiff has not included in the petition
- 11 a waiver of deficiency judgment, then the notice shall
- 12 include the following:".
- 13 4. Page 2, line 13, by inserting after the word
- 14 "election" the following: "for foreclosure without
- 15 redemption".
- 16 5. Page 2, line 22, by striking the words "six
- 17 months" and inserting the following: "twelve months,

18 or six months if the petition includes a waiver of
19 deficiency judgment.”

20 6. Page 2, line 23, by inserting after the word
21 “judgment.” the following: “If the demand is filed,
22 the mortgagor and mortgagee subsequently may file a
23 stipulation that the sale may be held promptly after
24 the stipulation is filed and that the mortgagee waives
25 the right to entry of a deficiency judgment. If the
26 stipulation is filed, the sale shall be held promptly
27 after the filing.”

28 7. Page 3, line 15, by inserting after the word
29 “demption” the following: “, the plaintiff may
30 include in the petition a waiver of deficiency
31 judgment. If the plaintiff has elected foreclosure
32 without redemption and does not include in the
33 petition a waiver of deficiency judgment”.

34 8. Page 3, by inserting after line 19 the
35 following:

36 “Sec. ____ . Section 654.2B, Code 1987, is amended
37 to read as follows:

38 654.2B REQUIREMENTS OF NOTICE OF RIGHT TO CURE.

39 The notice of right to cure shall be in writing and
40 shall conspicuously state the name, address, and
41 telephone number of the creditor to which payment is
42 to be made, a brief identification of the obligation
43 secured by the deed of trust or mortgage and of the
44 borrower’s right to cure the default, a statement of
45 the nature of the right to cure the default, a
46 statement of the nature of the alleged default, a
47 statement of the total payment, including an
48 itemization of any delinquency or deferral charges, or
49 other performance necessary to cure the alleged
50 default, and the exact date by which the amount must

Page 2

1 be paid or performance tendered and a statement that
2 if the borrower does not cure the alleged default that
3 the creditor is entitled to proceed with initiating a
4 foreclosure action.

5 Sec. ____ . **NEW SECTION.** 654.27 NOTICE, RIGHT TO
6 CURE DEFAULT.

7 1. A creditor shall not initiate an action
8 pursuant to this chapter to foreclose on a deed of
9 trust or mortgage, except as provided in section
10 654.2A, until the creditor has complied with this
11 section.

12 2. A creditor who believes in good faith that a
13 borrower on a deed of trust or mortgage on a homestead
14 is in default shall give the borrower a notice of

15 right to cure as provided in section 654.2B. A
16 creditor gives the notice when the creditor delivers
17 the notice to the consumer or mails the notice to the
18 borrower's residence as defined in section 537.1201,
19 subsection 4.

20 3. The borrower has a right to cure the default
21 within thirty days from the date the creditor gives
22 the notice.

23 4. a. The creditor shall not accelerate the
24 maturity of the unpaid balance of the obligation,
25 demand or otherwise take possession of the land,
26 otherwise than by accepting a voluntary surrender of
27 it, or otherwise attempt to enforce the obligation
28 until thirty days after a proper notice of right to
29 cure is given.

30 b. Until the expiration of thirty days after
31 notice is given, the borrower may cure the default by
32 tendering either the amount of all unpaid installments
33 due at the time of tender, without acceleration, or
34 the amount stated in the notice of right to cure,
35 whichever is less, or by tendering any other
36 performance necessary to cure a default which is
37 described in the notice of right to cure.

38 5. The act of curing a default restores to the
39 borrower the borrower's rights under the obligation
40 and the deed of trust or mortgage.

41 6. This section does not prohibit the creditor
42 from enforcing the creditor's interest in the land at
43 any time after the creditor has complied with this
44 section and the borrower did not cure the alleged
45 default.

46 7. A borrower has a right to cure the default
47 unless, the creditor has given the borrower a proper
48 notice of right to cure with respect to a prior
49 default which occurred within three hundred sixty-five
50 days of the present default.

Page 3

1 Sec. ____ . NEW SECTION. 654.28 RIGHTS RESERVED.

2 A provision in the mortgage or deed of trust shall
3 not be deemed to abrogate any rights of a mortgagor
4 under this chapter."

5 9. Page 4, by striking lines 16 through 21 and
6 inserting the following:

7 "Notice under this chapter shall be served as pro-
8 vided in the rules of civil procedure."

9 10. Page 4, line 31, by striking the word "may"
10 and inserting the word "shall".

11 11. Page 4, line 33, by inserting after the word

12 "service" the following: "required under section
13 655A.4".
14 12. Renumber as necessary.

RAY TAYLOR

S-3458

1 Amend Senate File 104 as follows:
2 1. Page 1, by inserting before line 1 the
3 following:
4 "Section 1. Section 235A.13, subsection 9, is
5 amended to read as follows:
6 9. "Multidisciplinary team" means a group of
7 individuals who possess knowledge and skills related
8 to the diagnosis, assessment, and disposition of child
9 abuse cases and who are professionals practicing in
10 the disciplines of medicine, public health, mental
11 health, social work, child development, education,
12 law, juvenile probation, or law enforcement, or a
13 group established pursuant to section 235B.1,
14 subsection 3, paragraph "a".
15 Sec. 2. Section 235B.1, subsection 1, Code 1987,
16 is amended to read as follows:
17 1. As used in this ~~section~~ chapter, "dependent
18 adult abuse" means:
19 a. Any of the following as a result of the willful
20 or negligent acts or omissions of a caretaker:
21 (1) Physical injury to or unreasonable confinement
22 or ~~cruel~~ unreasonable punishment of a dependent adult.
23 (2) The commission of a sexual offense under
24 chapter 709 or section 726.2 with or against a
25 dependent adult.
26 (3) Exploitation of a dependent adult which means
27 the act or process of taking unfair advantage of a
28 dependent adult or the adult's physical or financial
29 resources for one's own personal or pecuniary profit
30 by the use of undue influence, harassment, duress,
31 deception, false representation, or false pretenses.
32 (4) The deprivation of the minimum food, shelter,
33 clothing, supervision, physical and mental health
34 care, and other care necessary to maintain a dependent
35 adult's life or health.
36 b. The deprivation of the minimum food, shelter,
37 clothing, supervision, physical and mental health
38 care, and other care necessary to maintain a dependent
39 adult's life or health as a result of the acts or
40 omissions of the dependent adult.
41 Sec. 3. Section 235B.1, Code 1987, is amended by

42 adding the following new subsections:

43 NEW SUBSECTION. 2A. "Dependent adult" means a
44 person eighteen years of age or older who is unable to
45 protect the person's own interests or unable to
46 adequately perform or obtain services necessary to
47 meet essential human needs, as a result of a physical
48 or mental condition which requires assistance from
49 another, or as defined by departmental rule.
50 NEW SUBSECTION. 2B. "Caretaker" means a related

Page 2

1 or nonrelated person who has the responsibility for
2 the protection, care, or custody of a dependent adult
3 as a result of assuming the responsibility
4 voluntarily, by contract, through employment, or by
5 order of the court.

6 Sec. 4. Section 235B.1, subsection 3, Code 1987,
7 is amended to read as follows:

8 3. The department of human services shall operate
9 a program relating to the providing of services in
10 cases of dependent adult abuse. The program shall
11 emphasize the reporting and evaluation of dependent
12 adult abuse of an adult who is unable to protect the
13 adult's own interests or unable to perform or obtain
14 essential services. The program shall include:

15 a. The establishment of multidisciplinary teams to
16 provide leadership at the local and district levels in
17 the delivery of services to victims of dependent adult
18 abuse. A team shall include a membership of
19 individuals who possess knowledge and skills related
20 to the diagnosis, assessment, and disposition of
21 dependent adult abuse cases and who are professionals
22 practicing in the disciplines of medicine, public
23 health, mental health, social work, law, law
24 enforcement, and other disciplines relative to
25 dependent adults. Members of the team shall include,
26 but are not limited to, persons representing the area
27 agencies on aging, county attorneys, health care
28 providers, and others involved in advocating or
29 providing services for dependent adults.

30 b. Provisions for information sharing and case
31 consultation among service providers, care providers,
32 and victims of dependent adult abuse.
33 c. Procedures for referral of cases among service
34 providers, including the referral of victims of
35 dependent adult abuse residing in licensed health care
36 facilities."

37 2. Page 1, line 1, by striking the word and
38 figure "Section 1." and inserting the following:

39 "Sec. 5."

40 3. Page 1, line 26, by inserting after the word
41 "services." the following: "An in-home homemaker-home
42 health aide or an individual employed as an outreach
43 person shall report suspected adult abuse to the
44 department of human services."

45 4. Page 2, line 7, by striking the words "public
46 health" and inserting the following: "inspections and
47 appeals".

48 5. Page 2, by inserting after line 10 the
49 following:

50 "Sec. ____ . Section 235B.1, subsection 4, paragraph

Page 3

1 b, Code 1987, is amended to read as follows:
2 b. The department of human services shall inform
3 the appropriate county attorneys of any reports.
4 County attorneys, law enforcement agencies,
5 multidisciplinary teams ~~as defined in section 235A.13,~~
6 ~~subsection 9,~~ and social services agencies in the
7 state shall cooperate and assist in the evaluation
8 upon the request of the department. County attorneys
9 and appropriate law enforcement agencies shall also
10 take any other lawful action necessary or advisable
11 for the protection of the dependent adult.

12 Sec. ____ . Section 235B.1, subsection 7, is amended
13 by adding the following new unnumbered paragraph:
14 **NEW UNNUMBERED PARAGRAPH.** It shall be unlawful for
15 any person or employer to discharge, suspend, or
16 otherwise discipline a person required to report or
17 voluntarily reporting an instance of suspected
18 dependent adult abuse pursuant to subsection 4,
19 cooperating or assisting the department of human
20 services in evaluating a case of dependent adult
21 abuse, or participating in judicial proceedings
22 relating to the reporting or assistance based solely
23 upon the person's reporting or participation relative
24 to the instance of dependent adult abuse. A person or
25 employer found in violation of this paragraph shall,
26 upon conviction, be guilty of a simple misdemeanor."

27 6. Page 2, line 12, by striking the word
28 "subsection" and inserting the word "subsections".

29 7. Page 2, by inserting after line 20, the
30 following:

31 "**NEW SUBSECTION. 9.** The department of inspections
32 and appeals shall adopt rules which require licensed
33 health care facilities to separate an alleged
34 dependent adult abuser from a victim following an
35 allegation of perpetration of abuse and prior to the

36 completion of an investigation of the allegation.
37 Sec. ____ . NEW SECTION. 235B.2 INFORMATION,
38 EDUCATION, AND TRAINING PROGRAMS.
39 1. The department of elder affairs, in cooperation
40 with the department of human services, shall conduct a
41 public information and education program. The
42 elements and goals of the program include but are not
43 limited to:
44 a. Informing the public regarding the laws
45 governing dependent adult abuse and the reporting
46 requirements for dependent adult abuse.
47 b. Providing care givers with information
48 regarding services to alleviate the emotional,
49 psychological, physical, or financial stress
50 associated with the care giver and dependent adult

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1 relationship.
2 c. Changing public attitudes regarding the role of
3 a dependent adult in society.
4 2. The department of human services, in
5 cooperation with the department of elder affairs,
6 shall institute a program of education and training
7 for persons, including members of provider groups and
8 family members, who may be in contact with dependent
9 adult abuse. The program shall include but is not
10 limited to instruction regarding recognition of
11 dependent adult abuse and the procedure for the
12 reporting of suspected abuse.
13 3. The content of the continuing education
14 required pursuant to chapter 258A for a licensed
15 professional providing care or service to a dependent
16 adult shall include, but is not limited to, the
17 responsibilities, obligations, powers, and duties of a
18 person regarding the reporting of suspected dependent
19 adult abuse, and training to aid the professional in
20 identifying instances of dependent adult abuse.
21 4. The department of inspections and appeals shall
22 provide training to investigators regarding the
23 collection and preservation of evidence in the case of
24 suspected dependent adult abuse.
25 Sec. ____ . NEW SECTION. 726.8 WANTON NEGLECT OR
26 NONSUPPORT OF A DEPENDENT ADULT.
27 1. A caretaker commits wanton neglect of a
28 dependent adult if the caretaker knowingly acts in a
29 manner likely to be injurious to the physical, mental,
30 or emotional welfare of a dependent adult. Wanton
31 neglect of a dependent adult is a serious misdemeanor.
32 2. A person who has legal responsibility either

33 through contract or court order for support of a
34 dependent adult and who fails or refuses to provide
35 support for a dependent adult commits nonsupport.
36 Nonsupport is a class "D" felony.

37 3. A person alleged to have committed wanton
38 neglect or nonsupport of a dependent adult shall be
39 charged with the respective offense unless a charge
40 may be brought based upon a more serious offense, in
41 which case the charge of the more serious offense
42 shall supersede the less serious charge.

43 4. For the purposes of this section, "dependent
44 adult" means a dependent adult as defined in section
45 235B.1, subsection 2A, and "caretaker" means a
46 caretaker as defined in section 235B.1, subsection 2B.

47 Sec. ____ . MONITORING AND REPORTING. The
48 legislative fiscal bureau shall monitor the reporting
49 of dependent adult abuse, the conducting of dependent
50 adult abuse investigations, and the workload and

Page 5

1 performance of the personnel of the department of
2 human services and department of inspections and
3 appeals regarding dependent adult abuse investigators
4 in order to project the effect of the provisions of
5 this Act relative to workload and performance
6 standards of the departments. The bureau shall report
7 its findings to the general assembly by February 1,
8 1988. The department of elder affairs, department of
9 human services, and department of inspections and
10 appeals shall cooperate with the legislative fiscal
11 bureau in the implementation of this section. Fol-
12 lowing its initial report, the legislative fiscal
13 bureau shall continue the monitoring program, and
14 shall report the findings to the general assembly by
15 February 1 of each year.

16 Sec. ____ . EFFECTIVE DATE. Section 5 of this Act
17 shall be effective July 1, 1988."

18 8. Title page, by striking lines 1 through 3 and
19 inserting the following: "An Act relating to
20 dependent adult abuse, providing penalties, and
21 establishing an effective date."

22 9. Renumber as necessary.

S-3459

1 Amend House File 574, as amended, passed, and re-
2 printed by the House, as follows:

3 1. Page 1, line 15, by striking the words "a pur-
4 pose" and inserting the following: "with intent".

5 2. Page 2, line 8, by striking the words "a pur-
6 pose" and inserting the following: "with intent".

7 3. Page 2, lines 16 and 17, by striking the words
8 "with a purpose" and inserting the following: "with
9 the intent".

10 4. Page 2, line 25, by striking the word "pur-
11 pose" and inserting the following: "the intent".

12 5. Page 3, line 2, by striking the word "purpose"
13 and inserting the word "intent".

COMMITTEE ON JUDICIARY
DONALD V. DOYLE, Chairperson

S-3460

1 Amend House File 660, as amended, passed and
2 reprinted by the House, as follows:

3 1. Page 4, lines 13 and 14, by striking the words
4 "state department of inspections and appeals" and
5 inserting in lieu thereof the following: "Iowa
6 department of public health state department of
7 inspections and appeals".

AL STURGEON

S-3461

1 Amend House File 488 as amended, passed and
2 reprinted by the House as follows:

3 1. Page 1, line 5, by striking the word "twenty"
4 and inserting the following: "twenty thirty".

COMMITTEE ON JUDICIARY
DONALD V. DOYLE, Chairperson

S-3462

1 Amend House File 304, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 1, by striking lines 1 through 11.

4 2. Page 2, lines 26 and 27, by striking the words

- 5 "give at least ten-days notice published as provided
6 in section 331.305 of its initial meeting" and
7 inserting the following: "conduct its initial meeting
8 on the first Monday in December of each odd-numbered
9 year".
- 10 3. Page 2, line 28, by striking the words "the
11 preceding" and inserting the following: "a".
- 12 4. Page 2, line 33, by striking the word
13 "October" and inserting the following: "January".
- 14 5. Page 3, line 10, by inserting after the word
15 "percentage." the following: "However, the annual
16 salary of the county sheriff shall not be less than
17 provided in subsection 5."
- 18 6. Page 3, by inserting after line 19 the
19 following:
20 "Sec. ____ . Section 331.907, Code 1987, is amended
21 by adding the following new subsection:
22 **NEW SUBSECTION. 5.** The minimum annual salary for
23 a county sheriff in a final compensation schedule
24 determined under this section shall not be less than
25 the amount specified in this subsection based on the
26 population of the sheriff's county at the last federal
27 census before the election of the sheriff:
28 a. Less than ten thousand population, twenty-seven
29 thousand dollars.
30 b. Ten thousand or more but less than twenty
31 thousand population, thirty-one thousand dollars.
32 c. Twenty thousand or more but less than thirty
33 thousand population, thirty-four thousand dollars.
34 d. Thirty thousand or more but less than fifty
35 thousand population, thirty-seven thousand dollars.
36 e. Fifty thousand or more but less than one
37 hundred thousand population, forty thousand dollars.
38 f. One hundred thousand or more but less than two
39 hundred thousand population, forty-three thousand
40 dollars.
41 g. Two hundred thousand or more population, forty-
42 six thousand dollars.
43 The annual compensation of a sheriff shall be
44 comparable to salaries paid to professional law
45 enforcement administrators and command officers of the
46 Iowa highway safety patrol and division of criminal
47 investigation of the department of public safety and
48 city police agencies in this state."
- 49 7. By renumbering sections as necessary.

COMMITTEE ON
LOCAL GOVERNMENT
ALVIN MILLER, Chairperson

S-3463

1 Amend House File 464, as passed by the House, as
2 follows:

3 1. Page 1, line 4, by inserting after the word
4 "species" the following: ", fur-bearing animal
5 species, or variety of fish".

6 2. Page 1, line 6, by inserting after the word
7 "species" the following: "or fur-bearing animal
8 species, or a variety of fish".

9 3. Page 1, line 8, by inserting after the word
10 "species" the following: "or same variety of fish".

11 4. Title page, line 1, by inserting after the
12 word "game" the following: ", fur-bearing animal, or
13 fish".

COMMITTEE ON
NATURAL RESOURCES
HURLEY HALL, Chairperson

S-3464

1 Amend House File 620, as passed by the House, as
2 follows:

3 1. Page 4, by inserting after line 20 the
4 following:

5 "Sec. ____ . NEW SECTION. 111E.4 PAYMENT IN LIEU
6 OF PROPERTY TAXES.

7 As a part of the budget proposal submitted to the
8 general assembly under section 455A.4, subsection 1,
9 paragraph "c", the director of the department of
10 natural resources shall submit a budget request to pay
11 the property taxes for the next fiscal year on open
12 space property acquired by the department which would
13 otherwise be subject to the levy of property taxes.
14 The assessed value of open space property acquired by
15 the department shall be that determined under section
16 427.1, subsection 31, and the director may protest the
17 assessed value in the manner provided by law for any
18 property owner to protest an assessment. For the
19 purposes of chapter 442, the assessed value of the
20 open space property acquired by the department shall
21 be included in the valuation base of the school
22 district and the payments made pursuant to this
23 section shall be considered as property tax revenues
24 and not as miscellaneous income. The county treasurer
25 shall certify taxes due to the department. The taxes
26 shall be paid annually from the departmental fund or

27 account from which the open space property acquisition
 28 was funded. If the departmental fund or account has
 29 no moneys or no longer exists, the taxes shall be paid
 30 from funds as otherwise provided by the general
 31 assembly. If the total amount of taxes due certified
 32 to the department exceeds the amount appropriated, the
 33 taxes due shall be reduced proportionately so that the
 34 total amount equals the amount appropriated. This
 35 section applies to open space property acquired by the
 36 department on or after January 1, 1987."

COMMITTEE ON
 NATURAL RESOURCES
 HURLEY HALL, Chairperson

S-3465

1 Amend House File 412, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 4, line 20, by inserting after the word
 4 "employee" the following: "or agent".
 5 2. Page 5, line 8, by inserting after the word
 6 "employee" the words "or agent".
 7 3. Page 5, line 13, by inserting after the word
 8 "services" the words "responsible for an adoptive
 9 placement".

COMMITTEE ON HUMAN RESOURCES
 BEVERLY A. HANNON, Chairperson

S-3466

1 Amend House File 328 as amended, passed, and
 2 reprinted by the House as follows:
 3 1. Page 14, line 9, by striking the word "day"
 4 and inserting the following: "week".

COMMITTEE ON HUMAN RESOURCES
 BEVERLY A. HANNON, Chairperson

S-3467

1 Amend the Senate Amendment, S-3271, to Senate File
 2 2, as follows:

3 1. Page 1, line 19, by inserting after the word
4 "regulations," the words "or to drug tests conducted
5 pursuant to a nuclear regulatory commission policy
6 statement for employees hired directly by a utility
7 company operating a nuclear power plant not including
8 employees employed by a contractor or subcontractor,".

JAMES D. WELLS

S-3468

1 Amend the Senate amendment, S-3272, to Senate File
2 2, as follows:
3 1. Page 1, line 19, by inserting after the word
4 "regulations," the words "or to drug tests conducted
5 pursuant to a nuclear regulatory commission policy
6 statement for employees hired directly by a utility
7 company operating a nuclear power plant not including
8 employees employed by a contractor or subcontractor,".

JAMES D. WELLS

S-3469

1 Amend the Senate amendment, S-3440, to Senate File
2 2, as follows:
3 1. Page 1, line 19, by inserting after the word
4 "regulations," the words "or to drug tests conducted
5 pursuant to a nuclear regulatory commission policy
6 statement for employees hired directly by a utility
7 company operating a nuclear power plant not including
8 employees employed by a contractor or subcontractor,".

JAMES D. WELLS

S-3470

1 Amend Senate File 2 as follows:
2 1. Page 3, by inserting after line 30 the
3 following:
4 "___ . This section does not apply to drug tests
5 conducted pursuant to a nuclear regulatory commission
6 policy statement for employees hired directly by a
7 utility company operating a nuclear power plant not
8 including employees employed by a contractor or
9 subcontractor.".

JAMES D. WELLS

S-3471

1 Amend Senate File 2 as follows:

2 1. Page 1, by inserting after line 26 the

3 following:

4 "___ . Notwithstanding subsection 2, a polygraph
5 examination may be administered as part of a security
6 clearance required at a federally licensed nuclear
7 site or facility.

8 ___ . Notwithstanding subsection 2, a polygraph
9 examination may be administered by an employer
10 authorized to manufacture, distribute, or dispense
11 prescription drugs as defined in section 155.3,
12 subsection 10, if the employer complies with the
13 minimum procedures set forth in section 730.5."

14 2. Page 2, by inserting after line 1 the
15 following:

16 "___ . This section may be enforced through a civil
17 action.

18 Sec. 2. NEW SECTION. 730.5 PROCEDURES TO PROTECT
19 EXAMINEES.

20 1. An employer authorized to manufacture,
21 distribute, or dispense prescription drugs who seeks
22 to administer a polygraph examination otherwise
23 prohibited by section 730.4, subsection 2, shall
24 comply with the following minimum procedures to
25 protect examinees:

26 a. Prior to the beginning of a polygraph
27 examination, each prospective examinee shall be
28 provided with, and shall sign a receipt for, a
29 notification on a form prescribed by the labor
30 commissioner, which contains the following
31 information:

32 (1) That the examinee is consenting voluntarily to
33 the examination.

34 (2) That the examinee may refuse to take a
35 polygraph examination.

36 (3) That the examinee may refuse to answer any
37 question.

38 (4) That the examinee may terminate the
39 examination at any time.

40 (5) That the examinee may make a written request
41 to the examiner within thirty days after the
42 examination that the results of the examination be
43 furnished to the examinee upon the payment of a
44 reasonable fee to be established by the labor
45 commissioner to cover the cost of providing the

46 results. Upon receipt of the written request and
47 payment of the fee, the examiner shall within ten days
48 after receipt of the written request provide the
49 examinee with a written copy of any opinions or
50 conclusions rendered as a result of the examination.

Page 2

1 (6) That the examinee may make a written request
2 to the examiner that an audio recording be made of the
3 examination and pretest interview. The examiner shall
4 furnish the examinee a copy of the recording within
5 ten days after the receipt of the written request and
6 payment of a reasonable fee to be established by the
7 labor commissioner to cover the cost of the recording.

8 (7) That the examinee may file a complaint with
9 the labor commissioner if the examinee feels
10 mistreated in connection with the polygraph
11 examination. The employer shall include the name and
12 business address of the labor commissioner and the
13 polygraph examiner in the notification.

14 (8) That the examinee shall be accorded a
15 reasonable opportunity to rebut or explain the results
16 of the examination, or to arrange for an alternative
17 examination.

18 b. Each prospective examinee shall be shown a list
19 of all questions to be asked, on a form prescribed by
20 the labor commissioner. The questions shall be
21 reviewed with the examinee prior to the commencement
22 of the examination.

23 c. Each prospective examinee shall be shown a list
24 of those areas which the examination will not cover,
25 on a form prescribed by the labor commissioner.

26 d. If the polygraph examiner is a law enforcement
27 officer or other officer of the court, that fact shall
28 be disclosed to the examinee prior to the commencement
29 of the examination, and the examiner shall further
30 inform the examinee that if the examinee chooses to
31 proceed with the examination, under such
32 circumstances, any illegal activity disclosed during
33 the examination may be used against the examinee in
34 court.

35 2. The labor commissioner shall adopt rules,
36 prescribe forms, establish fees, receive complaints,
37 and conduct investigations as necessary to administer
38 this section."

39 3. By numbering and renumbering as necessary.

S-3472

- 1 Amend the amendment, S-3271, to Senate File 2 as
2 follows:
- 3 1. Page 1, line 41, by inserting after the word
4 "of" the following: "alcohol or".
- 5 2. Page 2, by striking line 43 and inserting the
6 following: "physical examination performed as a part
7 of a preemployment physical or a physical in
8 connection with a promotion or change in status of
9 employment or as a part of a regularly scheduled".
- 10 3. By striking page 2, line 47 through page 3,
11 line 2 and inserting the following: "shall notify the
12 job applicant of the requirement for a drug test at
13 the time of interview and hiring."
- 14 4. Page 3, line 5, by striking the word "thirty"
15 and inserting the following: "fifteen".

TOM MANN, JR.

S-3473

- 1 Amend House File 398, as amended, passed and
2 reprinted by the House, as follows:

DIVISION S—3473A

- 3 1. Page 1, line 4, by striking the word "January"
4 and inserting the following: "April".

DIVISION S—3473B

- 5 2. Page 1, line 8, by striking the word "may" and
6 inserting the following: "shall".

DIVISION S—3473A (cont'd.)

- 7 3. Page 1, line 12, by striking the word
8 "January" and inserting the following: "April".

DIVISION S—3473B (cont'd.)

- 9 4. Page 1, line 17, by striking the word "may"
10 and inserting the following: "shall".

EUGENE FRAISE

S-3474

1 Amend Senate File 280 as follows:

2 1. Page 1, line 4, by striking the word “an” and
3 inserting the following: “an a”.

4 2. Page 1, by striking lines 5 through 7 and in-
5 serting the following: “intermediate care facility or
6 skilled nursing facility health care facility when the
7 intermediate care facility or skilled nursing facility
8 health care facility has a”.

9 3. Page 1, by striking lines 9 and 10 and in-
10 serting the following: “to properly care for and
11 manage the patient. An intermediate care facility or
12 skilled nursing facility A health care”.

13 4. Page 1, by striking lines 12 and 13 and in-
14 serting the following: “dangerous or disturbing
15 behavior when the intermediate care facility or
16 skilled nursing facility health care facility”.

17 5. Page 1, by striking lines 18 and 19 and
18 inserting the following: “intermediate care
19 facilities and skilled nursing facilities health care
20 facilities that admit patients or have”.

21 6. Page 1, line 25, by striking the words “in a
22 county” and inserting the following: “to a health”.

23 7. Page 1, line 27, by striking the word “county”
24 and inserting the following: “health”.

25 8. Page 1, line 29, by striking the word “county”
26 and inserting the following: “health”.

27 9. Page 1, line 30, by striking the word “county”
28 and inserting the following: “health”.

29 10. Page 1, line 32, by striking the word
30 “county” and inserting the following: “health”.

31 11. Page 1, line 34, by striking the word
32 “county” and inserting the following: “health”.

33 12. Page 2, line 18, by striking the words
34 “county care facility” and inserting the following:
35 “health care facility as defined pursuant to section
36 135C.1, subsection 4”.

37 13. Page 2, line 19, by striking the word
38 “county” and inserting the following: “health”.

JULIA B. GENTLEMAN

S-3475

- 1 Amend amendment, S-3358, to Senate File 351 as
- 2 follows:
- 3 1. Page 2, by striking lines 2 and 3 and
- 4 inserting the following: "Illinois, Indiana, Iowa,
- 5 Kansas, Michigan, Minnesota, Missouri, Nebraska, North
- 6 Dakota, Ohio, South Dakota, and Wisconsin."
- 7 2. By striking page 4, line 50 through page 5,
- 8 line 3 and inserting the following: "capital of not
- 9 less than one million dollars. Equity".

MICHAEL GRONSTAL

S-3476

- 1 Amend amendment, S-3201, to Senate File 92, as
- 2 follows:
- 3 1. Page 1, by striking lines 19 through 24 and
- 4 inserting the following:
- 5 "a. Thirty percent shall be retained by the
- 6 licensee to be used for debt retirement or capital
- 7 improvements to the racetrack.
- 8 b. Forty percent shall be allocated to the depart-
- 9 ment of agriculture and land stewardship to pay the
- 10 cost of drug tests conducted on horses and dogs when
- 11 ordered by the commission under chapter 99D, and for
- 12 use in the department's horse and dog racing programs
- 13 subject to the approval of the standing agriculture
- 14 and natural resources appropriations subcommittee of
- 15 the general assembly."
- 16 2. Page 1, line 25, by striking the word "Thirty"
- 17 and inserting the word "Fifteen".
- 18 3. Page 1, line 29, by striking the word "Thirty"
- 19 and inserting the word "Fifteen".
- 20 4. Page 1, by striking lines 33 through 47 and
- 21 inserting the following:
- 22 " — . Page 1, line 1, by striking the word and
- 23 figure "Section 1." and inserting the following:
- 24 "Sec. 2."
- 25 " — . Page 1, line 23, by striking the word
- 26 "winnings" and inserting the words "total
- 27 nonsupplemented winning purses".
- 28 " — . Page 1, by inserting after line 26 the
- 29 following:
- 30 "Sec. 3. A licensee licensed for dog racing shall
- 31 be paid an amount from unclaimed winnings which would
- 32 otherwise be allocated to the department of
- 33 agriculture and land stewardship under section 99D.13,
- 34 subsection 2, sufficient to cover the increased award
- 35 of purses and purse supplements as required by section

36 2 of this Act, through April 1, 1986.”
 37 —. Page 1, line 27, by striking the words and
 38 figure “Sec. 2. This” and inserting the following:
 39 “Sec. 4. Section 2 of this”.
 40 —. Title page, line 1, by inserting after the
 41 words “relating to” the following: “the Iowa
 42 parimutuel wagering Act by providing for the
 43 allocation of unclaimed winnings and by providing
 44 for”.”

JAMES R. RIORDAN
 BERL E. PRIEBE
 DALE L. TIEDEN

S-3477

1 Amend Senate File 2 as follows:
 2 1. By striking page 3, line 31 through page 4,
 3 line 20.

RICHARD DRAKE
 HURLEY W. HALL

S-3478

1 Amend Senate File 2 as follows:
 2 1. By striking page 1, line 1 through page 2,
 3 line 1.

RICHARD DRAKE
 HURLEY W. HALL

S-3479

1 Amend House File 654, as amended, passed, and re-
 2 printed by the House, as follows:
 3 1. Page 1, lines 12 and 13, by striking the words
 4 “and area schools” and inserting the following: “and,
 5 area schools, area education agencies, cities and
 6 counties”.
 7 2. Page 2, line 4, by inserting after the word
 8 “district” the following: “, area school, area
 9 education agency, city and county”.
 10 3. Page 2, line 6, by inserting after the word
 11 “improvements;” the word “and”.
 12 4. Page 2, by striking lines 7 through 9 and in-
 13 serting the following: “analysis, plans, and”

14 specifications; and cost of the surety bonds securing
 15 the operation of the energy conservation measure. For
 16 a school district, or merged area school, area
 17 education agency, city or county to”.

18 5. Page 2, line 17, by inserting before the word
 19 “School” the following: “School districts and area
 20 schools may enter into financing arrangements with the
 21 department or its duly authorized agents or
 22 representatives obligating the school district or area
 23 school to make payments on the loans beyond the
 24 current budget year of the school district or area
 25 school. Chapter 75 shall not be applicable.”

26 6. Page 2, line 22, by inserting after the word
 27 “fund” the following: “or may fund the energy loan
 28 fund in accordance with section 93.20A”.

29 7. Page 2, by striking lines 28 through 30 and
 30 inserting the following: “education agencies, cities,
 31 or counties in order to provide the financing to pay
 32 the”.

33 8. Page 2, line 33, by inserting after the word
 34 “measures” the following: “and the method of
 35 repayment of the loans”.

36 9. By striking page 2, line 34 through page 3,
 37 line 10.

38 10. Page 3, line 12 by striking the words “and
 39 term” and inserting the following: “, term, and
 40 obligations to make payments on the financing
 41 agreement beyond the current budget year”.

42 11. Page 3, line 16, by inserting after the word
 43 “agreements,” the following: “or to fund the energy
 44 loan fund created in section 93.20, the treasurer of
 45 state, with the assistance of”.

46 12. Page 3, line 17, by striking the word “its”
 47 and inserting the following: “the treasurer of
 48 state’s”.

49 13. Page 3, line 19, by striking the words
 50 “borrow or” and inserting the following: “borrow to

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1 accomplish energy conservation measures, or the
 2 department of natural resources may enter into master
 3 lease agreements or other financing arrangements”.

4 14. Page 3, line 25, by inserting after the word
 5 “resources” the following: “, with the assistance of
 6 the treasurer of state.”.

7 15. Page 3, line 31, by inserting after the word

8 "chapter." the following: "Chapter 75 shall not be
9 applicable."

COMMITTEE ON ENVIRONMENT
AND ENERGY UTILITIES
PATRICK J. DELUHERY, Chairperson

S-3480

1 Amend amendment S-3362 to Senate File 351 as
2 follows:
3 1. Page 3, by striking lines 19 through 27.

EDGAR H. HOLDEN

S-3481

1 Amend amendment S-3358 to Senate File 351 as
2 follows:
3 1. Page 12, by striking lines 13 through 21.

EDGAR H. HOLDEN

S-3482

1 Amend Senate File 465 as follows:
2 1. Page 1, line 2, by striking the word
3 "subsection" and inserting in lieu thereof the word
4 "subsections".
5 2. Page 1, by inserting after line 2 the
6 following:
7 "NEW SUBSECTION. 12. A corporation or trust shall
8 not hold, lease, or acquire a production site, if the
9 corporation or trust has an interest in a person,
10 firm, corporation, or limited partnership involved in
11 processing poultry or selling or distributing at
12 either the wholesale or retail level, poultry
13 products."
14 3. Page 1, line 3, by striking the figure "12."
15 and inserting in lieu thereof the figure "13."

RICHARD VARN

S-3483

1 Amend Senate File 92 as follows:

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

4 "Section 1. Section 99D.9, subsection 1, Code
5 1987, is amended to read as follows:

6 1. If the commission is satisfied that its rules
7 and sections 99D.8 through 99D.25 applicable to
8 licensees have been or will be complied with, it may
9 issue a license for a period of not more than three
10 years. The commission may decide which types of
11 racing it will permit. The commission may permit dog
12 racing, horse racing of various types or both dog and
13 horse racing. The commission shall decide the number,
14 location, and type of all racetracks licensed under
15 this chapter. The license shall set forth the name of
16 the licensee, the type of license granted, the place
17 where the race meeting is to be held, and the time and
18 number of days during which racing may be conducted by
19 the licensee. However, the commission shall not
20 reduce the number of days during which racing may be
21 conducted by the licensee in a year by more than five
22 percent of the number of racing days granted the
23 licensee in the previous year. The commission shall
24 not approve a license application if any part of the
25 racetrack is to be constructed on prime farmland
26 outside the city limits of an incorporated city. As
27 used in this subsection, "prime farmland" means as
28 defined by the United States department of agriculture
29 in 7 C.F.R. sec. 657.5(a). A license is not
30 transferable or assignable. The commission may revoke
31 any license issued for good cause upon reasonable
32 notice and hearing. The commission shall conduct a
33 neighborhood impact study to determine the impact of
34 granting a license on the quality of life in
35 neighborhoods adjacent to the proposed racetrack
36 facility. The applicant for the license shall
37 reimburse the commission for the costs incurred in
38 making the study. A copy of the study shall be
39 retained on file with the commission and shall be a
40 public record. The study shall be completed before
41 the commission may issue a license for the proposed
42 facility."

43 2. Page 1, line 1, by striking the word and
44 figure "Section 1" and inserting the following: "Sec.
45 2".

46 3. Page 1, line 27, by striking the word "This"
47 and inserting the following: "Section 2 of this".

BERL E. PRIEBE
DALE L. TIEDEN

S-3484

- 1 Amend House File 533 as amended, passed and
2 reprinted by the House as follows:
3 1. Page 1, line 10, by inserting after the figure
4 "16" the following: "and implements of husbandry
5 loaded on hauling units for transporting the
6 implements to locations for purposes of repair".
7 2. Page 2, line 4, by inserting after the figure
8 "16" the following: "or to implements of husbandry
9 loaded on hauling units for transporting the
10 implements to locations for purposes of repair".

COMMITTEE ON TRANSPORTATION
C. JOSEPH COLEMAN, Chairperson

S-3485

- 1 Amend House File 167 as passed by the House as
2 follows:
3 1. By striking page 1, line 16 through page 3,
4 line 19 and inserting the following:
5 "Sec. ____ . Section 321.210, unnumbered paragraph
6 11, Code 1987, is amended by striking the paragraph
7 and inserting in lieu thereof the following:
8 The department may, on application, issue a
9 temporary restricted license to a person, whose motor
10 vehicle license is suspended, cancelled, or revoked
11 under this chapter, allowing the person to drive to
12 and from the person's home and specified places at
13 specified times which can be verified by the
14 department and which are required by the person's
15 full-time or part-time employment; continuing health
16 care or the continuing health care of another who is
17 dependent upon the person; continuing education while
18 enrolled in an educational institution on a part-time
19 or full-time basis and while pursuing a course of
20 study leading to a diploma, degree, or other
21 certification of successful educational completion;
22 substance abuse treatment; or court-ordered community
23 service responsibilities. However, a temporary
24 restricted license shall not be issued to a person
25 whose license is revoked under section 321.209,
26 subsections 1 through 5. A temporary restricted
27 license may be issued to a person whose license is
28 revoked under section 321.209, subsection 6, only if
29 the person has no previous drag racing convictions. A
30 person holding a temporary restricted license issued

31 by the department under this section shall not operate
 32 a motor vehicle for pleasure.”
 33 2. Title page, by striking lines 1 through 6 and
 34 inserting the following: “An Act relating to the
 35 issuance of motor vehicle licenses and nonoperator's
 36 identification cards.”

COMMITTEE ON TRANSPORTATION
 C. JOSEPH COLEMAN, Chairperson

S-3486

1 Amend House File 472, as passed by the House, as
 2 follows:
 3 1. Page 1, line 5, by striking the words “and
 4 institutional”.
 5 2. Page 1, line 12, by striking the words “and
 6 institutional”.
 7 3. Page 1, line 19, by striking the words “and
 8 institutional”.
 9 4. Page 1, line 29, by striking the words “and
 10 institutional”.
 11 5. Title page, line 1, by striking the words “and
 12 institutional”.

COMMITTEE ON TRANSPORTATION
 C. JOSEPH COLEMAN, Chairperson

S-3487

1 Amend House File 540, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 1, line 31, by striking the word “may”
 4 and inserting the following: “shall”.
 5 2. Page 2, line 24, by inserting after the word
 6 “maintain.” the following: “Included in the standards
 7 shall be a provision requiring that space or
 8 facilities be available for purposes of displaying and
 9 offering for sale Iowa-made products, crafts, and
 10 arts. The space or facilities may be operated by the
 11 department or leased to and operated by other
 12 persons.”
 13 3. Page 4, line 16, by inserting after the word
 14 “services” the following: “, and the display and
 15 offering for sale of Iowa-made products, crafts, and
 16 arts”.

COMMITTEE ON SMALL BUSINESS
 AND ECONOMIC DEVELOPMENT
 LEONARD BOSWELL, Chairperson

S-3488

1 Amend House File 600 as amended, passed, and
2 reprinted by the House as follows:

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

5 "Sec. ____ . Section 39.24, Code 1987, is amended to
6 read as follows:

7 39.24 SCHOOL OFFICERS.

8 Members of boards of directors of community and
9 independent school districts, and boards of directors
10 of merged areas shall be elected at the school
11 election. Their terms of office shall be ~~three~~ four
12 years, except as otherwise provided by section 275.23A
13 or 280A.11."

14 2. Page 3, line 17, by striking the word "thirty-
15 five" and inserting the words "~~thirty-five~~ forty-two".

16 3. Page 4, line 32, by striking the word
17 "challenged" and inserting the following: "~~challenged~~
18 special".

19 4. Page 5, line 1, by striking the word
20 "~~challenged~~" and inserting the word "special".

21 5. Page 5, line 26, by inserting after the word
22 "the" the following: "Iowa civil rights commission
23 and the".

24 6. Page 5, line 27, by inserting after the words
25 "human services," the following: "human rights,
26 cultural affairs,".

27 7. Page 9, by inserting after line 29 the
28 following:

29 "Sec. ____ . Section 49.81, subsections 2 and 3,
30 Code 1987, are amended to read as follows:

31 2. Each person who casts a ~~challenged~~ special
32 ballot under this section shall receive a printed
33 statement in substantially the following form: "Your
34 qualifications as an elector have been challenged for
35 the following reasons:

- 36 1.
- 37 2.
- 38 3.

39 Your right to vote will be reviewed by the special precinct
40 counting board on You have the right and are
41 encouraged to make a written statement and submit additional
42 written evidence to this board supporting your qualifications
43 as an elector. This written statement and evidence may be given
44 to an election official of this precinct on election day or

45 mailed or delivered to the county commissioner of elections, but
 46 must be received prior to noon on at
 47 If your ballot is not counted you will receive notification of
 48 this fact.”
 49 3. Any elector may present written statements or
 50 documents, supporting or opposing the counting of any

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1 ~~challenged~~ special ballot, to the precinct election
 2 officials on election day, until the hour for closing
 3 the polls. Any statements or documents so presented
 4 shall be delivered to the commissioner when the
 5 election supplies are returned.”

6 8. Page 10, by inserting after line 34 the
 7 following:

8 “Sec. ____ . Section 50.20, Code 1987, is amended to
 9 read as follows:

10 50.20 NOTICE OF NUMBER OF CHALLENGED SPECIAL
 11 BALLOTS.

12 The commissioner shall compile a list of the number
 13 of ~~challenged~~ special ballots cast under section 49.81
 14 in each precinct. The list shall be made available to
 15 the public as soon as possible, but in no case later
 16 than nine o'clock a.m. on the second day following the
 17 election. Any elector may examine the list during
 18 normal office hours, and may also examine the
 19 affidavit envelopes bearing the ballots of challenged
 20 electors until the reconvening of the special precinct
 21 board as required by this chapter. Only those persons
 22 so permitted by section 53.23, subsection 4, shall
 23 have access to the affidavits while that board is in
 24 session. Any elector may present written statements
 25 or documents, supporting or opposing the counting of
 26 any ~~challenged~~ special ballot, at the commissioner’s
 27 office until the reconvening of the special precinct
 28 board.”

29 9. Page 11, line 14, by striking the word
 30 “challenged” and inserting the following: “challenged
 31 special”.

32 10. Page 11, line 17, by striking the word
 33 “challenged” and inserting the following: “challenged
 34 special”.

35 11. Page 11, line 22, by striking the word
 36 “challenged” and inserting the word “special”.

37 12. Page 11, by inserting after line 27 the
 38 following:

39 “Sec. ____ . Section 50.22, Code 1987, is amended to
 40 read as follows:

41 50.22 SPECIAL PRECINCT BOARD TO DETERMINE

42 CHALLENGES.

43 Upon being reconvened, the special precinct
44 election board shall review the information upon the
45 envelopes bearing the ~~challenged special~~ ballots, and
46 all evidence submitted in support of or opposition to
47 the right of each challenged person to vote in the
48 election. The board may divide itself into panels of
49 not less than three members each in order to hear and
50 determine two or more challenges simultaneously, but

Page 3

1 each panel shall meet the requirements of section
2 49.12 as regards political party affiliation of the
3 members of each panel. The decision to count or
4 reject each ballot shall be made upon the basis of the
5 information given on the envelope containing the
6 ~~challenged special~~ ballot, the evidence concerning the
7 challenge, the registration and the returned receipts
8 of registration. If a ~~challenged special~~ ballot is
9 rejected, the person casting the ballot shall be
10 notified by the commissioner within ten days of the
11 reason for the rejection, on the form prescribed by
12 the state commissioner pursuant to section 53.25, and
13 the envelope containing the ~~challenged special~~ ballot
14 shall be preserved unopened and disposed of in the
15 same manner as spoiled ballots. The ~~challenged~~
16 ~~special~~ ballots which are accepted shall be counted in
17 the manner prescribed by section 53.24. The
18 commissioner shall make public the number of
19 ~~challenged special~~ ballots rejected and not counted,
20 at the time of the canvass of the election.”

21 13. Page 13, by inserting after line 15 the
22 following:

23 “Sec. ____ . Section 53.17, subsection 2, Code 1987,
24 is amended to read as follows:

25 2. The sealed carrier envelope may be mailed;
26 ~~postage paid~~; to the commissioner. The carrier
27 envelope shall indicate that greater postage than
28 ordinary first class mail may be required. The
29 commissioner shall pay any insufficient postage due on
30 a carrier envelope bearing ordinary first class
31 postage and accept the ballot. In order for the
32 ballot to be counted, the carrier envelope must be
33 clearly postmarked by an officially authorized postal
34 service not later than the day before the election and
35 received by the commissioner not later than the time
36 established for the canvass by the board of
37 supervisors for that election. The commissioner shall
38 contact the post office serving the commissioner’s

39 office at the latest practicable hour prior to the
 40 canvass by the board of supervisors for that election,
 41 and shall arrange for absentee ballots received in
 42 that post office but not yet delivered to the
 43 commissioner's office to be brought to the
 44 commissioner's office prior to the canvass for that
 45 election by the board of supervisors."

46 14. Page 15, line 33, by striking the word
 47 "Forty-five" and inserting the words "~~Forty-five~~
 48 Fifty-two".

49 15. Page 16, line 10, by striking the word
 50 "fortieth" and inserting the words "~~fortieth~~ forty-

Page 4

1 seventh".

2 16. Page 16, by inserting after line 12 the
 3 following:

4 "Sec. ____ . Section 273.8, subsection 1; subsection
 5 2, unnumbered paragraph 2; and subsections 3, 5 and 6,
 6 Code 1987, are amended to read as follows:

7 1. BOARD OF DIRECTORS. The board of directors of
 8 an area education agency shall consist of not less
 9 than five nor more than nine members, each a resident
 10 of and elected in the manner provided in this section
 11 from a director district that is approximately equal
 12 in population to the other director districts in the
 13 area education agency. Each director shall serve a
 14 ~~three-year~~ four-year term which commences at the
 15 organization meeting.

16 The director district conventions shall be called
 17 and the locations of the conventions shall be
 18 determined by the area education agency administrator.
 19 ~~Annually~~ Biennially the director district conventions
 20 shall be held within two weeks following the regular
 21 school election. Notice of the time, date and place
 22 of a director district convention shall be published
 23 by the area education agency administrator at least
 24 forty-five days prior to the day of the district
 25 conventions in at least one newspaper of general
 26 circulation in the director district. The cost of
 27 publication shall be paid by the area education
 28 agency.

29 3. ORGANIZATION. The board of directors of each
 30 area education agency shall meet and organize at the
 31 first regular meeting in ~~October~~ December of each ~~odd-~~
 32 numbered year at a suitable place designated by the
 33 president. Directors whose terms commence at the
 34 organization meeting shall qualify by taking the oath

35 of office required by section 277.28 at or before the
36 organization meeting.

37 The provisions of section 280A.12 relating to
38 organization, officers, appointment of secretary and
39 treasurer, and meetings of the merged area board apply
40 to the area education agency board.

41 5. CHANGE IN DIRECTORS. The board of an area
42 education agency may change the number of directors on
43 the board and shall make corresponding changes in the
44 boundaries of director districts. Changes shall be
45 completed not later than July 1 of a fiscal year for
46 the director district conventions to be held the
47 following ~~September~~ November.

48 6. BOUNDARY LINE CHANGES. To the extent possible
49 the board shall provide that changes in the boundary
50 lines of director districts of area education agencies

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1 shall not lengthen or diminish the term of office of a
2 director of an area education agency board. Initial
3 terms of office shall be set by the board so that as
4 nearly as possible the terms of ~~one-third~~ one-half of
5 the members expire ~~annually~~ biennially.

6 Sec. ____ . Section 274.7, Code 1987, is amended to
7 read as follows:

8 274.7 DIRECTORS.

9 The affairs of each school corporation shall be
10 conducted by a board of directors, the members of
11 which in all community or independent school districts
12 shall be chosen for a term of ~~three~~ four years.

13 Sec. ____ . Section 275.12, subsection 2, paragraphs
14 b, c, d and e, Code 1987, are amended to read as
15 follows:

16 b. Division of the entire school district into
17 designated geographical single director or multi-
18 director subdistricts on the basis of population for
19 each director, to be known as director districts, each
20 of which director districts shall be represented on
21 the school board by one or more directors who shall be
22 residents of the director district but who shall be
23 elected by the vote of the electors of the entire
24 school district. The boundaries of the director
25 districts and the area and population included within
26 each district shall be such as justice, equity, and
27 the interests of the people may require. Changes in
28 the boundaries of director districts shall not be made
29 during a period commencing sixty days prior to the
30 date of the ~~annual~~ regular school election. Insofar
31 as may be practicable, the boundaries of the districts

32 shall follow established political or natural
 33 geographical divisions.
 34 c. Election of not more than one-half of the total
 35 number of school directors at large from the entire
 36 district and the remaining directors from and as
 37 residents of designated single-member or multi-member
 38 director districts into which the entire school
 39 district shall be divided on the basis of population
 40 for each director. In such case, all directors shall
 41 be elected by the electors of the entire school
 42 district. Changes in the boundaries of director
 43 districts shall not be made during a period commencing
 44 sixty days prior to the date of the ~~annual~~ regular
 45 school election.
 46 d. Division of the entire school district into
 47 designated geographical single director or multi-
 48 director subdistricts on the basis of population for
 49 each director, to be known as director districts, each
 50 of which director districts shall be represented on

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1 the school board by one or more directors who shall be
 2 residents of the director district and who shall be
 3 elected by the voters of the director district. Place
 4 of voting in the director districts shall be
 5 designated by the commissioner of elections. Changes
 6 in the boundaries of director districts shall not be
 7 made during a period commencing sixty days prior to
 8 the date of the ~~annual~~ regular school election.
 9 e. In districts having seven directors, election
 10 of three directors at large by the electors of the
 11 entire district, ~~one no more than two~~ at each ~~annual~~
 12 regular school election, and election of the remaining
 13 directors as residents of and by the electors of
 14 individual geographic subdistricts established on the
 15 basis of population and identified as director
 16 districts. Boundaries of the subdistricts shall
 17 follow precinct boundaries, insofar as practicable,
 18 and shall not be changed less than sixty days prior to
 19 the ~~annual~~ regular school election.
 20 Sec. ____ . Section 275.25, subsection 3, Code 1985,
 21 is amended to read as follows:
 22 3. The directors who are elected to serve shall
 23 serve until their successors are elected and qualify.
 24 At the special election, the three newly elected
 25 director directors receiving the most votes shall be
 26 elected to serve until the ~~director's successor~~
 27 qualifies their successors qualify after the fourth
 28 third regular school election date occurring after the

29 effective date of the reorganization; the two newly
30 elected directors receiving the next largest number of
31 votes shall be elected to serve until the directors'
32 successors qualify after the ~~third~~ second regular
33 school election date occurring after the effective
34 date of the reorganization; and the two newly elected
35 directors receiving the next largest number of votes
36 shall be elected to serve until the directors'
37 successors qualify after the second regular school
38 election date occurring after the effective date of
39 the reorganization. However, in districts that
40 include all or a part of a city of fifteen thousand or
41 more population and in districts in which the
42 proposition to establish a new corporation provides
43 for the election of seven directors, the ~~three~~ four
44 newly elected directors receiving the most votes shall
45 be elected to serve until the directors' successors
46 qualify after the ~~fourth~~ third regular school election
47 date occurring after the effective date of the
48 reorganization and the three newly elected directors
49 receiving the next largest number of votes shall be
50 elected to serve until the directors' successors

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1 qualify after the second regular school election date
2 occurring after the effective date of reorganization.
3 Sec. ____ . Section 275.36, Code 1987, is amended to
4 read as follows:
5 275.36 SUBMISSION OF CHANGE TO ELECTORS.
6 If a petition for a change in the number of
7 directors or in the method of election of school
8 directors, describing the boundaries of the proposed
9 director districts, if any, signed by eligible
10 electors of the school district equal in number to at
11 least thirty percent of those who voted in the last
12 previous ~~annual~~ regular school election in the school
13 district, but not less than twenty-five persons, and
14 accompanied by affidavit as required by section 275.13
15 be filed with the school board of a school district,
16 not earlier than six months and not later than two
17 months before a regular or special school election,
18 the school board shall submit such proposition to the
19 voters at such election. If a proposition for a
20 change in the number of directors or in the method of
21 election of school directors submitted to the voters
22 under this section is rejected, it shall not be
23 resubmitted to the voters of the district in
24 substantially the same form within the next three

25 years; if it is approved, no other proposal may be
26 submitted to the voters of the district under this
27 section within the next six years.

28 Sec. ____ . Section 275.37, Code 1987, is amended to
29 read as follows:

30 275.37 INCREASE IN NUMBER OF DIRECTORS.

31 At the next succeeding annual regular school
32 election in a district where the number of directors
33 has been increased from five to seven, and directors
34 are elected at large, there shall be elected a
35 director to succeed each incumbent director whose term
36 is expiring in that year, and two additional
37 directors. Upon organizing as required by section
38 279.1, the newly elected director who received the
39 fewest votes in the election shall be assigned a term
40 of ~~either one year~~ or two years if necessary in order
41 that as nearly as possible ~~one-third~~ one-half of the
42 members of the board shall be elected each year.

43 Sec. ____ . Section 275.38, Code 1987, is amended to
44 read as follows:

45 275.38 IMPLEMENTING CHANGED METHOD OF ELECTION.

46 If change in the method of election of school
47 directors is approved at a regular or special school
48 election, the directors who were serving unexpired
49 terms or were elected concurrently with approval of
50 the change of method shall serve out the terms for

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1 which they were elected. If the plan adopted is that
2 described in section 275.12, subsection 2, paragraph
3 "b," "c," "d," or "e," the board shall at the earliest
4 practicable time designate the districts from which
5 residents are to be elected as school directors at
6 each of the next ~~three~~ two succeeding annual regular
7 school elections, arranging so far as possible for
8 elections of directors as residents of the respective
9 districts to coincide with the expiration of terms of
10 incumbent members residing in those districts. If an
11 increase in the size of the board from five to seven
12 members is approved concurrently with the change in
13 method of election of directors, the board shall make
14 the necessary adjustment in the manner prescribed in
15 section 275.37, as well as providing for
16 implementation of the districting plan under this
17 section.

18 Sec. ____ . Section 275.41, subsections 4, 5, 6, and
19 7, Code 1987, are amended to read as follows:

20 4. If the total number of directors determined
21 under subsection 2 or 3 is an odd number, the board of

22 the district with the largest population shall
23 designate the term of office of one of the members who
24 is retained to commence at the organizational meeting
25 of the board of the newly formed district and to end
26 at the organizational meeting following the ~~fourth~~
27 third regular school election held thereafter in the
28 manner specified in the reorganization petition.

29 If the total number of directors determined under
30 subsection 2 or 3 is an even number, that number of
31 directors shall function until a special election can
32 be held, at which time an additional director shall be
33 elected to a term from the newly formed district
34 ending at the organizational meeting following the
35 ~~fourth~~ third regular school election held thereafter.
36 The procedure for calling the special election shall
37 be the procedure specified in section 275.25.

38 5. The boards of directors of school districts
39 which are involved in the merger which have three or
40 more directors who are retained, shall each designate
41 two of the directors who are retained to serve terms
42 that expire at the organizational meeting following
43 the ~~second~~ first regular school election held
44 thereafter. All other directors who are retained
45 shall serve terms that expire at the organizational
46 meeting following the ~~third~~ second regular school
47 election held thereafter. If there is an insufficient
48 number of board members eligible to be retained from a
49 former school district, the board of the former school
50 district may appoint members to fill the vacancies. A

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1 vacancy occurs if there is an insufficient number of
2 former board members who reside in the newly formed
3 district or if there is an insufficient number who are
4 willing to serve on the board of the newly formed
5 district.

6 6. At the ~~second~~ first regular school election
7 held after the effective date of the merger, the two
8 vacancies which will occur on the board shall be
9 filled in a manner specified in the reorganization
10 petition.

11 7. At the ~~third~~ second regular school election
12 held after the effective date of merger, if a five-
13 member board is specified in the reorganization
14 petition, two directors shall be elected in the manner
15 specified in the reorganization petition and if a
16 seven-member board is specified in the reorganization
17 petition, four directors shall be elected, two for
18 one-year two-year terms and two for ~~three-year~~ four-

19 year terms, in the manner specified in the

20 reorganization petition.

21 Sec. ____ . Section 277.1, Code 1987, is amended to
22 read as follows:

23 277.1 REGULAR ELECTION.

24 The regular election shall be held ~~annually~~
25 biennially on the ~~second first~~ Tuesday in ~~September~~
26 following the first Monday in November in each school
27 district for the election of officers of the district
28 and merged area and for the purpose of submitting to
29 the voters any matter authorized by law."

30 17. Page 16, line 17, by striking the word
31 "sixty-five" and inserting the words "~~sixty-five~~
32 seventy-two".

33 18. Page 16, line 18, by striking the word
34 "forty" and inserting the words "~~forty~~ forty-seven".

35 19. Page 17, by inserting after line 3 the
36 following:

37 "Sec. ____ . Section 277.20, unnumbered paragraph 1,
38 Code 1987, is amended to read as follows:

39 On the next ~~Friday~~ Monday after the regular school
40 election, the county board of supervisors shall
41 canvass the returns made to the county commissioner of
42 elections from the several precinct polling places and
43 the absentee ballot counting board, ascertain the
44 result of the voting with regard to every matter voted
45 upon and cause a record to be made thereof as required
46 by section 50.24. Special elections held in school
47 districts shall be canvassed at the time and in the
48 manner required by that section. The board shall
49 declare the results of the voting for members of
50 boards of directors of school corporations nominated

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1 pursuant to section 277.4, and the commissioner shall
2 at once issue a certificate of election to each person
3 declared elected. The board shall also declare the
4 results of the voting on any public question submitted
5 to the voters of a single school district, and the
6 commissioner shall certify the result as required by
7 section 50.27.

8 Sec. ____ . Section 277.23, unnumbered paragraph 2,
9 Code 1987, is amended to read as follows:

10 A change from five to seven directors shall be
11 effected in a district at the first regular election
12 after authorization by the voters or when a district
13 becomes wholly or in part within a city of fifteen
14 thousand population or more in the following manner:
15 If the ~~term of one director~~ terms of two directors of

16 the five-member board expires at the time of said
 17 regular election, ~~three~~ four directors shall be
 18 elected to serve until the ~~third~~ second following
 19 regular election thereafter; if the terms of ~~two~~ three
 20 directors expire at the time of said regular election,
 21 three directors shall be elected to serve until the
 22 ~~third~~ second regular election thereafter and ~~one~~
 23 ~~director~~ two directors shall be elected to serve a
 24 term the expiration of which coincides with the
 25 expiration of the term of the director heretofore
 26 singly elected until the next regular election.
 27 Sec. ____ . Section 277.25, Code 1987, is amended to
 28 read as follows:

29 277.25 DIRECTORS IN NEW DISTRICTS.

30 At the first election in newly organized districts
 31 the directors shall be elected as follows:

32 1. In districts having three directors, ~~one~~
 33 ~~director~~ two directors shall be elected for one year,
 34 ~~one~~ for two years, and one for ~~three~~ four years.

35 2. In districts having five directors, ~~two~~ three
 36 shall be elected for one year, ~~two~~ for two years, and
 37 ~~one~~ two for ~~three~~ four years.

38 3. In districts having seven directors, ~~two~~ four
 39 shall be elected for one year, ~~two~~ for two years, and
 40 three for ~~three~~ four years.

41 Sec. ____ . Section 277.28, unnumbered paragraph 1,
 42 Code 1987, is amended to read as follows:

43 Each director elected at a regular district or
 44 director district election, as the case may be, shall
 45 qualify by taking the oath of office on or before the
 46 time set for the organization meeting of the board the
 47 third Monday in ~~September~~ November each odd-numbered
 48 year, and the election and qualification entered of
 49 record by the secretary. The oath may be administered
 50 by any qualified member of the board or the secretary

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1 of the board and may be taken in substantially the
 2 following form:

3 Sec. ____ . Section 279.1, Code 1987, is amended to
 4 read as follows:

5 279.1 ORGANIZATION.

6 The board of directors of each school corporation
 7 shall meet and organize at two o'clock p.m., or at
 8 seven-thirty o'clock p.m., if so ordered by the
 9 president of the board, on the third Monday in
 10 ~~September~~ November each odd-numbered year at some
 11 suitable place to be designated by the secretary.
 12 Notice of the place and hour of such meeting shall be

13 given by the secretary to each member and each member-
14 elect of the board.

15 Such organization shall be effected by the election
16 of a president from the members of the board, who
17 shall be entitled to vote as a member.

18 Sec. ____ . Section 280A.11, unnumbered paragraph 1,
19 Code 1987, is amended to read as follows:

20 The governing board of a merged area is a board of
21 directors composed of one member elected from each
22 director district in the area by the electors of the
23 respective district. Members of the board shall be
24 residents of the district from which elected.

25 Successors shall be chosen at the ~~annual~~ regular
26 school elections for members whose terms expire. The
27 term of a member of the board of directors is ~~three~~
28 four years and commences at the organization meeting.

29 Vacancies on the board which occur more than ninety
30 days prior to the next regular school election may be
31 filled at the next regular meeting of the board by
32 appointment by the remaining members of the board. A
33 member so chosen shall be a resident of the district
34 in which the vacancy occurred and shall serve until a
35 member is elected pursuant to section 69.12 to fill
36 the vacancy for the balance of the unexpired term. A
37 vacancy is defined in section 277.29. A member shall
38 not serve on the board of directors who is a member of
39 a board of directors of a local school district or a
40 member of an area education agency board.

41 Sec. ____ . Section 280A.12, Code 1987, is amended
42 to read as follows:

43 280A.12 DIRECTORS OF MERGED AREA.

44 In each merged area, the initial board of directors
45 elected at the special election shall organize within
46 fifteen days following the election and may thereafter
47 proceed with the establishment of the designated area
48 vocational school or area community college. The
49 board of directors of the merged area shall organize
50 at the first regular meeting in ~~October~~ December of

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1 each odd-numbered year. Organization of the board
2 shall be effected by the election of a president and
3 other officers from the board membership as board
4 members determine. The board of directors shall
5 appoint a secretary and a treasurer who shall each
6 give bond as prescribed in section 291.2 and who shall
7 each receive the salary determined by the board. The
8 secretary and treasurer shall perform duties under
9 chapter 291 and additional duties the board of

10 directors deems necessary. However, the board may
 11 appoint one person to serve as the secretary and
 12 treasurer. If one person serves as the secretary and
 13 treasurer, only one bond is necessary for that person.
 14 The frequency of meetings other than organizational
 15 meetings shall be as determined by the board of
 16 directors but the president or a majority of the
 17 members may call a special meeting at any time.
 18 Sec. ____ . Section 280A.13, subsections 1 and 4,
 19 Code 1987, are amended to read as follows:

20 1. The board of a merged area may change the
 21 number of directors on the board and shall make
 22 corresponding changes in the boundaries of director
 23 districts. Changes shall be completed not later than
 24 July 1 of a fiscal year for the next regular school
 25 election to be held the next following September.

26 4. To the extent possible the board shall provide
 27 that changes in the boundary lines of director
 28 districts of merged areas do not lengthen or diminish
 29 the term of office of a director of the board.
 30 Initial terms of office shall be set by the board so
 31 that as nearly as possible the terms of ~~one-third one-~~
 32 half of the members expire ~~annually~~ biennially.

33 Sec. ____ . Section 280A.15, Code 1987, is amended
 34 to read as follows:

35 280A.15 CONDUCT OF ELECTIONS.

36 1. Regular elections held ~~annually~~ biennially by
 37 the merged area for the election of members of the
 38 board of directors as required by section 280A.11, for
 39 the renewal of the twenty and one-fourth cents per
 40 thousand dollars of assessed valuation levy authorized
 41 in section 280A.22, or for any other matter authorized
 42 by law and designated for election by the board of
 43 directors of the merged area, shall be held on the
 44 date of the school election as fixed by section 277.1.
 45 The election notice shall be made a part of the local
 46 school election notice published as provided in
 47 section 49.53 in each local school district where
 48 voting is to occur in the merged area election and the
 49 election shall be conducted by the county commissioner
 50 of elections pursuant to chapters 39 to 53 and section

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1 277.20.

2 2. Each candidate for member of the board of
 3 directors of a merged area shall be nominated by a
 4 petition signed by not less than fifty eligible
 5 electors of the director district from which the
 6 member is to be elected. The petition shall state the

7 number of the director district from which the
8 candidate seeks election, and the candidate's name and
9 status as an eligible elector of the director
10 district. Signers of the petition, in addition to
11 signing their names, shall show their residence,
12 including street and number if any, the school
13 district in which they reside, and the date they
14 signed the petition. ~~Each nomination paper shall have~~
15 ~~appended to it an affidavit of an eligible elector~~
16 ~~other than the candidate in substantially the form~~
17 ~~provided in section 48.17*, except as to party~~
18 ~~affiliation.~~ The petition shall include the affidavit
19 of the candidate being nominated, stating the
20 candidate's name and residence, and that the
21 individual is a candidate, is eligible for the office
22 sought, and if elected will qualify for the office.

23 3. Nomination papers in behalf of candidates for
24 member of the board of directors of a merged area
25 shall be filed with the secretary of the board not
26 earlier than ~~sixty-five~~ seventy-two days nor later
27 than five o'clock p.m. on the ~~fortieth~~ forty-seventh
28 day prior to the election at which members of the
29 board are to be elected. The secretary shall deliver
30 all nomination petitions so filed, together with the
31 text of any public measure being submitted by the
32 board of directors to the electorate, to the county
33 commissioner of elections who is responsible under
34 section 47.2 for conducting elections held for the
35 merged area, not later than five o'clock p.m. on the
36 day following the last day on which nomination
37 petitions can be filed. That commissioner shall
38 certify the names of candidates, and the text and
39 summary of any public measure being submitted to the
40 electorate, to all county commissioners of elections
41 in the merged area by the thirty-fifth day prior to
42 the election.

43 4. The votes cast in the election shall be
44 canvassed and abstracts of the votes cast shall be
45 certified as required by section 277.20. In each
46 county whose commissioner of elections is responsible
47 under section 47.2 for conducting elections held for a
48 merged area, the county board of supervisors shall
49 convene at ten o'clock a.m. on the last Monday ~~in~~
50 ~~September~~ after the regular school election, canvass

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1 the abstracts of votes cast and declare the results of
2 the voting. The commissioner shall at once issue
3 certificates of election to each person declared
4 elected, and shall certify to the merged area board in
5 substantially the manner prescribed by section 50.27
6 the result of the voting on any public question
7 submitted to the voters of the merged area. Members
8 elected to the board of directors of a merged area
9 shall qualify by taking the oath of office prescribed
10 in section 277.28.

11 Sec. ____ . Section 280A.22, subsection 1, paragraph
12 a, Code 1987, is amended to read as follows:

13 a. In addition to the tax authorized under section
14 280A.17, the voters in any merged area may at the
15 ~~annual~~ regular school election vote a tax not
16 exceeding twenty and one-fourth cents per thousand
17 dollars of assessed value in any one year for a period
18 not to exceed ten years for the purchase of grounds,
19 construction of buildings, payment of debts contracted
20 for the construction of buildings, purchase of
21 buildings and equipment for buildings, and the
22 acquisition of libraries, and for the purpose of
23 maintaining, remodeling, improving, or expanding the
24 area vocational school or area community college of
25 the merged area. The tax shall be collected by the
26 county treasurers and remitted to the treasurer of the
27 merged area as provided in section 331.552, subsection
28 29. The proceeds of the tax shall be deposited in a
29 separate and distinct fund to be known as the voted
30 tax fund, to be paid out upon warrants drawn by the
31 president and secretary of the board of directors of
32 the merged area district for the payment of costs
33 incurred in providing the school facilities for which
34 the tax was voted.”

35 20. Page 17, by inserting after line 31 the
36 following:

37 “Sec. ____ . In order to accomplish the transition
38 from election of directors of community and
39 independent school districts, and of merged areas,
40 annually for terms of three years each to election of
41 such directors biennially for terms of four years
42 each, the following adjustments in terms and times of
43 election shall be made:

44 1. The term of office of each director of a
45 community or an independent school district elected at
46 the annual school election in the years 1985 or 1986,
47 and of any person elected or appointed as provided by
48 law to fill a vacancy in such an office for the
49 balance of a term to which some other person was
50 elected at the annual school election in the years

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1 1985 or 1986, shall be extended until the third Monday
2 in November of the year 1989. The term of office of
3 each director of a merged area elected at the annual
4 school election in the years 1985 or 1986, and of any
5 person elected or appointed as provided by law to fill
6 a vacancy in such an office for the balance of a term
7 to which some other person was elected at the annual
8 school election in the years 1985 or 1986, shall be
9 extended until the first Monday in December of the
10 year 1989.

11 a. In community and independent school districts
12 and merged areas having five-member boards of
13 directors which under this subsection will elect
14 successors to four of those members at the biennial
15 school election in 1989, the persons so elected who
16 received the greatest and the next greatest number of
17 votes in that election shall serve terms of four years
18 each, and the other persons so elected shall serve
19 terms of two years each.

20 b. In community and independent school districts
21 and merged areas having seven-member boards of
22 directors which under this subsection will elect
23 successors to five of those members at the biennial
24 school election in 1989, the persons so elected who
25 received the greatest, the next greatest, and the
26 third greatest number of votes shall serve terms of
27 four years each, and the other persons so elected
28 shall serve terms of two years each.

29 c. In merged areas, the persons elected as
30 directors at the biennial school election in 1989 who
31 receive the greatest, the next greatest, the third
32 greatest, and the fourth greatest number of votes
33 shall serve terms of four years each, and the other
34 persons so elected shall serve terms of two years
35 each.

36 2. The term of office of each director of a
37 community or an independent school district elected at
38 the annual school election in the year 1987, and of
39 any person elected or appointed as provided by law to
40 fill a vacancy in such an office for the balance of a
41 term to which some other person was elected at the
42 annual school election in the year 1987, shall be ex-
43 tended until the third Monday in November of the year
44 1991. The term of office of each director of a merged
45 area elected at the annual school election in the year
46 1987, and of any person elected or appointed as
47 provided by law to fill a vacancy in such an office
48 for the balance of a term to which some other person

49 was elected at the annual school election in the year
50 1987, shall be extended until the first Monday in

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1 December of the year 1991.
2 Sec. ____ . The sections of this Act amending
3 sections 39.24, 273.8, 274.7, 275.25, 275.36, 275.37,
4 275.38, 275.41, 277.1, 277.20, 277.23, 277.25, 277.28,
5 279.1, 280A.11, 280A.12, 280A.13, 280A.15, and 280A.22
6 and the section providing the transition from the
7 election of directors of community and independent
8 school districts and of merged areas annually for
9 terms of three years each to election of such
10 directors biennially for terms of four years each
11 shall take effect January 1, 1988.”

COMMITTEE ON STATE COMMITTEE
BOB CARR, Chairperson

S-3489

1 Amend Senate File 366 as follows:
2 1. Title page, line 1, by striking the words
3 “all, or substantially all.”

LEONARD L. BOSWELL

S-3490

1 Amend House File 642 as amended, passed, and
2 reprinted by the House as follows:
3 1. Page 2, by striking lines 2 through 13.

COMMITTEE ON HUMAN RESOURCES
BEVERLY HANNON, Chairperson

S-3491

1 Amend House File 411, as passed by the House, as
2 follows:
3 1. Page 1, by inserting before line 1 the
4 following:
5 “Section 1. Section 542.1, subsection 3, Code
6 1987, is amended to read as follows:
7 3. “Grain dealer” means a person who buys during
8 any calendar month five hundred bushels of grain or

9 more from the producers of the grain for purposes of
10 resale, milling, or processing. However, "grain
11 dealer" does not include a producer of grain who is
12 buying grain for the producer's own use as seed or
13 feed; a person solely engaged in buying grain future
14 contracts on the board of trade; a person who
15 purchases grain only for sale in a registered feed; a
16 person who purchases grain for sale in a nonregistered
17 customer-formula feed regulated by chapter 198, who
18 purchases less than a total of fifty thousand bushels
19 of grain annually from producers, and who is also
20 exempt as an incidental warehouse operator under
21 chapter 543; a person engaged in the business of
22 selling agricultural seeds regulated by chapter 199; a
23 person buying grain only as a farm manager; an
24 executor, administrator, trustee, guardian, or
25 conservator of an estate; a bargaining agent as
26 defined in section 542A.1; or a custom livestock
27 feeder.

28 Sec. 2. Section 542.3, subsection 4, paragraph b,
29 Code 1987, is amended to read as follows:

30 b. The grain dealer shall submit, as required by
31 the department, a financial statement that is
32 accompanied by an unqualified opinion based upon an
33 audit performed by a certified public accountant
34 licensed in this state. However, the department may
35 accept a qualification in an opinion that is
36 unavoidable by any audit procedure that is permitted
37 under generally accepted accounting principles. An
38 opinion that is qualified because of a limited audit
39 procedure or because the scope of an audit is limited
40 shall not be accepted by the department. The
41 department shall not require that a grain dealer
42 submit more than one such unqualified opinion per
43 year. The grain dealer may elect, however, to submit
44 a financial statement that is accompanied by the
45 report of a certified public accountant licensed in
46 this state that is based upon a review performed by
47 the certified public accountant in lieu of the audited
48 financial statement specified in this paragraph, and
49 if a grain dealer makes this election the department
50 shall cause the grain dealer to be inspected not less

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1 than twice during each twelve-month period, but not
2 more than five times in a twenty-four month period
3 without good cause, in the manner provided in section
4 542.9. In addition, the department shall cause a
5 grain dealer who makes this election to submit to the

6 department, in a form and manner prescribed by the
7 department, an interim financial statement no less
8 than once in every three-calendar-month period.
9 However, the department shall not require that a grain
10 dealer submit more than one such report of a certified
11 public accountant per year that is based upon a review
12 performed in lieu of the audited financial statement.

13 If a grain dealer making the election engages in
14 credit sale contracts, the grain dealer shall also
15 comply with the provisions of section 542.15,
16 subsection 8.

17 Sec. 3. Section 542.3, subsection 5, paragraph b,
18 Code 1987, is amended to read as follows:

19 b. The grain dealer shall submit, as required by
20 the department, a financial statement that is
21 accompanied by an unqualified opinion based upon an
22 audit performed by a certified public accountant
23 licensed in this state. However, the department may
24 accept a qualification in an opinion that is
25 unavoidable by any audit procedure that is permitted
26 under generally accepted accounting principles. An
27 opinion that is qualified because of a limited audit
28 procedure or because the scope of an audit is limited
29 shall not be accepted by the department. The
30 department shall not require that a grain dealer
31 submit more than one such unqualified opinion per
32 year. The grain dealer may elect, however, to submit
33 a financial statement that is accompanied by the
34 report of a certified public accountant licensed in
35 this state that is based upon a review performed by
36 the certified public accountant in lieu of the audited
37 financial statement specified in this paragraph, and
38 if a grain dealer makes this election the department
39 shall cause the grain dealer to be inspected not less
40 than twice during each twelve-month period, but not
41 more than five times in a twenty-four month period
42 without good cause, in the manner provided in section
43 542.9. In addition, the department shall cause a
44 grain dealer who makes this election to submit to the
45 department, in a form and manner prescribed by the
46 department, an interim financial statement no less
47 than once in every three-calendar-month period.
48 However, the department shall not require that a
49 warehouse operator submit more than one such report of
50 a certified public accountant per year that is based

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1 upon a review performed in lieu of the audited
2 financial statement. If a grain dealer making the
3 election engages in credit sale contracts, the grain
4 dealer shall also comply with the provisions of
5 section 542.15, subsection 8.”

6 2. Page 1, lines 24 and 25, by striking the words
7 “paragraph a, Code 1987, is” and inserting the
8 following: “paragraphs a and b, Code 1987, are”.

9 3. Page 1, by inserting after line 33 the
10 following:

11 “b. The warehouse operator shall submit, as
12 required by the department, a financial statement that
13 is accompanied by an unqualified opinion based upon an
14 audit performed by a certified public accountant
15 licensed in this state. However, the department may
16 accept a qualification in an opinion that is
17 unavoidable by any audit procedure that is permitted
18 under generally accepted accounting principles. An
19 opinion that is qualified because of a limited audit
20 procedure or because the scope of an audit is limited
21 shall not be accepted by the department. The
22 department shall not require that a warehouse operator
23 submit more than one such unqualified opinion per
24 year. The warehouse operator may elect, however, to
25 submit a financial statement that is accompanied by
26 the report of a certified public accountant licensed
27 in this state that is based upon a review performed by
28 the certified public accountant in lieu of the audited
29 financial statement specified in this paragraph, and
30 if a warehouse operator makes this election the
31 department shall cause the warehouse to be inspected
32 not less than twice during each twelve-month period,
33 but not more than five times in a twenty-four month
34 period without good cause, in the manner provided in
35 section 543.2. In addition, the department shall
36 cause a warehouse operator who makes this election to
37 submit to the department, in a form and manner
38 prescribed by the department, an interim financial
39 statement no less than once in every three-calendar-
40 month period. However, the department shall not
41 require that a warehouse operator submit more than one
42 such report of a certified public accountant per year
43 that is based upon a review performed in lieu of the
44 certified financial statement.”

45 4. Page 1, lines 34 and 35, by striking the words
46 “paragraph a, Code 1987, is” and inserting the
47 following: “paragraphs a and b, Code 1987, are”.

48 5. Page 2, by inserting after line 8, the

49 following:

50 "b. The warehouse operator shall submit, as

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1 required by the department, a financial statement that
2 is accompanied by an unqualified opinion based upon an
3 audit performed by a certified public accountant
4 licensed in this state. However, the department may
5 accept a qualification in an opinion that is
6 unavoidable by any audit procedure that is permitted
7 under generally accepted accounting principles. An
8 opinion that is qualified because of a limited audit
9 procedure or because the scope of an audit is limited
10 shall not be accepted by the department. The
11 department shall not require that a warehouse operator
12 submit more than one such unqualified opinion per
13 year. The warehouse operator may elect, however, to
14 submit a financial statement that is accompanied by
15 the report of a certified public accountant licensed
16 in this state that is based upon a review performed by
17 the certified public accountant in lieu of the audited
18 financial statement specified in this paragraph, and
19 if a warehouse operator makes this election the
20 department shall cause the warehouse to be inspected
21 not less than twice during each twelve-month period,
22 but not more than five times in a twenty-four month
23 period without good cause, in the manner provided in
24 section 543.2. In addition, the department shall
25 cause a warehouse operator who makes this election to
26 submit to the department, in a form and manner
27 prescribed by the department, an interim financial
28 statement no less than once in every three-calendar-
29 month period. However, the department shall not
30 require that a warehouse operator submit more than one
31 such report of a certified public accountant per year
32 that is based upon a review performed in lieu of the
33 qualified financial statement."
34 6. Title page, line 1, by inserting after the
35 word "by" the following: "further defining the term
36 "grain dealer", limiting financial reporting by grain
37 dealers and warehouse operators,".
38 7. By renumbering as necessary.

COMMITTEE ON AGRICULTURE
BERL E. PRIEBE, Chairperson

S-3492

1 Amend House File 626 as passed by the House as
2 follows:

3 1. By striking everything after the enacting
4 clause and inserting the following:

5 "DIVISION I

6 Sec. 101. Section 175.2, subsection 3, Code 1987,
7 is amended to read as follows:

8 3. "Agricultural producer" means a person engaged
9 or intending to engage in the business of producing
10 and marketing agricultural produce in this state.

11 Sec. 102. Section 175.4, Code 1987, is amended by
12 adding the following new subsections:

13 **NEW SUBSECTION. 19.** The decline in the number of
14 beef cattle production operations is a serious problem
15 within the state, resulting in the conversion of land
16 used for pasture to row crop production, and threatens
17 to destroy a significant part of Iowa's agricultural
18 base and damage the economic viability of the state.

19 **NEW SUBSECTION. 20.** It is necessary to create a
20 program in this state to assist agricultural producers
21 who have established or intend to establish beef
22 cattle production operations, to obtain adequate
23 financing, and management assistance and training, and
24 to convert land used for row crop production to
25 pasture.

26 Sec. 103. Section 175.35, subsection 3, Code 1987,
27 is amended by adding the following new paragraphs:

28 **NEW PARAGRAPH. g.** The farmer has a net worth of
29 not more than two hundred thousand dollars.

30 **NEW PARAGRAPH. h.** The farmer develops a farm unit
31 conservation plan and enters into a conservation
32 agreement, as defined in section 467A.42, with the
33 commissioners of the soil conservation district where
34 the land is located within one year from the date of
35 entering into the program, unless the authority
36 requires a shorter period by rule.

37 Sec. 104. **NEW SECTION. 175.36 ASSISTANCE AND**
38 **MANAGEMENT PROGRAMS FOR BEEF CATTLE PRODUCERS.**

39 1. The authority shall create and develop programs
40 to assist agricultural producers who have established
41 or intend to establish in this state, beef cattle
42 production operations, including but not limited to
43 the following assistance:

44 a. **INSURANCE OR LOAN GUARANTEE PROGRAM.** An
45 insurance or loan guarantee program to provide for the
46 insuring or guaranteeing of all or part of a loan made
47 to an agricultural producer for the acquisition of
48 beef cattle to establish or expand a feeder cattle
49 operation.

50 b. **AN INTEREST BUY-DOWN PROGRAM.** The authority

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1 may contract with a participating lending institution
2 and a qualified agricultural producer to reduce the
3 interest rate charged on a loan for the acquisition of
4 beef cattle breeding stock. The authority shall
5 determine the amount that the rate is reduced, by
6 considering the lending institution's customary loan
7 rate for the acquisition of beef cattle breeding stock
8 as certified to the authority by the lending
9 institution.

10 As part of the contract, in order to partially
11 reimburse the lending institution for the reduction of
12 the interest rate on the loan, the authority may agree
13 to grant the lending institution any amount foregone
14 by reducing the interest rate, if the amount of the
15 loan is one hundred thousand dollars or less.
16 However, the amount reimbursed shall not be more than
17 the lesser of either of the following:

18 (1) Three percent per annum of the principal
19 balance of the loan which is outstanding at any time
20 for the term of the loan or within one year from the
21 date that the documents creating the loan are
22 executed, whichever is less.

23 (2) Fifty percent of the amount of interest
24 foregone by the lending institution on the loan.
25 c. A COST-SHARING PROGRAM. The authority may
26 contract with an agricultural producer to reimburse
27 the producer for the cost of converting land planted
28 to row crops to pasture suitable for beef cattle
29 production. However, the amount reimbursed shall not
30 be more than twenty-five dollars per acre converted,
31 or fifty percent of the conversion costs, whichever is
32 less. The contract shall apply to not more than one
33 hundred fifty acres of row crop land converted to
34 pasture. The converted land shall be utilized in beef
35 cattle production for a minimum of five years. The
36 amount to be reimbursed shall be reduced by the amount
37 that the agricultural producer receives under any
38 other state or federal program that contributes toward
39 the cost of converting the same land from row crops to
40 pasture.

41 d. A MANAGEMENT ASSISTANCE AND TRAINING PROGRAM.
42 The authority in cooperation with any agency or
43 instrumentality of the federal government or with any
44 state agency, including any state university or those
45 associations organized for the purpose of assisting
46 agricultural producers involved in beef cattle
47 production, shall establish programs to train and
48 assist agricultural producers to effectively manage

49 beef cattle production operations.

50 2. An agricultural producer shall be eligible to

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1 participate in a program established under this
2 section only if all the following criteria are
3 satisfied:

4 a. The agricultural producer is a resident of the
5 state.

6 b. The agricultural producer has land or other
7 facilities available to establish a beef cattle
8 production operation as prescribed by rules of the
9 authority.

10 c. The agricultural producer is an individual,
11 partnership, or a family farm corporation, as defined
12 in section 172C.1, subsection 8.

13 d. The land or other facilities available to
14 establish a beef cattle production operation are
15 located within the state.

16 e. The agricultural producer has a net worth of
17 four hundred thousand dollars or less.

18 f. The agricultural producer develops a farm unit
19 conservation plan and enters into a conservation
20 agreement, as defined in section 467A.42, with the
21 commissioners of the soil conservation district where
22 the land is located within one year from the date of
23 entering into the program, unless the authority
24 requires a shorter period of time by rule.

25 3. The authority shall adopt rules to enforce the
26 provisions of this section or the terms of a contract
27 to which the authority is a party. The authority may
28 also enforce the provisions of this section or terms
29 of the contract by bringing an action in any court of
30 competent jurisdiction to recover damages. As a
31 condition of entering into the program, the authority
32 may require that the agricultural producer consent to
33 the jurisdiction of the courts of this state to hear
34 any matter arising from the provisions of this
35 section.

36 **DIVISION II**

37 Sec. 201. Section 331.429, subsection 1, paragraph
38 a, Code 1987, is amended to read as follows:

39 a. Transfers from the general fund not to exceed
40 in any year the dollar equivalent of a tax of sixteen
41 and seven-eighths cents per thousand dollars of
42 assessed value on all taxable property in the county
43 and an amount equivalent to the moneys derived by the
44 general fund from ~~livestock tax credits under section~~
45 ~~427-17~~; military service tax credits under chapter

46 426A, and mobile home taxes under section 135D.22
47 multiplied by the ratio of sixteen and seven-eighths
48 cents to the general fund tax rate.
49 Sec. 202. Section 427.17, subsections 2 and 3,
50 Code 1987, are amended by striking the subsections and

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1 inserting in lieu thereof the following:

2 2. A property tax credit for every head of cattle,
3 not to exceed three hundred head, bought, raised, or
4 sold in the state by a producer is allowed on the tax
5 levied on the farm structures utilized in raising the
6 cattle, which structures do not include structures
7 utilized for grain or machine storage. The amount of
8 the credit is three dollars per head if bought in the
9 state, six dollars per head if bought and sold for
10 slaughter at facilities in this state, or nine dollars
11 per head if bought, raised immediately before
12 slaughter, and sold for slaughter at facilities in
13 this state. The tax credit shall be provided to the
14 owner of the farm structures. The tax credit shall
15 not exceed two thousand seven hundred dollars per
16 owner.

17 3. To claim the credit allowed in subsection 2,
18 the owner of the farm structures shall file an
19 application for the credit by February 1 of the year
20 following the calendar year upon which the credit is
21 based with the county auditor of the county in which
22 the farm structures are located. The credit shall be
23 allowed against the taxes due and payable in the first
24 fiscal year following the calendar year upon which the
25 credit is based. The application shall indicate the
26 number of head of cattle bought, raised, or sold in
27 the state during the previous calendar year, and shall
28 include copies of receipts or invoices for the
29 purchase or sale for slaughter of the cattle during
30 the previous calendar year. On or before April 1 of
31 each year, after review and approval by the county
32 board of supervisors, the county auditor of each
33 county shall certify to the director of revenue and
34 finance the amount of credit allowed in the county
35 under this section. If the county auditor or the
36 board of supervisors denies a claim, notice of the
37 denial shall be given to the claimant. The claimant
38 may appeal the denial first to the board of
39 supervisors, then to the district court of that
40 county. As used in this section:

41 a. "Producer" means a person engaged in the
42 business of producing cattle.

43 b. "Owner" means the person who under the property
 44 tax laws of this state is liable for the payment of
 45 the property taxes on the farm structures utilized in
 46 raising cattle. "Owner" does not include a person who
 47 becomes an owner solely for the purpose of receiving
 48 the benefits of this section.
 49 Sec. 203. Section 427.17, subsection 4, Code 1987,
 50 is amended to read as follows:

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1 4. The amounts due each taxing district to
 2 reimburse them for the property tax credits allowed
 3 pursuant to this section shall be paid on warrants
 4 payable to the respective county treasurers by the
 5 director of revenue and finance on July 15 of each
 6 year. The county treasurer shall apportion the
 7 proceeds to the various taxing districts in the
 8 county.

9 Sec. 204. Section 442.2, subsection 2, Code 1987,
 10 is amended to read as follows:

11 2. ~~The amount paid to each school district for the~~
 12 ~~tax credit for livestock under section 427.17 shall be~~
 13 ~~regarded as property tax. The portion of the payment~~
 14 ~~which is foundation property tax shall be determined~~
 15 ~~by applying the foundation property tax rate to the~~
 16 ~~taxable value of livestock assessed for taxation in~~
 17 ~~the district as of January 1, 1973, determined~~
 18 ~~pursuant to section 427.17, and adjusted to actual~~
 19 ~~value as provided in Acts of the Sixty-fifth General~~
 20 ~~Assembly, chapter 1231, section 174. A school~~
 21 ~~district is hereby authorized to may levy a tax on all~~
 22 ~~of the taxable property within the district in an~~
 23 ~~amount equal to the difference between the amount due~~
 24 ~~to a school district from the personal property tax~~
 25 ~~replacement fund for the preceding year and the amount~~
 26 ~~actually received during the preceding fiscal year~~
 27 ~~from the personal property tax replacement fund.~~

DIVISION III

29 Sec. 301. Section 422.42, subsection 3, Code 1987,
 30 is amended to read as follows:

31 3. "Retail sale" or "sale at retail" means the
 32 sale to a consumer or to any person for any purpose,
 33 other than for processing, for resale of tangible
 34 personal property or taxable services, or for resale
 35 of tangible personal property in connection with
 36 taxable services; and includes the sale of gas,
 37 electricity, water, and communication service to
 38 retail consumers or users; but does not include
 39 agricultural breeding livestock and domesticated fowl;

40 or; and does not include commercial fertilizer,
41 agricultural limestone, or herbicide, pesticide,
42 insecticide, food, and medication, and or agricultural
43 drain tile and, including installation thereof of
44 agricultural drain tile, any of which are to be used
45 in disease control, weed control, insect control, or
46 health promotion of plants or livestock produced as
47 part of agricultural production for market; and does
48 not include electricity, steam, or any taxable service
49 when purchased and used in the processing of tangible
50 personal property intended to be sold ultimately at

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1 retail. When used by a manufacturer of food products,
2 electricity, steam, and other taxable services are
3 sold for processing when used to produce marketable
4 food products for human consumption, including but not
5 limited to, treatment of material to change its form,
6 context, or condition, in order to produce the food
7 product, maintenance of quality or integrity of the
8 food product, changing or maintenance of temperature
9 levels necessary to avoid spoilage or to hold the food
10 product in marketable condition, maintenance of
11 environmental conditions necessary for the safe or
12 efficient use of machinery and material used to
13 produce the food product, sanitation and quality
14 control activities, formation of packaging, placement
15 into shipping containers, and movement of the material
16 or food product until shipment from the building of
17 manufacture. Tangible personal property is sold for
18 processing within the meaning of this subsection only
19 when it is intended that the property will, by means
20 of fabrication, compounding, manufacturing, or
21 germination become an integral part of other tangible
22 personal property intended to be sold ultimately at
23 retail; or will be consumed as fuel in creating heat,
24 power, or steam for processing including grain drying,
25 or for providing heat or cooling for livestock
26 buildings, or for generating electric current, or be
27 ~~consumed in self-propelled~~ implements of husbandry
28 engaged in agricultural production; or the property
29 is a chemical, solvent, sorbent, or reagent, which is
30 directly used and is consumed, dissipated, or
31 depleted, in processing personal property which is
32 intended to be sold ultimately at retail, and which
33 may not become a component or integral part of the
34 finished product. The distribution to the public of
35 free newspapers or shoppers guides is a retail sale
36 for purposes of the processing exemption.

37 Sec. 302. Section 422.45, Code 1987, is amended by
38 adding the following new subsection:
39 **NEW SUBSECTION.** The gross receipts from the sale,
40 furnishing, or service of gas, electricity, water, or
41 heat to be used in agricultural production for market.

42 **DIVISION IV**

43 Sec. 401. Section 422.43, subsection 11, Code
44 1987, is amended to read as follows:

45 11. The following enumerated services are subject
46 to the tax imposed on gross taxable services:
47 Alteration and garment repair; armored car; automobile
48 repair; battery, tire and allied; investment
49 counseling, excluding investment services of trust
50 departments; bank service charges; barber and beauty;

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1 boat repair; car wash and wax; carpentry; roof,
2 shingle, and glass repair; dance schools and dance
3 studios; dry cleaning, pressing, dyeing, and
4 laundering; electrical and electronic repair and
5 installation; rental of tangible personal property;
6 excavating and grading; farm implement repair of all
7 kinds, except the repair of implements used in the
8 production of livestock; flying service; furniture,
9 rug, upholstery repair and cleaning; fur storage and
10 repair; golf and country clubs and all commercial
11 recreation; house and building moving; household
12 appliance, television, and radio repair; jewelry and
13 watch repair; machine operator; machine repair of all
14 kinds; motor repair; motorcycle, scooter, and bicycle
15 repair; oilers and lubricators; office and business
16 machine repair; painting, papering, and interior
17 decorating; parking facilities; pipe fitting and
18 plumbing; wood preparation; licensed executive search
19 agencies; private employment agencies, excluding
20 services for placing a person in employment where the
21 principal place of employment of that person is to be
22 located outside of the state; sewing and stitching;
23 shoe repair and shoeshine; storage warehousing of raw
24 agricultural products; telephone answering service;
25 test laboratories, except tests on humans; termite,
26 bug, roach, and pest eradicators; tin and sheet metal
27 repair; turkish baths, massage, and reducing salons;
28 weighing; welding; well drilling; wrapping, packing,
29 and packaging of merchandise other than processed
30 meat, fish, fowl and vegetables; wrecking service;
31 wrecker and towing; cable television; campgrounds;
32 carpet and upholstery cleaning; gun and camera repair;
33 janitorial and building maintenance or cleaning; lawn

34 care, landscaping and tree trimming and removal;
35 lobbying service; pet grooming; reflexology; security
36 and detective services; tanning beds or salons; and
37 water conditioning and softening. For purposes of
38 this subsection, gross taxable services from rental
39 includes rents, royalties, and copyright and license
40 fees. For purposes of this subsection, "lobbying
41 service" means the rendering, furnishing or
42 performing, for a fee, salary or other compensation,
43 activities which are intended or used for the purpose
44 of encouraging the passage, defeat, or modification of
45 legislation or for influencing the decision of the
46 members of a legislative committee or subcommittee or
47 the representing, for a fee, salary or other
48 compensation, on a regular basis an organization which
49 has as one of its purposes the encouragement of the
50 passage, defeat or modification of legislation or the

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1 influencing of the decision of the members of a
2 legislative committee or a subcommittee. "Lobbying
3 service" does not include the activities of a federal,
4 state, or local government official or employee acting
5 within the course of the official's or employee's
6 duties or a representative of the news media engaged
7 only in the reporting and dissemination of news and
8 editorials.

9 Sec. 402. Section 422.45, subsection 26, paragraph
10 b, Code 1987, is amended to read as follows:

11 b. The farm machinery and equipment shall
12 constitute self-propelled implements or implements
13 customarily drawn or attached to self-propelled
14 implements or the farm machinery or equipment is a
15 grain dryer or used in the production of livestock.

DIVISION V

16 Sec. 501. **NEW SECTION. 427B.7 ACTUAL VALUE ADDED**
17 **EXEMPTION FROM TAX -- CATTLE FACILITIES.**

18 A city council, or a county board of supervisors as
19 authorized by section 427B.2, may, by ordinance as
20 provided in section 427B.1, establish a partial
21 exemption from property taxation of the actual value
22 added to owner-operated cattle facilities, including
23 slaughter facilities and small or medium sized
24 feedlots, either by new construction or by the
25 retrofitting of existing facilities. The actual value
26 added to owner-operated cattle facilities, as
27 specified in section 427B.1, is eligible to receive a
28 partial exemption from taxation for a period of five
29 years. The amount of actual value added which is
30

31 eligible to be exempt from taxation is the same as
 32 provided in the exemption schedule in section 427B.3.

33 DIVISION VI

34 Sec. 601. ASSISTANCE PROGRAMS -- FUNDING. The
 35 Iowa agricultural development authority shall develop
 36 and establish assistance programs for agricultural
 37 producers under this Act to be funded from moneys
 38 appropriated to the Iowa agricultural development
 39 authority for that purpose.

40 Sec. 602. EFFECTIVE DATE. This Act, being deemed
 41 of immediate importance, takes effect upon enactment."

42 2. Title page, line 1, by striking the words "the
 43 agricultural development authority" and inserting the
 44 following: "agriculture".

45 3. Title page, lines 4 and 5, by striking the
 46 words "making appropriations" and inserting the
 47 following: "providing a property tax credit for
 48 certain facilities used in producing meat, providing
 49 an exemption from the sales, services, and use tax on
 50 utilities or fuel to be used in agricultural

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- 1 production for market and in agricultural production
- 2 of equipment or its repair if used in the production
- 3 of livestock, providing for a property tax exemption
- 4 for certain cattle facilities, providing for funding".
- 5 4. By renumbering as necessary.

COMMITTEE ON AGRICULTURE
 BERL E. PRIEBE, Chairperson

S-3493

- 1 Amend House File 499 as amended, passed, and
- 2 reprinted by the House, as follows:

DIVISION S—3493A

- 3 1. Page 2, line 1, by striking the words and
- 4 figure "and July 1, 1988" and inserting the following:
- 5 " , July 1, 1988, and July 1, 1989".
- 6 2. Page 2, line 7, by striking the words and
- 7 figure "and July 1, 1988" and inserting the following:
- 8 " , July 1, 1988, and July 1, 1989".
- 9 3. Page 3, line 27, by inserting after the word
- 10 "education" the following: "by the third Friday in
- 11 September".

- 12 4. Page 3, line 30, by inserting after the word
13 "year" the following: "for that year".
- 14 5. Page 4, line 7, by striking the word "For" and
15 inserting the following: "If moneys are appropriated
16 for phase I for".
- 17 6. By striking page 4, line 10 through page 5,
18 line 6, and inserting the following: "each school
19 district and area education agency under phase I and
20 the department of revenue and finance shall make the
21 payments. For succeeding school years, the amount of
22 the total minimum salary supplement shall be equal to
23 the amount paid for the school year beginning July 1,
24 1987 and it shall be used to increase teacher
25 salaries.
- 26 If the moneys appropriated for phase I are
27 insufficient for a school year, moneys shall be
28 transferred from moneys appropriated for phase III.
29 If the moneys remain after payments are made for a
30 fiscal year, the moneys shall be added to the moneys
31 appropriated for phase II."
- 32 7. Page 5, by striking lines 7 through 14.
- 33 8. Page 5, lines 23 and 24, by striking the words
34 and figure "and July 1, 1988" and inserting the
35 following: ", July 1, 1988, and July 1, 1989".
- 36 9. Page 6, lines 3 and 4, by striking the words
37 and figure "and July 1, 1988" and inserting the
38 following: ", July 1, 1988, and July 1, 1989".
- 39 10. Page 8, line 27, by striking the words "and
40 to promote student achievement".
- 41 11. Page 8, by inserting after line 31 the
42 following:
43 "It is the intent of the general assembly that
44 school districts and area education agencies
45 incorporate into their planning for performance-based
46 pay plans and supplemental pay plans, implementation
47 of recommendations from recently issued national and
48 state reports relating to the requirements of the
49 educational system for meeting future educational
50 needs, especially as they relate to the preparation,

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DIVISION S—3493A (cont'd.)

- 1 working conditions, and responsibilities of teachers,
2 including but not limited to assistance to new
3 teachers, development of teachers as instructional
4 leaders in their schools and school districts, using
5 teachers for evaluation and diagnosis of other
6 teachers' techniques, and the implementation of

7 sabbatical leaves.

8 It is the intent of the general assembly that as
9 more stringent or additional teaching certification
10 standards or other educational requirements affecting
11 teacher compensation are mandated in response to
12 recommendations made in various national and state
13 reports relating to education and teaching in the
14 nation and in this state, the cost of meeting these
15 requirements shall be borne by the districts and area
16 education agencies themselves and state financial
17 assistance will be provided only pursuant to an
18 approved phase III plan. Renewal of school districts'
19 and area education agencies' initial allocations of
20 phase III moneys may be affected in subsequent years
21 by implementation of increased or additional
22 standards."

23 12. Page 8, line 33, by striking the word "For"
24 and inserting the following: "If moneys are
25 appropriated by the general assembly for phase III
26 for".

27 13. Page 9, by striking lines 3 through 13 and
28 inserting the following: "combination of the two."

29 14. Page 9, by striking lines 15 through 17 and
30 inserting the following: "Annually, the payments for
31 an approved plan for".

32 15. Page 9, by striking lines 20 through 22, and
33 inserting the following: "cents if the general
34 assembly has appropriated fifty million dollars for
35 school districts and area education agencies for phase
36 III for those fiscal years. Annually, the payments
37 for an approved plan for".

38 16. Page 9, by striking lines 25 through 30 and
39 inserting the following: "sixty cents if the general
40 assembly has appropriated fifty million dollars for
41 school districts and area education agencies for phase
42 III for those fiscal years. If the general assembly
43 has appropriated a different amount for a fiscal year
44 for phase III, the department of education shall
45 adjust the amount for each student enrolled
46 accordingly. In addition, the department of education
47 shall adjust the amount for each student enrolled to
48 correspond to changes in certified enrollment and
49 enrollment served."

50 17. Page 10, line 17, by inserting after the word

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1 "district" the following: " , except that phase III
2 moneys may be used to employ substitute teachers,
3 part-time teachers, and other employees needed to
4 implement plans that provide innovative staffing
5 patterns or that require that a teacher employed on a
6 full-time basis be absent from the classroom for
7 specified periods for fulfilling other instructional
8 duties".

9 18. Page 12, line 31, by striking the words
10 "parents, students,".

11 19. Page 12, line 33, by inserting after the word
12 "proposal" the following: "for distribution of phase
13 III moneys to be submitted to the board of directors".

14 20. Page 13, by striking lines 8 and 9 and in-
15 serting the following: "area education agency for
16 consideration by the board in developing a plan. For
17 the school year beginning July".

18 21. Page 14, line 7, by inserting after the word
19 "agency" the following: "for the school year
20 beginning July 1, 1987".

21 22. Page 14, line 7, by inserting after the word
22 "an" the following: "approved phase III plan that are
23 not expended for that school year shall not revert to
24 the general fund of the state but may be expended by
25 that school district during the school year beginning
26 July 1, 1988. For school years thereafter, moneys
27 allocated to a school district or area education
28 agency for an".

29 23. Page 14, line 33, by inserting after the word
30 "finance" the following: "on a quarterly basis and
31 may be made".

32 24. Page 14, line 34, by inserting after the
33 figure "442.26." the following: "For the school year
34 beginning July 1, 1987, the first quarterly payment
35 shall be made not later than October 15, 1987 taking
36 into consideration the relative budget and cash
37 position of the state resources."

38 25. Page 15, by striking lines 10 through 17.

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39 26. Page 15, by inserting after line 19 the
40 following:

41 "Sec. ____ . Section 20.16, Code 1987, is amended by
42 adding the following new unnumbered paragraph:
43 **NEW UNNUMBERED PARAGRAPH.** Upon mutual agreement of
44 all parties affected, the public employers who are
45 boards of directors of school districts and their
46 corresponding certified teacher employee organizations
47 within the boundaries of an area education agency, or

48 portion of an area education agency, may engage in
 49 collective bargaining to negotiate a single proposed
 50 collective bargaining agreement for the area.

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1 Sec. ____ NEW SECTION. 20.22A NEGOTIATIONS FOR
 2 SCHOOL DISTRICTS.

3 Notwithstanding the deadline dates prescribed in
 4 section 20.17, and sections 20.19 through 20.22, the
 5 negotiations for a proposed collective bargaining
 6 agreement between the representatives of a school
 7 district and a certified teacher employee organization
 8 may occur after the March 15 certified budget
 9 submission date if the parties comply with this
 10 section. Not later than October 1 of the year
 11 preceding the year for which an agreement is being
 12 negotiated, the representatives of the school district
 13 and a certified teacher employee organization shall
 14 jointly submit to the public employment relations
 15 board a time line for negotiations that contains
 16 proposed deadline dates for impasse procedures,
 17 including appointment of a mediator, appointment of a
 18 fact-finder, request for arbitration, and the final
 19 determination of the panel of arbitrators. The
 20 deadline for the final determination of the panel of
 21 arbitrators shall not be later than August 15 and the
 22 determination must be effective retroactive to July 1.
 23 The public employment relations board shall approve
 24 or disapprove the request by November 1 of the year
 25 preceding the year for which the agreement is being
 26 negotiated. If the public employment relations board
 27 disapproves the time line submitted by the parties,
 28 the time lines specified in section 20.17 and sections
 29 20.19 through 20.22 apply.”

30 27. Page 15, by inserting after line 19 the
 31 following:

32 “Sec. 100. Section 93.20, unnumbered paragraph 2,
 33 Code 1987, is amended to read as follows:

34 School districts shall repay the loans from moneys
 35 in either their general fund or ~~schoolhouse capital~~
 36 projects fund. Area schools shall repay the loans
 37 from their general fund.

38 Sec. 101. Section 96.31, Code 1987, is amended to
 39 read as follows:

40 96.31 TAX FOR BENEFITS.

41 Political subdivisions may levy a tax outside their
 42 general fund levy limits to pay the cost of

43 unemployment benefits. For school districts the cost
44 of unemployment benefits shall be included in the
45 liability levy pursuant to section 298.4."

46 28. Page 15, by inserting after line 19 the
47 following:

48 "Sec. ____ . Section 256.7, Code 1987, is amended by
49 adding the following new subsection:

50 NEW SUBSECTION. 8. Develop plans for the approval

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1 of teacher preparation programs that incorporate the
2 results of recently completed research and national
3 studies on teaching for the twenty-first century and
4 develop plans for providing assistance to newly
5 graduated teachers, including options for internships
6 and reduced teaching loads. The plans shall be
7 submitted to the general assembly not later than
8 October 1, 1988."

9 29. By striking page 15, line 20, through page
10 16, line 12.

11 30. By striking page 16, line 13, through page
12 17, line 30, and inserting the following:

13 "Sec. ____ . Section 256.11, subsections 10, 11, and
14 12, Code 1987, are amended by striking the subsections
15 and inserting in lieu thereof the following:

16 10. The state board shall establish an
17 accreditation process for school districts and
18 nonpublic schools seeking accreditation pursuant to
19 this subsection and subsections 11 and 12. As
20 required in section 256.17, by July 1, 1989, all
21 school districts shall meet standards for
22 accreditation. For the school year commencing July 1,
23 1989 and school years thereafter, the department of
24 education shall use a two-phase process for the
25 continued accreditation of schools and school
26 districts.

27 Phase I consists of annual monitoring by the
28 department of education of all accredited schools and
29 school districts for compliance with accreditation
30 standards adopted by the state board of education as
31 provided by section 256.17. The phase I monitoring
32 requires that accredited school districts and schools
33 annually complete accreditation compliance forms
34 adopted by the state board and file them with the
35 department of education. In addition, employees of
36 the department of education shall complete at least
37 one onsite visit each year to each accredited school

38 and school district to review the educational programs
39 and the information included in the compliance forms.
40 Phase II requires the use of an accreditation
41 committee, appointed by the director of the department
42 of education, to conduct an onsite visit to an
43 accredited school or school district if any of the
44 following conditions exist:
45 a. When the annual monitoring of phase I indicates
46 that a school or school district may be deficient or
47 fails to be in compliance with accreditation
48 standards.
49 b. In response to a petition filed with the
50 director requesting such a committee visitation that

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1 is signed by twenty percent or more of the registered
2 voters of a school district.
3 c. In response to a petition filed with the
4 director requesting such a committee visitation that
5 is signed by twenty percent or more of the parents or
6 guardians who have children enrolled in the school or
7 school district.
8 d. At the direction of the state board of
9 education.
10 The number and composition of the membership of an
11 accreditation committee shall be determined by the
12 director and may vary due to the specific nature or
13 reason for the visit. In all situations, however, the
14 chairperson and a majority of the committee membership
15 shall be from the instructional and administrative
16 program specialty staff of the department of
17 education. Other members may include instructional
18 and administrative staff from school districts, area
19 education agencies, institutions of higher education,
20 local board members and the general public. An
21 accreditation committee visit to a nonpublic school
22 requires membership on the committee from nonpublic
23 school instructional or administrative staff or board
24 members. A member of a committee shall not have a
25 direct interest in the nonpublic school or school
26 district being visited.
27 Rules adopted by the state board may include
28 provisions for coordination of the accreditation
29 process under this section with activities of
30 accreditation associations.
31 Prior to a visit to a school district or nonpublic

32 school, members of the accreditation committee shall
33 have access to all annual accreditation report
34 information filed with the department by that
35 nonpublic school or school district.
36 After visiting the school district or nonpublic
37 school, the accreditation committee shall determine
38 whether the accreditation standards have been met and
39 shall make a report to the director, together with a
40 recommendation whether the school district or
41 nonpublic school shall remain accredited. The
42 accreditation committee shall report strengths and
43 weaknesses, if any, for each standard and shall advise
44 the school or school district of available resources
45 and technical assistance to further enhance strengths
46 and improve areas of weakness. A school district or
47 nonpublic school may respond to the accreditation
48 committee's report.
49 11. The director shall review the accreditation
50 committee's report, and the response of the school

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1 district or nonpublic school, and provide a report and
2 recommendation to the state board along with copies of
3 the accreditation committee's report, the response to
4 the report, and other pertinent information. The
5 state board shall determine whether the school
6 district or nonpublic school shall remain accredited.
7 If the state board determines that a school district
8 or nonpublic school should not remain accredited, the
9 director, in cooperation with the board of directors
10 of the school district, or authorities in charge of
11 the nonpublic school, shall establish a plan
12 prescribing the procedures that must be taken to
13 correct deficiencies in meeting the standards, and
14 shall establish a deadline date for completion of the
15 procedures. The plan is subject to approval of the
16 state board.
17 12. During the period of time specified in the
18 plan for its implementation by a school district or
19 nonpublic school, the school or school district
20 remains accredited. The accreditation committee shall
21 revisit the school district or nonpublic school and
22 shall determine whether the deficiencies in the
23 standards have been corrected and shall make a report
24 and recommendation to the director and the state
25 board. The state board shall review the report and
26 recommendation, may request additional information,

27 and shall determine whether the deficiencies have been
 28 corrected. If the deficiencies have not been
 29 corrected, the state board shall merge the territory
 30 of the school district with one or more contiguous
 31 school districts. Division of assets and liabilities
 32 of the school district shall be as provided in
 33 sections 275.29 through 275.31. Until the merger is
 34 completed, the school district shall pay tuition for
 35 its resident students to an accredited school district
 36 under section 282.24."

37 31. Page 18, lines 8 and 9, by striking the words
 38 "~~may shall~~" and inserting the word "may".

39 32. Page 18, by inserting after line 12 the
 40 following:

41 "Sec. ____ . Section 256.17, unnumbered paragraph 5,
 42 Code 1987, is amended by striking the unnumbered
 43 paragraph."

44 33. Page 18, by inserting after line 12 the
 45 following:

46 "Sec. ____ . NEW SECTION. 256.18 MODIFIED BLOCK
 47 SCHEDULING.

48 1. The state board of education shall approve
 49 pilot projects, not exceeding four per year, for the
 50 purpose of sharing certificated instructional

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1 personnel between two or more districts, when the
 2 participating districts plan to utilize a modified
 3 block schedule for offering classes in the districts
 4 and sharing the certificated instructional personnel
 5 because of the modified block schedule. One-half of
 6 the approved pilot projects each year shall be
 7 projects of school districts with less than twelve
 8 hundred combined certified enrollment. The approved
 9 pilot projects shall also be as geographically
 10 distributed throughout the state as possible.

11 2. The boards of directors of two or more school
 12 districts may jointly apply to the state board of
 13 education for approval of a pilot project to jointly
 14 utilize a modified block schedule. The application
 15 shall be received by the state board by June 15, 1987
 16 for the school year beginning July 1, 1987, and by the
 17 preceding January 1, for succeeding school years. The
 18 state board shall review and approve the applications
 19 by July 15, 1987 for the school year beginning July 1,
 20 1987, and by February 15, for the succeeding school
 21 years, and shall notify the school districts of the

22 decision. The state board may request that the
23 proposal be amended and resubmitted within the
24 specified time period, to permit the proposal to
25 comply with the requirements pursuant to subsection 3.
26 3. The application, pursuant to subsection 2,
27 shall include the following:
28 a. Demonstration of a projected minimum of fifteen
29 percent annual combined instructional and support cost
30 savings of the projected costs if the districts would
31 not utilize a modified block schedule, through
32 reduction of employment of certificated instructional
33 and support personnel.
34 b. Demonstration among the grades participating in
35 the project of the following: greater student-
36 certificated instructional personnel ratio, an
37 increased number of course offerings, and an average
38 reduction of course preparations per certificated
39 teacher.
40 c. Demonstration of the acceptance of the modified
41 block schedule by the administration personnel, the
42 majority of each board of directors of each school
43 district participating in the pilot project, and the
44 certificated instructional personnel.
45 d. Transition and implementation plans regarding
46 the in-service plan pursuant to subsection 5 and the
47 changes necessary for a permanent modified block
48 schedule.
49 e. Sabbatical plan for temporarily displaced
50 teachers, which may include, but not be limited to,

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1 in-service, postsecondary enrollment, career
2 advancement, consultant and other teaching positions
3 in another school district.
4 For purposes of this section "instructional and
5 support cost" means the general education costs,
6 including salaries, benefits, contract or purchase
7 services, supplies, capital outlay, miscellaneous
8 expenses, and fund transfers.
9 4. Certificated instructional personnel notified,
10 after approval of the pilot project by the state
11 board, that the person's position has been temporarily
12 displaced for the period of the pilot project, shall
13 continue to be employed by the school district in a
14 sabbatical capacity as mutually determined by the
15 person and the board. If the determination is made
16 that the person may be employed as a teacher in

17 another school district for the period of the pilot
 18 project, the person shall receive the amount of the
 19 difference between the compensation which would have
 20 been received from the school district participating
 21 in the pilot project and the compensation received
 22 from the school district not participating in the
 23 pilot project, from the school district participating
 24 in the pilot project. All other terms of the contract
 25 with the school district participating in the pilot
 26 project shall remain in effect for the school year
 27 affected by the pilot project.

28 5. The school districts participating in the
 29 approved pilot project shall conduct in-service
 30 training for all certificated instructional and
 31 noninstructional personnel regarding the modified
 32 block scheduling, between the date notified by the
 33 state board of education regarding approval of the
 34 pilot project and September 1. Personnel shall
 35 receive compensation for the training, based on the
 36 per diem compensation received under the contract of
 37 the employing school district. The in-service
 38 training shall not be less than ten days.

39 6. The school district shall submit a quarterly
 40 report to the department of education, including but
 41 not limited to, test scores, daily attendance rates,
 42 and resulting ratio between students and certificated
 43 instructional personnel. The state board of education
 44 shall provide consultation and information to the
 45 school districts with approved pilot projects by
 46 providing in-state and out-of-state consultants
 47 familiar with modified block scheduling, research, and
 48 dissemination of information, and any other manner
 49 deemed appropriate. The state board shall encourage
 50 the appropriate school districts to review the concept

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1 of modified block scheduling and to adopt the concept
 2 for school years beginning July 1, 1989 and
 3 thereafter.

4 7. A school district may conduct a pilot project
 5 for only one school year.

6 Sec. ____ . NEW SECTION. 256.19 PILOT PROJECTS.

7 For fiscal years in which moneys are appropriated
 8 by the general assembly for the purpose of section
 9 256.18 the state board of education shall notify the
 10 department of revenue and finance of the amounts
 11 necessary for each pilot project in order to reimburse

12 the certificated instructional personnel pursuant to
13 section 256.18, subsection 4, for the in-service
14 training pursuant to section 256.18, subsection 5, and
15 for other costs related to the approved pilot
16 projects.”

17 34. Page 18, by inserting after line 12 the fol-
18 lowing:

19 “Sec. ____ . NEW SECTION. 256.20 YEAR AROUND
20 SCHOOLS.

21 Pursuant to section 279.10, subsection 1, relating
22 to the maintenance of school during an entire year,
23 the board of directors of a school district may
24 request approval from the state board of education for
25 a pilot project for a year around three semester
26 school year. The deadlines for approval of a pilot
27 project under this section are the deadlines specified
28 in section 256.18 for approval of a modified block
29 scheduling pilot project.

30 The application shall describe the anticipated
31 additional costs to the school district and the
32 benefits to be gained from the three semester school
33 year. Students would not be required to attend school
34 more than two semesters each school year.

35 Participation in a pilot project shall not modify
36 provisions of a master contract negotiated between a
37 school district and a certified bargaining unit
38 pursuant to chapter 20 unless mutually agreed upon.

39 If moneys are appropriated by the general assembly
40 for funding the costs of pilot projects under this
41 section, the state board of education shall notify the
42 department of revenue and finance of the amounts to be
43 paid to each school district with an approved pilot
44 project.”

45 35. Page 18, by inserting after line 12 the fol-
46 lowing:

47 “Sec. ____ . NEW SECTION. 256.21 SABBATICAL
48 PROGRAM.

49 If the general assembly appropriates money for
50 grants to provide sabbaticals for teachers, a

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1 sabbatical program shall be established as provided in
2 this section. For the school years commencing July 1,
3 1988, July 1, 1989, and July 1, 1990, any teacher with
4 at least seven years of teaching experience in this
5 state may submit an application for a sabbatical to
6 the department of education not later than November 1

7 of the preceding school year.

8 A teacher's application shall include a plan for
9 the use of the period of the sabbatical, including,
10 but not limited to, additional education, use of a
11 fellowship, conducting of research, writing relating
12 to a particular subject area, or other activities
13 relating to an enhancement of teaching skills. The
14 teacher's plan must be accompanied by the written
15 approval of the superintendent of the school district
16 and a statement by the superintendent describing the
17 benefits of the sabbatical to the school district.

18 The state board of education shall adopt rules
19 under chapter 17A relating to submission of sabbatical
20 plans and criteria for awarding the sabbaticals,
21 including both the benefit to the teacher and the
22 benefit to the school district. Sabbaticals shall be
23 awarded by the department not later than January 1 of
24 the preceding school year.

25 A sabbatical grant to a teacher shall be equal to
26 the costs to the school district of the teacher's
27 regular compensation as defined in section 294A.2 plus
28 the cost to the district of the fringe benefits of the
29 teacher. The grant shall be paid to the school
30 district, and the district shall continue to pay the
31 teacher's regular compensation as well as the cost to
32 the district of the substitute teacher. Grant moneys
33 are miscellaneous income for purposes of chapter 442.

34 A sabbatical approved by the department may be for
35 any period of time not exceeding one year.

36 Notwithstanding section 8.33, if moneys are
37 appropriated by the general assembly for the
38 sabbatical program for either the fiscal year
39 beginning July 1, 1988 or July 1, 1989, the moneys
40 shall not revert at the end of that fiscal year but
41 shall carry over and may be expended during the next
42 fiscal year."

43 36. Page 18, by inserting after line 12 the
44 following:

45 "Sec. ____ . Section 260.6, Code 1987, is amended to
46 read as follows:

47 260.6 CERTIFICATES REQUIRED.

48 The board of educational examiners shall issue
49 certificates pursuant to sections 256.7, subsection 3,
50 and 260.2. A person employed as an administrator,

1 supervisor, school service person, or teacher in the
2 public schools shall hold a certificate valid for the
3 type of position in which the person is employed.
4 Effective July 1, 1990, the board shall only issue an
5 emergency temporary certificate or endorsement to an
6 individual employed by a school district or nonpublic
7 school after the board of that school district or
8 authorities in charge of that nonpublic school certify
9 to the board of educational examiners that the board
10 or authorities attempted to employ a certificated or
11 endorsed individual to fill the teaching vacancy and,
12 if the vacancy is in a school district, the board
13 also attempted to complete a sharing agreement with
14 another school district for providing the classes or
15 courses. An emergency temporary certificate or
16 endorsement is valid for one year after its issuance
17 and shall not be renewed."

18 37. Page 18, by inserting after line 12 the
19 following:

20 "Sec. ____ . NEW SECTION. 260.13 EXAMINATIONS.

21 The board shall conduct examinations of applicants
22 for initial certificates under this chapter. The
23 examinations shall include a professional knowledge
24 and general knowledge examination and may include but
25 shall not be limited to subject matter proficiency
26 examinations for the appropriate endorsement and
27 approval areas. The board may administer as many
28 examinations per year as are necessary, but shall
29 administer the examination for each subject matter
30 proficiency at least one time per year. The scope of
31 the examinations and the methods of procedure shall be
32 prescribed by the board."

33 38. Page 18, by inserting after line 12 the
34 following:

35 "Sec. ____ . NEW SECTION. 260.20 NATIONAL
36 CERTIFICATION.

37 The board of educational examiners shall review the
38 certification standards for teacher's certificates
39 adopted by the national board for professional
40 teaching standards, a nonprofit corporation created as
41 a result of recommendations of the task force on
42 teaching as a profession of the Carnegie forum on
43 education and the economy. In those cases in which
44 the standards required by the national board for an
45 Iowa endorsement meet or exceed the requirements
46 contained in rules adopted under this chapter for that
47 endorsement, the board of educational examiners shall
48 issue certificates to holders of certificates issued
49 by the national board who request the certificate."

50 39. Page 18, by striking lines 16 through 21.

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- 1 40. Page 18, line 31, by striking the word "an"
2 and inserting the following: "a tenth,".
- 3 41. Page 19, by striking lines 1 through 4 and
4 inserting the following: "institution, subject to the
5 approval of the board of directors of the school
6 district or the designee of the board of directors, to
7 enroll in a course offered at that eligible insti-
8 tution. If an".
- 9 42. Page 19, line 14, by striking the word
10 "shall" and inserting the word "may".
- 11 43. Page 19, by striking lines 20 through 27 and
12 inserting the following: "who successfully completes
13 a course."
- 14 44. Page 19, by striking lines 28 through 31 and
15 inserting the following:
16 "Evidence of successful".
- 17 45. By striking page 19, line 35 through page 20,
18 line 17 and inserting the following:
19 "Sec. ____ . NEW SECTION. 261C.6 TUITION AND
20 COSTS.
21 Payment by a school district to an eligible insti-
22 tution for tuition and costs for a pupil enrolled in a
23 course at the institution shall be determined by the
24 board of directors of the school district in
25 cooperation with the institution. If an eligible
26 postsecondary institution is an area school
27 established under chapter 280A and the area school
28 counts the contact hours of high school pupils under
29 this chapter as contact hours eligible for general aid
30 under chapter 286A, the area school is not eligible to
31 receive the payment by a school district under this
32 section for those contact hours."
- 33 46. Page 20, by striking lines 27 through 29 and
34 inserting the following: "the course in which the
35 pupil is enrolled except when the pupil may receive
36 postsecondary academic credit upon successful
37 completion of the course. The pupil may be required
38 to purchase equipment or materials that become the
39 property of the pupil."
- 40 47. Page 20, by inserting after line 29 the
41 following:
42 "Sec. ____ . Section 273.1, Code 1987, is amended to
43 read as follows:
44 273.1 INTENT.
45 It is the intent of the general assembly to provide

46 an effective, efficient, and economical means of
47 identifying and serving children from under five years
48 of age through grade twelve who require special
49 education and any other children requiring special
50 education as defined in section 281.2; to provide for

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1 media services and other programs and services for
2 pupils in grades kindergarten through twelve and
3 children requiring special education as defined in
4 section 281.2; to provide a method of financing the
5 programs and services; and to avoid a duplication of
6 programs and services provided by any other school
7 corporation in the state; and to provide services to
8 school districts under a contract with those school
9 districts."

10 48. Page 20, by striking lines 30 through 34.

11 49. By striking page 20, line 35 through page 21,
12 line 13.

13 50. By striking page 21, line 14 through page 22,
14 line 24.

15 51. Page 22, by striking lines 25 through 35.

16 52. Page 23, by inserting before line 1 the
17 following:

18 "Sec. ____ . NEW SECTION. 273.7A SERVICES TO
19 SCHOOL DISTRICTS.

20 The board of an area education agency may provide
21 services to school districts located in the area
22 education agency under contract with the school
23 districts. These services may include, but are not
24 limited to, superintendency services, personnel
25 services, legal services, business management
26 services, specialized maintenance services, and
27 transportation services. In addition, the board of
28 the area education agency may provide for furnishing
29 expensive and specialized equipment for school
30 districts. School districts shall pay to area
31 education agencies the cost of providing the services.

32 The board of an area education agency may also
33 provide services authorized to be performed by area
34 education agencies to other area education agencies in
35 this state and to provide a method of payment for
36 these services."

37 53. Page 23, by inserting before line 1 the
38 following:

39 "Sec. 102. Section 274.37, unnumbered paragraph 2,
40 Code 1987, is amended to read as follows:

41 The boards in the respective districts, the
42 boundaries of which have been changed under this
43 section, complete in all respects; except for the
44 passage of time prior to the effective date of the
45 change, and when ~~all~~ the right of appeal of the change
46 has expired, may enter into joint contracts for the
47 construction of buildings for the benefit of the
48 corporations whose boundaries have been changed, using
49 funds accumulated ~~under section 278.1; subsection 7~~
50 from the capital projects and equipment amount. The

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1 district in which the building is to be located may
2 use any funds authorized in accordance with chapter
3 75. ~~Nothing in this section shall be construed to~~
4 This section does not permit the changed districts to
5 expend any funds jointly which they are not entitled
6 to expend acting individually.”

7 54. Page 23, by inserting before line 1 the
8 following:

9 “Sec. ____ . Section 275.12, subsection 2, paragraph
10 a, Code 1987, is amended by striking the paragraph.

11 Sec. ____ . Section 275.12, subsection 3, Code 1987,
12 is amended to read as follows:

13 3. ~~If the petition proposes the division of the~~
14 ~~school district into director districts; the~~ The
15 boundaries of ~~such~~ proposed director districts shall
16 be described in the petition.”

17 55. Page 23, by inserting before line 1 the fol-
18 lowing:

19 “Sec. 103. Section 275.12, subsection 5, Code
20 1987, is amended by striking the subsection.”

21 56. Page 23, by inserting before line 1 the
22 following:

23 “Sec. ____ . Section 275.18, unnumbered paragraph 2,
24 Code 1987, is amended to read as follows:

25 The county commissioner of elections shall give
26 notice of the election by one publication in the same
27 newspaper in which previous notices have been
28 published regarding the proposed school
29 reorganization, and in addition, if more than one
30 county is involved, by one publication in a legal
31 newspaper in each county other than that of the first
32 publication. The publication shall be not less than
33 four nor more than twenty days prior to the election.
34 If the decision published pursuant to section 275.15
35 or 275.16 includes a description of the proposed

36 school corporation and a description of the director
37 districts, if any; the notice for election and the
38 ballot do not need to include these descriptions.
39 Notice for an election shall not be published until
40 the expiration of time for appeal, which shall be the
41 same as that provided in section 275.15 or 275.16,
42 whichever is applicable; and if there is an appeal,
43 not until the appeal has been disposed of."

44 57. Page 23, by inserting before line 1 the
45 following:

46 "Sec. 104. Section 275.20, Code 1987, is amended
47 to read as follows:

48 275.20 SEPARATE VOTE IN EXISTING DISTRICTS.

49 The voters shall vote separately in each existing
50 school district affected and voters residing in the

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1 entire existing district are eligible to vote both
2 upon the proposition to create a new school
3 corporation and the proposition to levy the
4 schoolhouse tax under section 278.1, subsection 7, if
5 the petition included a provision for a vote to levy
6 the schoolhouse tax. If a proposition receives a
7 majority of the votes cast in each of at least
8 seventy-five percent of the districts, and also a
9 majority of the total number of votes cast in all of
10 the districts, the proposition is carried."

11 58. Page 23, by inserting before line 1 the
12 following:

13 "Sec. ____ . Section 275.23A, subsection 1, Code
14 1987, is amended to read as follows:

15 1. School districts which have directors who
16 represent director districts as provided in section
17 275.12, subsection 2, paragraphs b through e; Director
18 districts shall be divided into director districts on
19 the basis of population as determined from the most
20 recent federal decennial census. The director
21 districts shall be as nearly equal as practicable to
22 the ideal population for the districts as determined
23 by dividing the number of director districts to be
24 established into the population of the school
25 district. The director districts shall be composed of
26 contiguous territory as compact as practicable."

27 59. Page 23, by inserting before line 1 the
28 following:

29 "Sec. 105. Section 275.32, Code 1987, is amended
30 to read as follows:

31 275.32 SCHOOL BUILDINGS -- TAX LEVY.

32 The board of ~~any a~~ school corporation shall
 33 establish attendance centers and provide suitable
 34 buildings for each school in the district, and may at
 35 the regular or a special meeting call a special
 36 election to submit to the qualified electors of the
 37 district the question of ~~voting a tax or~~ authorizing
 38 the board to issue bonds; ~~or both~~, for any or all of
 39 the following purposes:

40 1. To secure sites, build, purchase, or equip
 41 school buildings.

42 2. To build or purchase a superintendent's or
 43 teacher's house or houses.

44 3. To repair or improve ~~any a~~ school building or
 45 grounds, or superintendent's or teacher's house or
 46 houses; ~~when the cost will exceed five thousand~~
 47 ~~dollars~~.

48 ~~All moneys~~ Moneys received for ~~such the~~ purposes
 49 listed in this subsection shall be placed in the
 50 ~~schoolhouse~~ capital projects fund of ~~said the~~

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1 corporation and shall be used only for the purpose for
 2 which voted."

3 60. Page 23, by inserting before line 1 the
 4 following:

5 "Sec. ____ . Section 275.33, subsection 2,
 6 unnumbered paragraph 1, Code 1987, is amended to read
 7 as follows:

8 The collective bargaining agreement of the district
 9 with the largest basic enrollment, as defined in
 10 section 442.4, in the new district shall serve as the
 11 base agreement and the employees of the other
 12 districts involved in the formation of the new
 13 district shall automatically be accreted to the
 14 bargaining unit of that collective bargaining
 15 agreement for purposes of negotiating the contracts
 16 for the following years without further action by the
 17 public employment relations board. If only one
 18 collective bargaining agreement is in effect among the
 19 districts which are party to the reorganization, then
 20 that agreement shall serve as the base agreement, and
 21 the employees of the other districts involved in the
 22 formation of the new district shall automatically be
 23 accreted to the bargaining unit of that collective
 24 bargaining agreement for purposes of negotiating the
 25 contracts for the following years without further

26 action by the public employment relations board. The
 27 board of the newly formed district, using the base
 28 agreement as its existing contract, shall bargain with
 29 the combined employees of the existing districts for
 30 the school year beginning with the effective date of
 31 the reorganization. The bargaining shall be completed
 32 by March 15 prior to the school year in which the
 33 reorganization becomes effective or within one hundred
 34 eighty days after the organization of the new board,
 35 whichever is later unless section 20.22A is used. If
 36 a bargaining agreement was already concluded by the
 37 board and employees of the existing district with the
 38 contract serving as the base agreement for the school
 39 year beginning with the effective date of the
 40 reorganization, that agreement shall be void.
 41 However, if the base agreement contains multiyear
 42 provisions affecting school years subsequent to the
 43 effective date of the reorganization, the base
 44 agreement shall remain in effect as specified in the
 45 agreement."

46 61. Page 23, by inserting before line 1 the
 47 following:

48 "Sec. ____ . Section 275.51, unnumbered paragraphs 1
 49 and 2, Code 1987, are amended to read as follows:

50 As an alternative to school district reorganization

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1 prescribed in this chapter, the board of directors of
 2 a school district may establish a school district
 3 dissolution commission to prepare a proposal of
 4 dissolution of the school district and attachment of
 5 all of the entire school district to one or more
 6 contiguous school districts and to include in the or
 7 the dissolution of a portion of a school district and
 8 attachment of that portion to one or more contiguous
 9 school districts if the remaining portion of the
 10 district contains at least six hundred pupils in the
 11 year in which the dissolution will take effect and if
 12 there are no outstanding bonds in existence in the
 13 school district. The proposal shall include a
 14 division of the assets and liabilities of the
 15 dissolving school district. A dissolution commission
 16 may be established for dissolving a portion of a
 17 district on the board's own motion and shall be
 18 established upon the receipt of a petition signed by
 19 at least sixty percent of the qualified electors
 20 residing within the portion of a district that desires

21 to be dissolved.

22 The dissolution commission shall consist of seven
23 members appointed by the board for a term of office
24 ending either with a report to the board that no
25 proposal can be approved or on the date of the
26 election on the proposal. If the dissolution proposal
27 is for a portion of a school district, four members
28 must be residents of the portion of the district that
29 is dissolving. Members of the dissolution commission
30 must be eligible electors who reside in the school
31 district, not more than three of whom may be members
32 of the board of directors of the school district.
33 Members shall be appointed from throughout the school
34 district and should represent the various
35 socioeconomic factors present in the school district.

36 Sec. ____ . Section 275.54, unnumbered paragraph 1,
37 Code 1987, is amended to read as follows:

38 Within ten days following the filing of the
39 dissolution proposal with the board for the
40 dissolution of an entire school district, the board
41 shall fix a date for a hearing on the proposal which
42 shall not be more than sixty days after the
43 dissolution petition was filed with the board. The
44 board shall publish notice of the date, time, and
45 location of the hearing at least ten days prior to the
46 date of the hearing by one publication in a newspaper
47 in general circulation in the district. The notice
48 shall include the content of the dissolution proposal.
49 A person residing or owning land in the school
50 district may present evidence and arguments at the

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DIVISION S—3493B (cont'd.)

1 hearing. The president of the board shall preside at
2 the hearing. The board shall review testimony from
3 the hearing and shall adopt or amend and adopt the
4 dissolution proposal. If the dissolution proposal is
5 for the dissolution of a portion of a school district,
6 the board shall call a special election under section
7 275.55. The board shall notify by registered mail the
8 boards of directors of all school districts to which
9 area of the affected school district will be attached
10 and the director of the department of education of the
11 contents of the dissolution proposal adopted by the
12 board. If the board of a district to which area of
13 the affected school district will be attached objects
14 to the attachment, that portion of the dissolution
15 proposal will not be included in the proposal voted

16 upon under section 275.55 and the director of the
17 department of education shall attach the area to a
18 contiguous school district. If the board of a
19 district to which area of the affected school district
20 will be attached objects to the division of assets and
21 liabilities contained in the dissolution proposal,
22 section 275.30 applies for the division of assets and
23 liabilities to that district.

24 Sec. ____ . Section 275.55, unnumbered paragraph 1,
25 Code 1987, is amended to read as follows:

26 The board of the school district shall call a
27 special election to be held not later than forty days
28 following the date of the final hearing on the
29 dissolution proposal. The special election may be
30 held at the same time as the regular school election.
31 The proposition submitted to the voters residing in
32 the school district at the special election shall
33 describe each separate area to be attached to a
34 contiguous school district and shall name the school
35 district to which it will be attached. If the special
36 election is for the dissolution of a portion of a
37 school district, only electors residing in the portion
38 of the school district proposing to be dissolved are
39 eligible to vote.

40 Sec. ____ . Section 275.55, unnumbered paragraph 3,
41 Code 1987, is amended to read as follows:

42 The proposition to dissolve an entire school
43 district shall be adopted if a majority of the
44 electors voting on the proposition approve its
45 adoption. The proposition to dissolve a portion of a
46 school district shall be adopted if a sixty-five
47 percent majority of the electors residing in the
48 portion of the district proposing to dissolve who vote
49 on the proposition approve its adoption. If the
50 dissolution of a portion of a school district is not

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DIVISION S—3493B (cont'd.)

1 approved, a new proposal shall not be offered for at
2 least twelve months following the date of the
3 election.”

4 62. Page 23, by inserting before line 1 the
5 following:

6 “Sec. 106. Section 276.11, Code 1987, is amended
7 by striking the section and inserting in lieu thereof
8 the following:

9 276.11 FUNDING OF COMMUNITY EDUCATION.

10 Moneys received from the capital projects and
 11 equipment amount may be expended for community
 12 education purposes.

13 Sec. 107. Section 277.2, Code 1987, is amended to
 14 read as follows:

15 277.2 SPECIAL ELECTION.

16 The board of directors in ~~any a~~ school corporation
 17 may call a special election at which ~~election~~ the
 18 voters shall have the powers exercised at the regular
 19 election with reference to the sale of school property
 20 and the application to be made of the proceeds, the
 21 authorization of seven members on the board of
 22 directors, the authorization to establish or change
 23 the boundaries of director districts, and the
 24 authorization of ~~a schoolhouse tax~~ or indebtedness, as
 25 provided by law."

26 63. Page 23, by inserting before line 1 the fol-
 27 lowing:

28 "Sec. ____ . Section 277.27, Code 1987, is amended
 29 to read as follows:

30 277.27 QUALIFICATION.

31 A school officer or member of the board shall, at
 32 the time of election or appointment, be an eligible
 33 elector of the corporation or subdistrict.

34 Notwithstanding any contrary provision of the Code, ~~no~~
 35 ~~a~~ member of the board of directors of ~~any a~~ school
 36 district, ~~or director's spouse~~, shall not receive
 37 compensation directly from the school board. ~~No~~
 38 ~~director or spouse affected by this provision on July~~
 39 ~~1, 1972, whose term of office for which elected has~~
 40 ~~not expired, or whose contract of employment has a~~
 41 ~~fixed date of expiration and has not expired, shall be~~
 42 ~~affected by this provision until the expiration of the~~
 43 ~~term of office to which elected, or the expiration~~
 44 ~~date of the contract for which employed."~~

45 64. Page 23, by inserting before line 1 the fol-
 46 lowing:

47 "Sec. 108. Section 278.1, subsection 5, Code 1987,
 48 is amended to read as follows:

49 5. Direct the transfer of any surplus in the
 50 schoolhouse capital projects fund to the general fund.

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DIVISION S—3493B (cont'd.)

1 Sec. 109. Section 278.1, subsection 7, Code 1987,
2 is amended by striking the subsection.

3 Sec. 110. Section 278.1, unnumbered paragraphs 2
4 and 3, Code 1987, are amended to read as follows:

5 The board may, ~~with approval of sixty percent of~~
6 ~~the voters, voting in a regular or special election in~~
7 ~~the school district,~~ make extended time contracts not
8 to exceed twenty years in duration for rental of
9 buildings to supplement existing schoolhouse
10 facilities; and ~~where~~ if it is deemed advisable for
11 buildings to be constructed or placed on real estate
12 owned by the school district, ~~such~~ the contracts may
13 include lease-purchase option ~~agreements,~~ such
14 contracts, with the amounts to be paid out of the
15 schoolhouse capital projects fund using revenues from
16 the capital projects and equipment amount.

17 Before entering into a rental or lease-purchase
18 option contract, ~~authorized by the electors,~~ the board
19 shall first adopt plans and specifications for a
20 building ~~or buildings~~ which it considers suitable for
21 the intended use and also adopt a form of rental or
22 lease-purchase option contract. The board shall then
23 invite bids ~~thereon on the project,~~ by advertisement
24 published once each week for two consecutive weeks, in
25 a newspaper published in the county in which the
26 building ~~or buildings are~~ is to be located, and the
27 rental or lease-purchase option contract shall be
28 awarded to the lowest responsible bidder, but the
29 board may reject any and all bids and advertise for
30 new bids.

31 Sec. 111. Section 278.1, unnumbered paragraph 4,
32 Code 1987, is amended by striking the unnumbered
33 paragraph."

34 65. Page 23, line 17, by inserting after the word
35 "years." the following: "However, the board's initial
36 contract with a superintendent shall not exceed one
37 year if the board is obligated to pay a former
38 superintendent under an unexpired contract."

39 66. Page 23, by inserting after line 21 the
40 following:

41 "Sec. 112. Section 279.26, Code 1987, is amended
42 to read as follows:

43 279.26 LEASE ARRANGEMENTS.

44 The board of directors of a local school district
45 ~~for which a schoolhouse tax has been voted pursuant to~~
46 ~~section 278.1, subsection 7,~~ may enter into a rental
47 or lease arrangement; ~~consistent with the purposes for~~
48 ~~which the schoolhouse tax has been voted,~~ for a period
49 not exceeding ten years ~~and not exceeding the period~~
50 ~~for which the schoolhouse tax has been authorized by~~

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DIVISION S—3493B (cont'd.)

1 ~~the voters using revenues from the capital projects~~
2 ~~and equipment amount.”~~

3 67. Page 24, by striking lines 16 through 18 and
4 inserting the following: “weeks following the
5 adjournment of the meeting.”

6 68. Page 24, by striking lines 26 through 34.

7 69. Page 24, by inserting before line 35, the
8 following:

9 “Sec. 113. Section 279.41, Code 1987, is amended
10 to read as follows:

11 279.41 SCHOOLHOUSES AND SITES SOLD -- FUNDS.

12 Any fund received from the condemnation, sale, or
13 other disposition for public purposes of schoolhouses,
14 school sites or both schoolhouses and school sites may
15 be deposited in the ~~schoolhouse~~ capital projects fund
16 and may without a vote of the electorate be used for
17 the purchase of school sites or the erection or repair
18 of schoolhouses or both as ordered by the board of
19 directors of ~~such~~ the school district; ~~provided,~~
20 ~~however, that,~~ However, the board shall comply with
21 section 297.7.

22 Sec. 114. Section 279.42, Code 1987, is amended to
23 read as follows:

24 279.42 GIFTS TO SCHOOLS.

25 The board of directors of any school district which
26 receives funds through gifts, devises and bequests may
27 utilize the ~~same funds~~, unless limited by the terms of
28 the grant, in the general or ~~schoolhouse~~ capital
29 projects fund expenditures.

30 Sec. 115. Section 279.43, subsection 1, Code 1987,
31 is amended to read as follows:

32 1. The board of directors may pay the actual cost
33 of removal or encapsulation of asbestos existing in
34 its school buildings from any funds in the general
35 fund of the district, funds received from the
36 ~~schoolhouse tax authorized under section 278.1,~~
37 ~~subsection 7~~ capital projects and equipment amount,
38 funds from the tax levy certified under section 297.5
39 or moneys obtained through a federal asbestos loan
40 program, to be repaid from any of the funds specified
41 in this subsection.”

42 70. Page 26, by striking lines 23 through 27 and
43 inserting the following: “school district may enroll
44 the parent’s”.

45 71. Page 27, line 4, by inserting after the word

46 "residence." the following: "The notification shall
47 list the educational opportunities that the parent or
48 guardian believes are necessary for the child and
49 shall describe the manner in which the contiguous
50 district can provide those educational opportunities.

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1 The state board of education shall adopt rules under
2 chapter 17A that define educational opportunity."

3 72. Page 27, by striking lines 5 through 14.

4 73. Page 27, by striking lines 17 through 21 and
5 inserting the following: "period. However, if a
6 parent or guardian chooses to reenroll the child in
7 the district of residence, or to enroll the child in
8 another school district, during the four-year period,
9 the parent or guardian shall pay the maximum tuition
10 fee to the district pursuant to section 282.24."

11 74. Page 27, by inserting after line 29 the fol-
12 lowing:

13 "Following approval of the transfer, the board of
14 the district of residence shall transmit a copy of the
15 form to the contiguous school district. The board of
16 the contiguous school district shall enroll the pupil
17 in a school in the contiguous district for the
18 following school year unless the contiguous district
19 does not have classroom space for the pupil or unless
20 enrolling the pupil in the contiguous district will
21 adversely affect the minority enrollment in a school
22 district in which there is voluntary or court-ordered
23 desegregation."

24 75. Page 28, by striking lines 26 through 28 and
25 inserting the following: "have been achieved. The
26 committee appointed by the board under section 280.12
27 shall advise the board concerning the".

28 76. Page 29, by striking lines 16 through 26.

29 77. Page 30, by inserting after line 34 the
30 following:

31 "4. A whole grade sharing agreement shall be
32 signed by the boards of the districts involved in the
33 agreement not later than February 1 of the school year
34 preceding the school year for which the agreement is
35 to take effect."

36 78. Page 31, by striking lines 5 through 11, and
37 inserting the following: "district that is a party to
38 a proposed sharing agreement shall hold a public
39 hearing at which the proposed agreement is described,
40 and at which the parent or guardian of an affected

41 pupil shall have an opportunity to comment on the
42 proposed agreement.”

43 79. Page 31, line 21, by inserting after the word
44 “factors.” the following: “An appeal shall specify a
45 contiguous school district to which the parent or
46 guardian wishes to send the affected pupil.”

47 80. Page 31, line 24, by inserting after the word
48 “agreement.” the following: “The state board may
49 require the district of residence to pay tuition to
50 the contiguous school district specified by the parent

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DIVISION S—3493B (cont'd.)

1 or guardian, or may deny the appeal by the parent or
2 guardian. If the state board requires the district of
3 residence to pay tuition to the contiguous school
4 district specified by the parent or guardian, the
5 tuition shall be equal to the tuition established in
6 the sharing agreement.”

7 81. By striking page 31, line 29 through page 32,
8 line 3.”

9 82. Page 32, by striking lines 8 through 11 and
10 inserting the following:

11 “2. For one-way sharing, the sending district
12 shall pay no less than one-half of the district cost
13 per pupil of the sending district.”

14 83. Page 32, by inserting after line 28 the
15 following:

16 “Sec. 116. Section 283A.9, Code 1987, is amended
17 to read as follows:

18 283A.9 BUILDING FOR SCHOOL LUNCH FACILITY.

19 School districts ~~are authorized to~~ may purchase,
20 erect, or otherwise acquire a building for use as a
21 school lunch facility, and ~~to equip such a building~~
22 ~~for such that use, and pay for same~~ the acquisition or
23 equipping from unencumbered funds on hand in the
24 ~~schoolhouse fund derived from taxes voted under~~
25 ~~authority of section 278.1, subsection 7, or 275.32~~
26 capital projects fund, subject to the terms of this
27 section, or may pay for ~~same~~ the facility or equipment
28 from the proceeds of the sale of school property sold
29 under section 297.22, or from surplus remaining in the
30 ~~schoolhouse~~ capital projects fund after retirement of
31 a bond issue; ~~or from a tax voted for said purposes.”~~

32 84. Page 32, by inserting after line 28 the
33 following:

34 “Sec ____ . Section 290.1, Code 1987, is amended to
35 read as follows:

36 290.1 APPEAL TO STATE BOARD.

37 ~~Any A~~ person aggrieved by ~~any a~~ decision or order
 38 of the board of directors of ~~any a~~ school corporation
 39 in a matter of law or fact, ~~or a decision or order of~~
 40 ~~a board of directors under section 280.16~~ may, within
 41 thirty days after the rendition of ~~such the~~ decision
 42 or the making of ~~such the~~ order, appeal ~~therefrom the~~
 43 ~~decision or order~~ to the state board of education; the
 44 basis of the proceedings shall be an affidavit filed
 45 with the state board by the party aggrieved within the
 46 time for taking the appeal, which affidavit shall set
 47 forth any error complained of in a plain and concise
 48 manner."

49 85. Page 32, by inserting after line 28 the fol-
 50 lowing:

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1 "Sec. 117. Section 291.13, Code 1987, is amended

2 to read as follows:

3 291.13 GENERAL AND SCHOOLHOUSE CAPITAL PROJECTS
 4 FUNDS.

\$EW\$r of

40 a ~~board of directors under section 280.16~~ may, within
 41 thirty days after the rendition of ~~such the~~ decision
 42 or the making of ~~such the~~ order, appeal ~~therefrom the~~
 43 ~~decision or order~~ to the state board of education; the
 44 basis of the proceedings shall be an affidavit filed
 45 with the state board by the party aggrieved within the
 46 time for taking the appeal, which affidavit shall set
 47 forth any error complained of in a plain and concise
 48 manner."

49 85. Page 32, by inserting after line 28 the fol-
 50 lowing:

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1 "Sec. 117. Section 291.13, Code 1987, is amended

2 to read as follows:

3 291.13 GENERAL AND SCHOOLHOUSE CAPITAL PROJECTS
 4 FUNDS.

\$E and the specific use to which
 20 it is to be applied.

21 Sec. 118. Section 291.15, Code 1987, is amended to
 22 read as follows:

23 291.15 ANNUAL REPORT.

24 The treasurer shall make an annual report to the
 25 board at its regular July meeting, which shall show
 26 the amount of the general fund and the ~~schoolhouse~~
 27 ~~capital projects~~ fund held over, received, paid out,

28 and on hand, the several funds to be separately
 29 stated, and the treasurer shall immediately file a
 30 copy of this report with the director of the
 31 department of education and a copy with the county
 32 treasurer.

33 Sec. 119. Section 296.7, Code 1987, is amended to
 34 read as follows:

35 296.7 INDEBTEDNESS FOR INSURANCE AUTHORIZED -- TAX
 36 LEVY.

37 A school district or merged area school corporation
 38 is authorized to contract indebtedness and to issue
 39 general obligation bonds or enter into insurance
 40 agreements obligating the school district or
 41 corporation to make payments beyond its current budget
 42 year to procure or provide for a policy of insurance,
 43 a self-insurance program, or a local government risk
 44 pool to protect the school district or corporation
 45 from tort liability, loss of property, or any other
 46 risk associated with the operation of the school
 47 district or corporation. Taxes for the payment of the
 48 principal, premium, or interest on such a bond, the
 49 payment of such an insurance policy, the payment of
 50 the costs of such a self-insurance program, the

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1 payment of the costs of such a local government risk
 2 pool, and the payment of any amounts payable under any
 3 such insurance agreement may be levied in excess of
 4 any tax limitation imposed by statute. For a school
 5 district, a tax levied under this section shall be
 6 included in the liability levy under section 298.4.

7 Such a self-insurance program or local government risk
 8 pool is not insurance and is not subject to regulation
 9 under chapters 505 through 523C. However, those self-
 10 insurance plans regulated pursuant to section 509A.14
 11 shall remain subject to the requirements of section
 12 509A.14 and rules adopted pursuant to that section.

13 Sec. 120. Section 297.5, unnumbered paragraph 1,
 14 Code 1987, is amended to read as follows:

15 The directors in a high school district maintaining
 16 a program kindergarten through grade twelve may, by
 17 March 15 of each year certify an amount not exceeding
 18 twenty-seven cents per thousand dollars of assessed
 19 value to the board of supervisors, who shall levy the
 20 amount so certified, and the tax so levied shall be
 21 placed in the ~~schoolhouse~~ capital projects fund to be
 22 used for the purchase and improvement of sites, ~~or~~ for

23 major building repairs for transportation equipment
 24 for transporting students if the district has fewer
 25 than three pupils per square mile and the regular
 26 school routes consist of a single round trip per child
 27 per day, or for educational technology equipment
 28 including telecommunications equipment and computer
 29 equipment. Any funds expended by a school district
 30 for new construction of school buildings or school
 31 administration buildings must first be approved by the
 32 voters of the district.

33 Sec. 121. Section 297.22, unnumbered paragraph 2,
 34 Code 1987, is amended to read as follows:

35 Proceeds from the sale, lease or disposition of
 36 real property shall be placed in the ~~schoolhouse~~
 37 capital projects fund and proceeds from the sale,
 38 lease or disposition of property other than real
 39 property shall be placed in the general fund.

40 Sec. 122. NEW SECTION. 297.35 CONTINUATION OF
 41 LOAN AGREEMENT.

42 A loan agreement between a school district and a
 43 bank, investment banker, trust company, insurance
 44 company, or insurance group that was made under
 45 section 297.36 prior to July 1, 1987, in order to make
 46 immediately available proceeds of the schoolhouse tax
 47 approved by the voters prior to July 1, 1987 shall
 48 continue in effect for the duration of the loan
 49 agreement.

50 Sec. 123. Section 297.36, Code 1987, is amended to

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1 read as follows:

2 297.36 LOAN AGREEMENTS.

3 In order to make immediately available proceeds of
 4 the ~~schoolhouse tax which has been approved by the~~
 5 ~~voters as provided in section 278.1, subsection 7~~
 6 capital projects and equipment amount authorized in
 7 section 298.2, the board of directors may, with or
 8 without notice, borrow money and enter into loan
 9 agreements of not to exceed ten years in duration if
 10 approved by the board, or the period of years approved
 11 at an election if an election is held, in anticipation
 12 of the collection of the ~~tax amount~~ with a bank,
 13 investment banker, trust company, insurance company,
 14 or insurance group.

15 By resolution, the board shall provide for an
 16 annual levy and income surtax imposition which is
 17 within the limits of the ~~tax approved by the voters~~

18 amount authorized in section 298.2 to pay for the
 19 amount of the principal and interest due each year
 20 until maturity. The board shall file a certified copy
 21 of the resolution with the auditor of each county in
 22 which the district is located and with the director of
 23 the department of revenue and finance. The filing of
 24 the resolution with the auditor ~~shall make~~ and
 25 director of the department of revenue and finance
 26 makes it the duty of the auditor to annually levy the
 27 amount certified for collection and the duty of the
 28 director of the department of revenue and finance to
 29 annually impose the surtax, until funds are realized
 30 to repay the loan and interest on the loan in full.
 31 The loan must mature within the period of time
 32 authorized ~~by the voters~~ and shall bear interest at a
 33 rate which does not exceed the limits ~~provided~~ under
 34 chapter 74A. A loan agreement entered into pursuant
 35 to this section shall be in a form as the board of
 36 directors shall by resolution provide and the loan
 37 shall be payable as to both principal and interest
 38 from the proceeds of the annual levy and imposition of
 39 the voted tax pursuant to section 278.1, subsection 7
 40 capital projects and equipment amount, or so much
 41 thereof as will be sufficient to pay the loan and
 42 interest on the loan.
 43 The proceeds of a loan must be deposited in a fund
 44 which is separate from other district funds. Warrants
 45 paid from this fund must be for purposes authorized by
 46 ~~the voters as provided in section 278.1, subsection 7~~
 47 for the capital projects and equipment amount.
 48 This section does not limit the authority of the
 49 board of directors to levy and impose the full amount
 50 of the ~~voted tax~~ capital projects and equipment

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1 amount, but if and to whatever extent the tax is
 2 levied in any year in excess of the amount of
 3 principal and interest falling due in that year under
 4 a loan agreement, the first available proceeds, to an
 5 amount sufficient to meet maturing installments of
 6 principal and interest under the loan agreement, shall
 7 be paid into the sinking fund for the loan before the
 8 taxes are otherwise made available to the school
 9 corporation for other school purposes, and the amount
 10 required to be annually set aside to pay principal of

11 and interest on the money borrowed under the loan
12 agreement ~~shall constitute~~ constitutes a first charge
13 upon the proceeds of the ~~special voted tax capital~~
14 projects and equipment levy and income surtax, which
15 tax shall be pledged to pay the loan and the interest
16 on the loan.

17 This section is supplemental and in addition to
18 existing statutory authority to finance the purposes
19 specified in section ~~278.1, subsection 7~~ 298.2, and
20 for the borrowing of money and execution of loan
21 agreements in connection with that section ~~and~~
22 ~~subsection~~, and is not subject to any other law. The
23 fact that a school corporation may have previously
24 borrowed money and entered into loan agreements under
25 authority of this section does not prevent the school
26 corporation from borrowing additional money and
27 entering into further loan agreements if the aggregate
28 of the amount payable under all of the loan agreements
29 does not exceed the proceeds of the ~~voted tax capital~~
30 projects and equipment amount.

31 Sec. 124. NEW SECTION. 298.2 CAPITAL PROJECTS
32 AND EQUIPMENT AMOUNT.

33 The board of directors of a school district may
34 approve the raising of a capital projects and
35 equipment amount not exceeding the amount that could
36 be raised if a property tax of eighty-one cents per
37 thousand dollars of assessed valuation were levied on
38 all taxable property in the school district. The
39 amount shall be raised by a combination of a property
40 tax and an income surtax imposed on the state income
41 tax in any proportion determined by the board except
42 that the property tax rate shall not exceed forty and
43 one-half cents per thousand dollars of assessed
44 valuation of taxable property in the district except
45 as otherwise provided in this section. The property
46 tax rate levied pursuant to a loan agreement continued
47 under section 297.35 shall be subtracted from the
48 limitation of this section.

49 Within thirty days following the decision of a
50 board to approve a capital projects and equipment

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1 amount, if a petition signed by at least twenty
2 percent of the qualified electors residing within the
3 district is received by the board, then the proposal
4 shall be placed on the ballot at a regular or special
5 election, as determined by the board. The board may

6 specify a different proportion between the property
7 tax and the income surtax on the state individual
8 income tax for the election, and the board may provide
9 that any portion of the capital projects and equipment
10 amount may be raised by a property tax levy or an
11 income surtax. If an election is required, the
12 proposition to approve the amount is approved with a
13 simple majority vote. The proposition may include a
14 provision for approval of the amount for a specified
15 number of years not to exceed ten.

16 Notice of the election shall be given by the county
17 commissioner of elections by publication in accordance
18 with section 49.53.

19 The board of directors shall estimate and certify
20 to the board of supervisors of the proper county for
21 the capital projects fund, the amount required from
22 property tax revenues based upon the decision of the
23 board. The board of directors shall estimate and
24 certify to the director of revenue and finance for the
25 capital projects fund, the amount required from the
26 income surtax to pay the remaining portion of the
27 capital projects and equipment amount. Annually the
28 director of revenue and finance shall establish the
29 rate of the income surtax based upon an average of the
30 income tax collections in the school district for the
31 three preceding years.

32 The income surtax shall be imposed on the state
33 individual income tax for each calendar year, or for a
34 taxpayer's fiscal year ending during the second half
35 of that calendar year or the first half of the
36 succeeding calendar year, and shall be imposed on all
37 individuals residing in the school district on the
38 last day of the applicable tax year. As used in this
39 section, "state individual income tax" means the tax
40 computed under section 422.5, less the deductions
41 allowed in sections 422.10, 422.11, and 422.12.

42 Sections 442.16, 442.17, 442.19, and 442.20 apply
43 to the income surtax established in this section. The
44 director of revenue and finance shall deposit all
45 moneys received as income surtax to the credit of each
46 district from which the moneys are received, in an
47 "income surtax fund" which is established in the
48 office of the treasurer of state.

49 Annually, after crediting to the department of
50 revenue and finance a reasonable amount for costs of

1 administration, the treasurer of state shall remit to
2 the school districts which have imposed an income
3 surtax their share of the balance in the income surtax
4 fund. The proceeds of the tax shall be pledged for
5 the payment of the capital projects and equipment
6 amount. The costs of administration shall be
7 determined by the department of revenue and finance,
8 and shall be based on a share of the total cost of
9 administering the department, in the same proportion
10 as the amount of income surtax collected is to the
11 amount of state income taxes collected.

12 The department of revenue and finance shall supply
13 appropriate forms, or provide space on the regular
14 state income tax forms, for reporting school district
15 income tax liability, and shall administer the income
16 surtax as nearly as possible in conjunction with the
17 administration of the state income tax law, for
18 purposes of economy and efficiency. The department of
19 revenue and finance shall adopt rules to carry out the
20 income surtax. The amount of income surtax collected
21 above the amount estimated to be collected shall be
22 placed in a separate income surtax account in the
23 capital projects fund to be used to supplement the
24 surtax portion during years in which the amount of
25 income surtax collected is less than the amount
26 estimated to be collected.

27 In any year that the amount of income surtax
28 collected plus the amount in the separate account are
29 insufficient, the board of directors shall deduct the
30 remainder from moneys in the general fund of the
31 school district and the board of directors shall repay
32 the amount borrowed when funds are available in the
33 separate account.

34 **Sec. 125. NEW SECTION. 298.3 PURPOSES OF CAPITAL**
35 **PROJECTS AND EQUIPMENT AMOUNT.**

36 The revenue from the property tax and income surtax
37 shall be placed in the capital projects fund and
38 expended only for the following purposes:

39 1. The purchase and improvement of grounds.
40 "Purchase of grounds" includes: Legal costs
41 relating to the property acquisition, costs of surveys
42 of the property, costs of relocation assistance under
43 state and federal law, and other costs incidental to
44 the property acquisition. "Improvement of grounds"
45 includes: Grading, landscaping, seeding, and planting
46 of shrubs and trees; constructing sidewalks, roadways,
47 retaining walls, sewers and storm drains, and
48 installing hydrants; surfacing and soil treatment of
49 athletic fields and tennis courts; furnishing and
50 installing flagpoles, gateways, fences, and

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- 1 underground storage tanks which are not parts of
- 2 building service systems; demolition work; and special
- 3 assessments against the school district for capital
- 4 improvements such as streets, curbs, and drains.
- 5 2. The construction of schoolhouses or buildings
- 6 and opening roads to schoolhouses or buildings.
- 7 3. The purchase of buildings or equipment for
- 8 buildings or schoolhouses, including the purchase of
- 9 educational technology equipment.
- 10 4. The payment of debts contracted for the
- 11 erection or construction of schoolhouses or buildings,
- 12 not including interest on bonds.
- 13 5. Procuring or acquisition of libraries.
- 14 6. The purchase of school textbooks if under
- 15 chapter 301 the school district is loaning the
- 16 textbooks to pupils at no charge.
- 17 7. Repairing, remodeling, reconstructing,
- 18 improving, or expanding the schoolhouse or buildings.
- 19 For the purpose of this section, "repairing" means
- 20 to restore an existing structure or thing to its
- 21 original condition, as near as may be, after decay,
- 22 waste, injury, or partial destruction, but does not
- 23 include maintenance or customary repainting; and
- 24 "reconstruction" means to rebuild or to restore as an
- 25 entity a thing which was lost or destroyed.
- 26 8. The rental of facilities under chapter 28E.
- 27 9. Purchase of transportation equipment for trans-
- 28 porting students if the district has fewer than three
- 29 pupils per square mile and the regular school routes
- 30 consist of a single round trip per child per day.
- 31 10. Lease-purchase option agreements for school
- 32 buildings.
- 33 11. Public educational and recreational purposes
- 34 authorized in chapter 300.
- 35 12. Community education purposes authorized in
- 36 chapter 276.
- 37 Interest earned on money in the capital projects
- 38 fund may be expended for a purpose listed in this
- 39 section.
- 40 Sec. 126. NEW SECTION. 298.4 LIABILITY LEVY.
- 41 The board of directors of a school district may
- 42 certify for levy by March 15 of a school year, a tax
- 43 on all taxable property in the school for a liability
- 44 levy. The revenue from the tax levied in this section
- 45 shall be placed in the general fund of the school
- 46 district and expended only for the following purposes:

- 47 1. To pay the cost of unemployment benefits as
48 provided in section 96.31.
49 2. To pay the costs of tort liability insurance
50 and the costs of a judgment or settlement relating to

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DIVISION S—3493B (cont'd.)

1 tort liability together with interest accruing on the
2 judgment or settlement to the expected date of payment
3 under sections 613A.7 and 613A.10.

4 3. To pay the costs of insurance agreements under
5 section 296.7.

6 Sec. 127. Section 298.16, Code 1987, is amended to
7 read as follows:

8 298.16 JUDGMENT TAX.

9 If the proper fund is not sufficient, then, unless
10 its board has provided by the issuance of bonds for
11 raising the amount necessary to pay ~~such a~~ judgment,
12 the voters thereof shall at their regular election
13 vote a sufficient tax for the purpose ~~cost of the~~
14 judgment shall be included in the liability levy as
15 provided in section 613A.10.

16 Sec. 128. Section 298.18, unnumbered paragraph 1,
17 Code 1987, is amended to read as follows:

18 The board of each school corporation shall, when
19 estimating and certifying the amount of money required
20 for general purposes, estimate and certify to the
21 board of supervisors of the proper county for the
22 ~~schoolhouse~~ capital projects fund the amount required
23 to pay interest due or that may become due for the
24 fiscal year beginning July 1, thereafter, upon lawful
25 bonded indebtedness, and in addition ~~thereto~~ such the
26 amount as the board may deem necessary to apply on the
27 principal.

28 Sec. 129. Section 300.2, Code 1987, is amended by
29 striking the section and inserting in lieu thereof the
30 following:

31 300.2 FUNDING FOR RECREATIONAL PURPOSES.

32 Moneys received from the capital projects and
33 equipment levy may be expended for the purposes listed
34 in section 300.1."

35 86. Page 33, by striking lines 4 through 17 and
36 inserting the following:

37 "Sec. ____ . Section 442.4, subsection 3, paragraphs
38 a and b, Code 1987, are amended to read as follows:

39 a. Twenty-five percent of the basic enrollment for
40 the school year beginning July 1, 1979. However, if
41 the basic enrollment of a school district for a budget

42 year is more than fifteen percent higher than the
 43 basic enrollment of the district for the base year,
 44 the school district's basic enrollment for the budget
 45 year shall be used thereafter for the calculation
 46 required under this paragraph in lieu of using the
 47 basic enrollment for the school year beginning July 1,
 48 1979. However, for the school year beginning July 1,
 49 1988, the twenty-five percent portion shall be reduced
 50 to twenty percent, and for each succeeding school

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1 year, the percent shall be reduced five additional
 2 percent until the calculation does not exist for the
 3 school year beginning July 1, 1992.
 4 b. Seventy-five percent of the adjusted enrollment
 5 computed under subsection 2, paragraph "a," of this
 6 section. However, for the school year beginning July
 7 1, 1988, the seventy-five percent portion shall be
 8 increased to eighty percent, and for each succeeding
 9 school year, the percent shall be increased five addi-
 10 tional percent until it equals one hundred percent for
 11 the school year beginning July 1, 1992 and school
 12 years thereafter."

13 87. By striking page 33, line 20 through page 34,
 14 line 4, and inserting the following:

15 "5. For the school year beginning July 1, 1984 and
 16 each succeeding school year, if an amount equal to the
 17 district cost per pupil for the budget year minus the
 18 amount included in the district cost per pupil for the
 19 budget year to compensate for the cost of special
 20 education support services for a school district for
 21 the budget year times the budget enrollment of the
 22 school district for the budget year is less than one
 23 hundred two percent times an amount equal to the
 24 district cost per pupil for the base year minus the
 25 amount included in the district cost per pupil for the
 26 base year to compensate for the cost of special
 27 education support services for a school district for
 28 the base year times the budget enrollment for the
 29 school district for the base year, the department of
 30 management shall increase the budget enrollment for
 31 the school district for the budget year to a number
 32 which will provide that one hundred two percent
 33 amount. For the school year beginning July 1, 1988
 34 and each of the next three school years, the one
 35 hundred two percent amount shall be reduced by five-

36 tenths of one percent, until for the school year
37 beginning July 1, 1991 and each succeeding school
38 year, the guarantee amount for the budget year is one
39 hundred percent times an amount equal to the district
40 cost per pupil for the base year minus the amount
41 included in the district cost per pupil for the base
42 year to compensate for the cost of special education
43 support services for a school district for the base
44 year times the budget enrollment for the school
45 district for the base year."

46 88. Page 34, line 7, by striking the figure
47 "1980" and inserting the following: "1980 1988".

48 89. By striking page 34, line 13 through page 35,
49 line 28.

50 90. Page 35, by inserting before line 29 the

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1 following:

2 "Sec. 130. Section 442.5, subsection 1, paragraph
3 a, Code 1987, is amended to read as follows:

4 a. "Miscellaneous income" means all receipts
5 deposited to the general fund of a school district
6 which are not obtained from state aid provided under
7 section 442.1 or from property tax authorized under
8 section 442.2 or 442.9. Miscellaneous income includes
9 property tax levied under the provisions of section
10 ~~613A-7, 298.4~~ to fund the costs of tort liability
11 insurance for the school district.

12 Sec. 131. Section 442.5, subsection 1, paragraph
13 b, Code 1987, is amended by striking the paragraph and
14 inserting in lieu thereof the following:

15 b. "Expenditures" means the total amounts paid out
16 of the general fund of a school district, exclusive of
17 revenues obtained from the liability levy.

18 Sec. 132. Section 442.13, subsection 7, Code 1987,
19 is amended to read as follows:

20 7. The committee may authorize a district to spend
21 a reasonable and specified amount from its unexpended
22 cash balance for the purpose or purposes of
23 furnishing, equipping, and contributing to the
24 construction of a new building or structure for which
25 the voters of the district have approved a bond issue
26 as provided by law or a tax as provided in chapter
27 ~~278~~, and for major building repairs as defined in
28 section ~~297-5 298.2~~. No other expenditure, including
29 but not limited to expenditures for salaries or
30 recurring costs, shall be is authorized under this

31 subsection. Expenditures authorized under this
 32 subsection shall not be included in allowable growth
 33 or district cost, and the portion of the unexpended
 34 cash balance which is authorized to be spent shall be
 35 regarded as if it were miscellaneous income. Any part
 36 of ~~such~~ the amount which is not actually spent for the
 37 authorized purpose ~~shall revert~~ reverts to its former
 38 status as part of the unexpended cash balance."

39 91. Page 35, by inserting before line 29 the
 40 following:

41 "Sec. ____ . Section 442.14, subsection 1, Code
 42 1987, is amended to read as follows:

43 1. For the budget year beginning July 1, 1980, and
 44 each succeeding school year, if a school board wishes
 45 to spend more than the amount permitted under sections
 46 442.1 to 442.13, and the school board has not
 47 attempted by resolution to raise an additional
 48 enrichment amount for that budget year, the school
 49 board may raise an additional enrichment amount not to
 50 exceed ten percent of the state cost per pupil

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1 multiplied by the budget enrollment in the district,
 2 as provided in this section. For the budget year
 3 beginning July 1, 1988 and each succeeding school
 4 year, the additional enrichment amount that may be
 5 raised is an amount not to exceed fifteen percent of
 6 the state cost per pupil multiplied by the budget
 7 enrollment in the district. The additional five
 8 percent is to provide additional moneys for districts
 9 because of budget reductions incurred beginning July
 10 1, 1988 under sections 442.4, subsections 3 and 5.

11 Sec. ____ . Section 442.14, subsection 4, Code 1987,
 12 is amended to read as follows:

13 4. The additional enrichment amount for a district
 14 is limited to the amount which may be raised by a
 15 combination tax in the prescribed proportion which
 16 does not exceed a property tax of one dollar and ~~eight~~
 17 ~~sixty-two~~ cents per thousand dollars of assessed
 18 valuation and an income surtax of ~~twenty~~ thirty
 19 percent.

20 Sec. ____ . Section 442.15, unnumbered paragraph 3,
 21 Code 1987, is amended to read as follows:

22 An additional enrichment amount authorized under
 23 section 442.14 or a lesser amount than the amount so
 24 authorized may be continued as provided in this
 25 section for a period of five school years. If the

26 amount authorized is less than the maximum of ten
27 fifteen percent of the state cost per pupil and the
28 board wishes to increase the amount, it shall re-
29 establish its authority to do so in the manner
30 provided in section 442.14. If the board wishes to
31 continue any additional enrichment amount beyond the
32 five-year period, it shall re-establish its authority
33 to do so in the manner provided in section 442.14
34 within the twelve-month period prior to termination of
35 the five-year period."

36 92. Page 35, by inserting before line 29 the
37 following:

38 "Sec. ____ . Section 442.39, subsection 4,
39 unnumbered paragraph 1, Code 1987, is amended to read
40 as follows:

41 Pupils enrolled in a school district in which one
42 or more administrators are employed jointly under
43 section 280.15, or in which one or more administrators
44 are employed under section 273.7A, are assigned a
45 weighting of one plus five-hundredths for each
46 administrator who is jointly employed times the
47 percent of the administrator's time in which the
48 administrator is employed in the school district.
49 However, the total additional weighting assigned under
50 this subsection for a budget year for a school

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1 district is fifteen.

2 Sec. ____ . Section 442.39, subsection 4, paragraph
3 b, Code 1987, is amended to read as follows:

4 b. School administrators, which includes
5 principals if the principal is not also assigned the
6 duties of a superintendent, assistant principals, and
7 other assistants in general supervision of the
8 operations of the school. ~~School administrators does~~
9 ~~not include principals."~~

10 93. Page 35, by inserting before line 29 the
11 following:

12 "Sec. 133. Section 453.14, unnumbered paragraph 2,
13 Code 1987, is amended to read as follows:

14 Earnings and interest from investments authorized
15 by this section shall be used either to retire the
16 bonded indebtedness or to be credited to the
17 ~~schoolhouse~~ capital projects fund for the purpose of
18 financing the construction or equipping of the school
19 building for which the bonds were sold."

20 94. Page 36, by inserting after line 8 the
 21 following:
 22 "Sec. 134. Section 613A.7, Code 1987, is amended
 23 to read as follows:
 24 613A.7 INSURANCE.
 25 The governing body of any municipality may purchase
 26 a policy of liability insurance insuring against all
 27 or any part of liability which might be incurred by
 28 such municipality or its officers, employees and
 29 agents under the provisions of section 613A.2 and
 30 section 613A.8 and may similarly purchase insurance
 31 covering torts specified in section 613A.4. The
 32 governing body of any municipality may adopt a self-
 33 insurance program, including but not limited to the
 34 investigation and defense of claims, the establishment
 35 of a reserve fund for claims, the payment of claims,
 36 and the administration and management of the self-
 37 insurance program, to cover all or any part of the
 38 liability. The governing body of any municipality may
 39 join and pay funds into a local government risk pool
 40 to protect itself against any or all liability. The
 41 governing body of any municipality may enter into
 42 insurance agreements obligating the municipality to
 43 make payments beyond its current budget year to
 44 provide or procure such policies of insurance, self-
 45 insurance program, or local government risk pool. The
 46 premium costs of such insurance, the costs of such a
 47 self-insurance program, the costs of a local
 48 government risk pool, and the amounts payable under
 49 any such insurance agreements may be paid out of the
 50 general fund or any available funds or may be levied

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1 in excess of any tax limitation imposed by statute.
 2 For school districts, the costs shall be included in
 3 the liability levy as provided in section 296.7. Any
 4 independent or autonomous board or commission in the
 5 municipality having authority to disburse funds for a
 6 particular municipal function without approval of the
 7 governing body may similarly enter into insurance
 8 agreements, procure liability insurance, adopt a self-
 9 insurance program, or join a local government risk
 10 pool within the field of its operation. The
 11 procurement of such insurance constitutes a waiver of
 12 the defense of governmental immunity as to those
 13 exceptions listed in section 613A.4 to the extent
 14 stated in such policy but shall have no further effect

15 on the liability of the municipality beyond the scope
16 of this chapter, but if a municipality adopts a self-
17 insurance program or joins and pays funds into a local
18 government risk pool such action does not constitute a
19 waiver of the defense of governmental immunity as to
20 the exceptions listed in section 613A.4. The
21 existence of any insurance which covers in whole or in
22 part any judgment or award which may be rendered in
23 favor of the plaintiff, or lack of any such insurance,
24 shall not be material in the trial of any action
25 brought against the governing body of any
26 municipality, or its officers, employees or agents and
27 any reference to such insurance, or lack of same,
28 shall be grounds for a mistrial. A self-insurance
29 program or local government risk pool is not insurance
30 and is not subject to regulation under chapters 505
31 through 523C.

32 Sec. 135. Section 613A.10, Code 1987, is amended
33 to read as follows:

34 613A.10 TAX TO PAY JUDGMENT OR SETTLEMENT.

35 When a final judgment is entered against or a
36 settlement is made by a municipality for a claim
37 within the scope of section 613A.2 or 613A.8, payment
38 shall be made and the same remedies ~~shall~~ apply in the
39 case of nonpayment as in the case of other judgments
40 against the municipality. If ~~said a~~ judgment or
41 settlement is unpaid at the time of the adoption of
42 the annual budget, ~~it~~ the municipality shall budget an
43 amount sufficient to pay the judgment or settlement
44 together with interest accruing ~~thereon on~~ it to the
45 expected date of payment. ~~Such A~~ tax may be levied in
46 excess of any limitation imposed by statute. ~~For~~
47 school districts the costs of a judgment or settlement
48 under this section shall be included in the liability
49 levy pursuant to section 298.4."

50 95. Page 36, by inserting after line 8 the

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1 following:

2 "Sec. ____ . RETIREMENT INCENTIVES. The board of
3 directors of a school district may adopt a program for
4 payment of a monetary bonus, continuation of health or
5 medical insurance coverage, or other incentives for
6 encouraging its employees to retire before the normal
7 retirement date as defined in chapter 97B. The
8 program is available only to employees between fifty-
9 nine and sixty-five years of age who notify the board

10 at any time between the effective date of this Act and
 11 March 1, 1988 that they intend to retire not later
 12 than June 30, 1988. An employee retiring under this
 13 section shall apply for a retirement allowance under
 14 chapter 97B or chapter 294. If the total estimated
 15 accumulated cost to a school district of the bonus or
 16 other incentives for employees who retire under this
 17 section does not exceed the estimated savings in
 18 salaries and benefits for employees who replace the
 19 employees who retire under the program, the board may
 20 certify for levy not later than March 15, 1988 a tax
 21 on all taxable property in the school district to pay
 22 the costs of the program provided in this section.
 23 The levy certified under this section is in addition
 24 to any other levy authorized for that school district
 25 by law and is not subject to budget limitations
 26 otherwise provided by law. A board may amend its
 27 certified budget during a fiscal year to provide for
 28 payments required under this section. Moneys received
 29 from the levy imposed under this section are
 30 miscellaneous income for purposes of chapter 442.”
 31 96. Page 36, by inserting after line 8 the
 32 following:

33 “Sec. ____ . The legislative council is requested to
 34 appoint a task force consisting of members of the
 35 house and senate committees on education and
 36 representatives from various education interest groups
 37 and institutions providing approved teacher
 38 preparation programs to study the role of teachers in
 39 the school district, assistance to teachers to foster
 40 the development of effective schools, provision for
 41 teachers to assume a more active role in educational
 42 planning in a school district, and the requirements
 43 for teacher preparation programs for the twenty-first
 44 century based upon recent recommendations of national
 45 associations and organizations who have studied
 46 teaching as a profession.

47 The task force shall report its recommendations to
 48 the general assembly by February 1, 1988.”

49 97. Page 36, by inserting after line 10 the fol-
 50 lowing:

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1 “Sec. 136. Sections 298.7, 298.9 and 298.17, Code
 2 1987, are repealed.”

3 98. Page 36, by striking line 16 and inserting
 4 the following: “takes effect for the school year

5 beginning July 1, 1988. Section 280.16, Code 1987,
6 remains in effect for the school year beginning July
7 1, 1987.”

8 99. Page 36, by inserting after line 16 the
9 following:

10 “Sec. ____ . Sections 100 through 136 of this Act
11 take effect October 1, 1987.”

12 100. Title page, line 8, by inserting after the
13 word “process;” the following: “collective
14 bargaining; certification of school district
15 employees; provision of certain services to school
16 districts and other area education agencies by area
17 education agencies; provision of pilot projects for
18 modified block scheduling by school districts and for
19 year around schools; election of school board
20 directors; elimination of prohibition of employment of
21 spouses of school board directors; weighting of school
22 administrators; changing the name of the schoolhouse
23 fund to the capital projects fund; establishing a
24 capital projects and equipment amount to be raised by
25 a combination of an income surtax and property tax
26 levy; establishing a liability levy; establishing
27 sabbatical programs for teachers; the examination of
28 teachers; dissolution of a portion of a school
29 district; increasing the enrichment amount; retirement
30 incentives; studying the role of teachers;”.

31 101. Title page, by striking lines 11 through 14
32 and inserting the following: “school students; date
33 of the organizational meeting of”.

COMMITTEE ON EDUCATION
LARRY MURPHY, Chairperson

S-3494

1 Amend amendment S-3358 to Senate File 351 as
2 follows:

3 1. Page 9, lines 1 and 2, by striking the words
4 “owned by a regional bank holding company”.

CALVIN O. HULTMAN

S-3495

- 1 Amend House File 328 as amended, passed, and
- 2 reprinted by the House as follows:
- 3 1. Page 4, line 22, by inserting after the word
- 4 "department" the following: "which shall be equal to
- 5 the actual costs incurred by the department plus ten
- 6 percent".

JIM LIND

S-3496

- 1 Amend the amendment, S-3440, to Senate File 2 as
- 2 follows:
- 3 1. Page 1, line 10 by striking the word and
- 4 figure "subsection 7" and inserting the following:
- 5 "subsections 7 and 8".
- 6 2. Page 1, line 14 by striking the word "An" and
- 7 inserting the following: "Except as provided in
- 8 subsection 8, an".
- 9 3. Page 3, by inserting after line 9 the
- 10 following:
- 11 "8. An employer may randomly drug test employees
- 12 in the vocational category with the highest injury and
- 13 illness incident rate as reported annually by the Iowa
- 14 bureau of labor, provided that the category has an
- 15 incident rate that is at least fifty percent higher
- 16 than the second highest category and provided that the
- 17 following conditions are satisfied:
- 18 a. The conditions of subsection 3, paragraphs "c"
- 19 through "f" are satisfied.
- 20 b. An employee testing positive after completing a
- 21 substance abuse treatment program under this
- 22 subsection may be disciplined up to and including
- 23 discharge."
- 24 4. By renumbering as necessary.

RICHARD DRAKE
LINN FUHRMAN
HURLEY W. HALL
FORREST SCHWENGELS
CALVIN O. HULTMAN

S-3497

- 1 Amend House File 469, as amended, passed, and
- 2 reprinted by the House as follows:
- 3 1. Page 1, line 7 by striking the word and figure
- 4 "subsection 7" and inserting the following:

5 "subsections 7 and 8".

6 2. Page 1, line 11 by striking the word "An" and
7 inserting the following: "Except as provided in
8 subsection 8, an".

9 3. Page 3, by inserting after line 22 the
10 following:

11 "8. An employer may randomly drug test employees
12 in the vocational category with the highest injury and
13 illness incident rate as reported annually by the Iowa
14 bureau of labor, provided that the category has an
15 incident rate that is at least fifty percent higher
16 than the second highest category and provided that the
17 following conditions are satisfied:

18 a. The conditions of subsection 3, paragraphs "c"
19 through "f" are satisfied.

20 b. An employee testing positive after completing a
21 substance abuse treatment program under this
22 subsection may be disciplined up to and including
23 discharge."

24 4. By renumbering as necessary.

RICHARD F. DRAKE
LINN FUHRMAN
HURLEY W. HALL
FORREST SCHWENGELS
CALVIN O. HULTMAN

S-3498

1 Amend House File 244, as passed by the House, as
2 follows:

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

5 "Section 1. Section 573.2, Code 1987, is amended
6 to read as follows:

7 573.2 PUBLIC IMPROVEMENTS -- BOND AND CONDITIONS.

8 1. CONTRACTOR'S BOND. Contracts for the
9 construction of a public improvement shall, when the
10 contract price equals or exceeds twenty-five thousand
11 dollars, be accompanied by a bond, with surety,
12 conditioned for the faithful performance of the
13 contract, and for the fulfillment of other
14 requirements as provided by law. The bond may also be
15 required when the contract price does not equal that
16 amount.

17 2. SUBCONTRACTOR'S BOND. A subcontractor must
18 post the following bond to be entitled to receive
19 prompt payment under section 573.12, subsection 2.
20 Subcontracts for the construction of a public

21 improvement shall be accompanied by a bond, with
 22 surety, conditioned for the faithful performance of
 23 the subcontract, and for the fulfillment of other
 24 requirements as provided by law, in all cases where a
 25 contractor's bond is required.

26 3. INSOLVENCY OF THE SURETY. However, if a
 27 contractor or subcontractor provides a performance or
 28 maintenance bond as required by a public improvement
 29 contract governed by this chapter and subsequently the
 30 surety company becomes insolvent and the contractor or
 31 subcontractor is required to purchase a new bond, the
 32 contractor or subcontractor may apply for
 33 reimbursement from the governmental agency that
 34 required a second bond and the claims shall be
 35 reimbursed from funds allocated for road construction
 36 purposes."

37 2. Page 1, line 16, by striking the word "A" and
 38 inserting the following: "If the subcontractor has
 39 posted a bond under section 573.2, subsection 2, a".

40 3. Page 1, line 17, by striking the word "a" and
 41 inserting the following: "the".

42 4. Page 1, by inserting after line 31 the
 43 following:

44 "Sec. ____ . Section 573.14, unnumbered paragraph 1,
 45 Code 1987, is amended to read as follows:

46 Said fund shall be retained by the public
 47 corporation for a period of thirty days after the
 48 completion and final acceptance of the improvement.
 49 If at the end of said thirty-day period claims are on
 50 file as herein provided the public corporation shall

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1 continue to retain from said unpaid funds a sum ~~not~~
 2 ~~less than equal to~~ double the total amount of all
 3 claims on file. The balance shall be paid to the con-
 4 tractor."

5 5. By renumbering as necessary.

COMMITTEE ON COMMERCE
 WILLIAM PALMER, Chairperson

S-3499

1 Amend the amendment, S-3358, to Senate File 351 as
 2 follows:

3 1. Page 10, line 34 by inserting after the word
 4 "needs" the following: "and deposit needs".

5 2. Page 10, line 44 by striking the word "report"

6 and inserting the following: "statement".

7 3. Page 10, line 45 by striking the words "
8 which describes the following:" and inserting the
9 following: ". The regulator shall develop procedures
10 to ensure that the financial institution's statement
11 is available and accessible for examination by
12 citizens. The regulator shall adopt procedures for
13 receiving information related to a financial
14 institution's commitment to community reinvestment and
15 for receiving challenges from any person to a
16 financial institution's continued eligibility under
17 sections 453.6A and 525.28.

18 At least once a year the regulator shall review any
19 challenges that have been filed concerning a financial
20 institution's continued eligibility. The regulator
21 may hold a public hearing to consider the challenge.
22 In considering a challenge, the regulator shall review
23 documents filed with federal regulatory authorities
24 pursuant to the federal Community Reinvestment Act, 12
25 U.S.C. § 2901 et seq. and regulations adopted pursuant
26 to the Act, as amended to January 1, 1984, and
27 documents filed with the state, by financial
28 institutions and other persons, pursuant to sections
29 525.21 through 525.29.

30 1. The annual statement filed with the state shall
31 be called the "annual community reinvestment
32 disclosure report". The annual community reinvestment
33 disclosure report form adopted by the regulator shall
34 substitute for the written statement required by
35 section 453.6A. The report shall contain the bank's
36 statement describing the following activities for the
37 past year:

- 38 a. Activities conducted to determine the credit
39 needs of the community.
- 40 b. Marketing and special credit-related programs
41 to make citizens in the community aware of the credit
42 services offered.
- 43 c. Practices intended to discourage application
44 for types of credit set forth in the annual community
45 reinvestment disclosure report.
- 46 d. Geographic distribution of credit extensions,
47 credit applications, and credit denials.
- 48 e. Evidence of prohibited discriminatory or other
49 illegal credit practices.
- 50 f. Participation in local community development

Page 2

- 1 and redevelopment projects.
- 2 g. Origination or purchase of residential mortgage
3 loans, housing rehabilitation loans, home improvement
4 loans, and business or farm loans within the
5 community.
- 6 h. Ability to meet various community credit needs
7 based on financial condition, size, legal impediments,
8 and local economic conditions.
- 9 The annual community reinvestment disclosure report
10 shall additionally describe the following:”
- 11 2. By renumbering as necessary.

PATRICK J. DELUHERY

S-3500

- 1 Amend Senate File 351 as follows:
- 2 1. Page 1, by inserting after line 20 the
3 following:
- 4 “1. Public funds of the state shall not be
5 deposited in a financial institution which does not
6 demonstrate a commitment to serve the needs of the
7 local community in which it does business. These
8 needs include credit services as well as deposit
9 services.
- 10 2. The superintendent shall require an out-of-
11 state bank holding company seeking to acquire or which
12 has acquired a bank or bank holding company in this
13 state, pursuant to this section, to comply with all
14 applicable community reinvestment requirements,
15 including but not limited to, the federal Community
16 Reinvestment Act, 12 U.S.C. § 2901, et seq. and
17 regulations adopted pursuant to the Act, as amended to
18 January 1, 1984, and section 453.6A. The
19 superintendent may order divestment of the Iowa bank
20 or bank holding company for failure to comply.
- 21 The superintendent shall require a bank operating
22 in this state to annually file a written statement
23 that the bank has a commitment to community
24 reinvestment consistent with the safety and sound
25 operation of a financial institution. To qualify for
26 the deposit of public funds under subsection 1, a bank
27 must demonstrate a continuing commitment to meet the
28 credit needs of the local community or communities in
29 which it operates.
- 30 3. The superintendent shall develop procedures to

31 ensure that the financial institution's statement is
32 available and accessible for examination by citizens.
33 The committee shall adopt procedures for both of the
34 following:
35 a. To receive information relating to a bank's
36 commitment to community reinvestment.
37 b. To receive challenges from any person to a
38 bank's continued eligibility to receive state public
39 funds.
40 4. At least once a year the superintendent shall
41 review any challenges that have been filed pursuant to
42 subsection 3. The superintendent may hold a public
43 hearing to consider the challenge. In considering a
44 challenge, the committee shall review documents filed
45 with federal regulatory authorities pursuant to the
46 federal Community Reinvestment Act, 12 U.S.C. § 2901,
47 et seq. and regulations adopted pursuant to the Act,
48 as amended to January 1, 1984. In addition,
49 consistent with the confidentiality of bank records
50 the committee shall consider, and the bank's annual

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1 statement shall contain, other factors including, but
2 not limited to, the following:
3 a. Activities conducted to determine the credit
4 needs of the community.
5 b. Marketing and special credit-related programs
6 to make citizens in the community aware of the credit
7 services offered.
8 c. Practices intended to discourage application
9 for types of credit set forth in the community
10 reinvestment statement required by the federal
11 Community Reinvestment Act.
12 d. Geographic distribution of credit extensions,
13 credit applications, and credit denials.
14 e. Evidence of prohibited discriminatory or other
15 illegal credit practices.
16 f. Participation in local community development
17 and redevelopment projects.
18 g. Origination or purchase of residential mortgage
19 loans, housing rehabilitation loans, home improvement
20 loans, and business or farm loans within the
21 community.
22 h. Ability to meet various community credit needs
23 based on financial condition, size, legal impediments,
24 and local economic conditions."
25 2. By renumbering as necessary.

PATRICK J. DELUHERY

S-3501

1 Amend House File 375 as passed by the House as
2 follows:
3 1. Page 1, line 6, by striking the words "purpose
4 of promoting or facilitating" and inserting the
5 following: "intent to promote or facilitate".
6 2. Page 1, line 7, by striking the word "a" and
7 inserting the following: "an aggravated misdemeanor
8 or".
9 3. Page 1, by inserting after line 19 the
10 following:
11 "4. A person shall not be convicted of conspiracy
12 if the only other person or persons involved in the
13 conspiracy were acting at the behest of or as agents
14 of a law enforcement agency in an investigation of the
15 criminal activity alleged at the time of the formation
16 of the conspiracy."

COMMITTEE ON JUDICIARY
DONALD V. DOYLE, Chairperson

S-3502

1 Amend House File 588 as follows:
2 1. Page 1, line 12, by inserting after the word
3 "custodian" the following: "or if there are contested
4 issues before the court".

COMMITTEE ON JUDICIARY
DONALD V. DOYLE, Chairperson

S-3503

1 Amend House File 580 as amended, passed and
2 reprinted by the House as follows:
3 1. Page 2, by striking lines 15 through 20 and
4 inserting the following: "refusal is based on
5 pregnancy. However, if the position or an equivalent
6 position is not available, the leave of absence shall
7 be extended for not less than four additional weeks.
8 If a vacancy for a suitable position occurs within the
9 additional period, the employee shall be given first
10 priority to be selected by the employer for the
11 position. The employer shall not deny to the employee

12 for the additional period, any remaining compensation
 13 to which the person is entitled as a result of the
 14 accumulation of disability or leave benefits,
 15 including vacation leave benefits, accrued pursuant to
 16 plans maintained by the employer.”
 17 2. Page 2, by striking lines 21 through 23, and
 18 inserting the following: “An employee disabled
 19 because of pregnancy, who has been harmed by an
 20 employer’s violation of this section, is entitled to
 21 reinstatement, or to any other equitable relief deemed
 22 appropriate by a court of competent jurisdiction.”

COMMITTEE ON BUSINESS
 AND LABOR
 JAMES WELLS, Chairperson

S-3504

1 Amend House File 493, as passed by the House, as
 2 follows:
 3 1. Page 1, line 8, by striking the words “supreme
 4 court” and inserting the following: “chief judge of
 5 the respective judicial districts”.

EUGENE FRAISE
 LINN FUHRMAN

S-3505

1 Amend House File 575, as passed by the House, as
 2 follows:
 3 1. Page 3, line 1, by striking the words “or
 4 eminent domain”.

COMMITTEE ON
 NATURAL RESOURCES
 HURLEY HALL, Chairperson

S-3506

1 Amend House File 316, as amended, passed, and re-
 2 printed by the House, as follows:
 3 1. Page 1, line 1, by striking the figures “6, 8”
 4 and inserting the following: “6, 7, 8”.
 5 2. Page 1, by inserting after line 23 the
 6 following:
 7 “f. A vehicle operated by a person attending

8 organized swimming lessons offered in the park and
9 parked in a parking area designated by the department
10 for those participants.”

11 3. Page 2, line 1, by inserting after the word
12 “permit.” the words “If more than one motor vehicle is
13 registered to members of the same household which
14 resides in Iowa, a member of that household may
15 purchase calendar year permits for the second motor
16 vehicle for a fee of one dollar by showing to the
17 county recorder the registration card of the second
18 and proof of a calendar year permit for the first
19 motor vehicle.”

20 4. Page 2, by striking lines 9 and 10 and
21 inserting the following: “issued. The department
22 shall issue replacement permits, without fee, to
23 persons whose original permit has been damaged,
24 partially destroyed, or otherwise rendered unusable.
25 A person shall apply to the department or its
26 authorized representative for a replacement permit by
27 presenting a verifiable remnant of the damaged,
28 partially destroyed, or unusable permit.”

29 5. By striking page 2, line 11 through page 3,
30 line 13 and inserting the following:

31 “7. A user permit is not transferable between
32 vehicles and shall be displayed as the ~~commission~~
33 department prescribes by rule. The permit shall
34 contain space upon which the motor vehicle
35 registration plate numbers and letters shall be
36 entered.

37 8. a. An officer of the ~~commission~~ department who
38 observes a motor vehicle parked in violation of this
39 section shall take the vehicle’s registration number
40 and may take other information displayed on the
41 vehicle which may identify its user and deliver to the
42 driver or conspicuously affix to the vehicle a notice
43 of violation in writing on a form provided by the
44 ~~commission~~ department. A person who receives the
45 notice or knows that a notice has been affixed to the
46 motor vehicle owned or controlled by the person may
47 pay a civil penalty of twenty dollars to the
48 ~~commission~~ department within twenty days. If the
49 civil penalty is not timely paid, the ~~commission~~
50 department may cause a complaint to be filed against

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1 the owner or operator of the motor vehicle before a
2 magistrate for the violation of this section in the
3 manner provided in section 804.1. Timely payment of
4 the civil penalty shall be a bar to any prosecution

5 for that violation of this section. All civil
6 penalties collected under this subsection shall be
7 deposited in the general fund of the state.
8 b. If a citation is issued for a violation of this
9 section and a plea of guilty is entered on or before
10 the time and date set for appearance, the fine shall
11 be ~~thirty~~ fifteen dollars and court costs and the
12 criminal penalty surcharge of section 911.2 shall not
13 be imposed.

14 c. The ~~commission~~ department shall provide to its
15 officers sets of triplicate notices each identified by
16 separate serial numbers on each copy of notice. One
17 copy shall be used as a notice of violation and
18 delivered to the person charged or affixed to the
19 vehicle illegally parked, one copy shall be sworn to
20 by the officer as a complaint and may be filed with
21 the clerk of the district court of the county if the
22 civil penalty is not timely paid to the ~~commission~~
23 department and one copy shall be retained by the
24 ~~commission department~~ for record purposes.

25 10. A person who receives a notice of violation
26 under this section may, before a complaint is filed
27 and in lieu of paying the civil penalty, produce proof
28 that the person has acquired a current calendar year
29 permit. The proof shall be submitted to the
30 ~~commission department~~ in the same manner as the civil
31 penalty.”

COMMITTEE ON
NATURAL RESOURCES
HURLEY W. HALL, Chairperson

S-3507

1 Amend House File 377 as amended, passed and
2 reprinted by the House as follows:
3 1. Page 11, by inserting after line 24 the
4 following:
5 “Sec. 3. NEW SECTION. 56.35 CONTRIBUTION TAX.
6 1. This section applies to candidates and their
7 candidate's committees for the offices of United
8 States senator, United States representative,
9 governor, lieutenant governor, treasurer of state,
10 secretary of state, auditor of state, secretary of
11 agriculture, attorney general, state senator, and
12 state representative which receive contributions, make
13 expenditures or incur indebtedness in excess of two
14 hundred fifty dollars in a calendar year.
15 2. There is imposed a four percent tax on all

16 contributions to a candidate's committee subject to
17 this section with the following exceptions:

18 a. No tax is imposed on the first twenty-five
19 dollars contributed by an individual or a political
20 action committee.

21 b. No tax is imposed on a grant from the political
22 candidates fund made under section 56.33.

23 c. If the contributions result from a fund-raising
24 event, the four percent tax shall be imposed on the
25 net proceeds of the event and the twenty-five dollar
26 exclusion of paragraph "a" shall not apply to the
27 individual contributions.

28 3. The tax imposed by this section shall be paid
29 with the disclosure reports required under this
30 chapter for the contributions received by the
31 candidate's committee during the period covered by the
32 report. The tax shall be paid to the commission which
33 shall remit it to the treasurer of state for deposit
34 in the political candidates fund established under
35 section 56.33.

36 4. If a candidate's committee fails to fully pay
37 the amount of tax when due, a penalty of five percent
38 is assessed on the amount of tax with interest at the
39 rate in effect under section 421.7 from the date the
40 tax was due until paid."

41 2. Title page, line 2, by inserting after the
42 word "funds," the words "imposing a tax".

43 3. By renumbering as necessary.

LARRY MURPHY

S-3508

1 Amend House File 600 as amended, passed, and
2 reprinted by the House as follows:

3 1. Page 5, lines 29 and 30, by striking the words
4 " , and the offices of the clerks of court of the
5 district courts".

TOM MANN, Jr.

S-3509

1 Amend House File 518, as passed by the House, as
2 follows:

3 1. By striking page 4, line 21 through page 5,
4 line 5.

5 2. Title page, lines 1 and 2, by striking the

6 words "certain political subdivisions" and inserting
7 the following: "sanitary districts".
8 3. By renumbering sections as necessary.

COMMITTEE ON
LOCAL GOVERNMENT
ALVIN V. MILLER, Chairperson

S-3510

1 Amend House File 650 as amended, passed, and
2 reprinted by the House as follows:
3 1. Page 1, line 8, by inserting after the word
4 "state" the following: "have an opportunity to".
5 2. Page 1, line 12, by inserting after the word
6 "the" the following: "primary".
7 3. Page 1, line 13, by inserting after the word
8 "children" the following: "or upon religious and
9 other beliefs of parents and their children".
10 4. Page 1, line 16, by inserting after the word
11 "regulates" the following: "instruction in nonpublic
12 schools and".
13 5. Page 1, by inserting after line 20, the
14 following:
15 "___ . "Nonpublic school" means a school with two
16 or more students over seven and under sixteen years of
17 age and not related, in attendance."
18 6. Page 1, line 23, by striking the word
19 "siblings" and inserting the following: "related".
20 7. Page 1, by inserting after line 29, the
21 following:
22 "___ . "Dual enrollment" means the matriculation of
23 a child in one public schooling page 1, line 34 through page 2,
30 line 1, and inserting the following: "examiners, but
31 who provides private instruction or instruction in a
32 nonpublic school. "Insting page 1, line 34 through page 2,
30 line 1, and inserting the following: "examiners, but
31 who provides private instruction or instruction in a
32 nonpublic school. "Instructor" includes the person in
33 charge of the nonpublic school or private
34 instruction."
35 9. Page 2, by inserting after line 3, the
36 following:
37 "Sec. ___ . **NEW SECTION. 299B.3A DUAL ENROLLMENT.**
38 A child who is receiving private instruction
39 pursuant to section 299B.6 or who is enrolled in a
40 nonpublic school pursuant to section 299B.6A may also
41 enroll in a public school or accredited nonpublic

42 school for dual enrollment purposes.
 43 If such a child enrolls in a public school or
 44 accredited nonpublic school on a full-time basis, the
 45 board of directors of the local school district or the
 46 authorities in charge of the accredited nonpublic
 47 school may determine the appropriate grade level for
 48 the child by the administration of tests or other
 49 means of evaluation to determine achievement.”
 50 10. Page 2, by striking line 8.

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1 11. Page 2, line 9, by striking the word
 2 “district”.
 3 12. Page 2, line 14, by striking the words
 4 “parent or guardian” and inserting the following:
 5 “person”.
 6 13. Page 2, by inserting after line 22, the
 7 following:
 8 “— . Nonpublic school pursuant to section
 9 299B.6A.
 10 — . A home instruction assistance program
 11 administered by a nonpublic school and meeting the
 12 requirements set forth in section 299B.6A.”
 13 14. Page 2, line 24, by striking the words
 14 “parent or guardian” and inserting the following:
 15 “person”.
 16 15. Page 2, line 26, by striking the words
 17 “parent or guardian” and inserting the following:
 18 “person”.
 19 16. Page 2, by striking lines 29 through 32 and
 20 inserting the following:
 21 “a. Evidence that the instructor has at least a
 22 high school diploma or a high school equivalency
 23 diploma.”
 24 17. Page 3, by inserting after line 3, the
 25 following:
 26 “(5) The name and address of the individual
 27 providing the private instruction to the child.
 28 (6) Whether the parent or guardian of the child is
 29 a party to a dual enrollment agreement.”
 30 18. Page 3, by striking lines 16 through 20 and
 31 inserting the following: “which has been administered
 32 under conditions mutually acceptable to the board of
 33 directors of the local school district and the parent
 34 or guardian of the child.”
 35 19. Page 3, by striking lines 21 through 33 and
 36 inserting the following:
 37 “e. An annual progress assessment report which
 38 shall include the person’s individualized assessment

39 of the child's academic progress in the subjects
40 specified in paragraph "c". The progress reports
41 shall be retained by the parent or guardian for at
42 least three years and shall be submitted to the board
43 of directors of the local school district upon
44 request."

45 20. By striking page 3, line 34 through page 4,
46 line 17.

47 21. Page 4, line 21, by inserting after the word
48 "attainment" and inserting the following: "
49 eliminating the local school district and the state
50 from liability and responsibility for the child's

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1 educational attainment.

2 ____ . When a person providing private instruction
3 complies with this section, nothing herein contained
4 grants to the state or any officers, agencies, or
5 subdivisions of the state, any right or authority to
6 control, manage or supervise any private instruction."

7 22. Page 4, by inserting after line 21 the
8 following:

9 "Sec. ____ . NEW SECTION. 299B.6A INSTRUCTION IN
10 NONPUBLIC SCHOOL.

11 1. A person having control of a child over seven
12 and under sixteen years of age may provide instruction
13 to the child in a nonpublic school. The person shall
14 annually provide the following to the board of
15 directors of the local school district:

16 a. Evidence that the instructor has received an
17 undergraduate degree from an institution of higher
18 education.

19 b. A certificate indicating:

20 (1) The child's name and date of birth.

21 (2) The name and address of the child's parent or
22 guardian.

23 (3) The child's discerned grade or placement.

24 (4) An indication of the child's educational
25 progress.

26 (5) The name and address of the nonpublic school
27 in which the child is enrolled.

28 (6) Whether the parent or guardian of the child is
29 a party to a dual enrollment agreement.

30 c. Evidence to the local school district that the
31 educational program for the child provides, or in due
32 course will provide, instruction in the following
33 subjects:

34 (1) Mathematics.

35 (2) Science.

- 36 (3) Language arts.
 37 (4) United States history.
 38 (5) History of Iowa.
 39 (6) Principles of American government.
 40 d. Annually to the board of directors of the local
 41 school district, when the child has a discerned grade
 42 or placement between the third grade and eighth grade
 43 in comparison with a public school, the results of a
 44 nationally standardized test which has been
 45 administered under conditions mutually acceptable to
 46 the board of directors of the local school district
 47 and the parent or guardian of the child.
 48 2. The person having control of a child over seven
 49 and under sixteen years of age, who chooses the
 50 nonpublic school alternative for the child, shall

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- 1 assume all responsibility for the child's educational
 2 attainment, eliminating the local school district and
 3 the state from any responsibility or liability for the
 4 child's educational attainment.
 5 3. When a person providing instruction in a
 6 nonpublic school or the person having control of the
 7 child complies with this section, nothing herein
 8 contained grants to the state or any officers,
 9 agencies, or subdivisions of the state, any right or
 10 authority to control, manage, or supervise any
 11 nonpublic school."
 12 23. Page 4, line 25, by inserting after the
 13 figure "299B.6" the following: "or provides
 14 instruction in a nonpublic school pursuant to section
 15 299B.6A".
 16 24. Page 4, by striking lines 27 and 28 and
 17 inserting the following: "certified teacher."
 18 25. Page 4, by striking lines 29 through 31.
 19 26. Page 4, by inserting before line 32, the
 20 following:
 21 "Sec. ____ . **NEW SECTION. 299B.9 EXCEPTIONS.**
 22 Section 299B.5 shall not apply to any child:
 23 1. Who is over the age of fourteen and is
 24 regularly employed.
 25 2. Whose educational qualifications are equal to
 26 those of pupils who have completed the eighth grade.
 27 3. Who is excused for sufficient reason by any
 28 court of record or judge.
 29 4. Who is attending a private college preparatory
 30 school approved or probationally approved under the
 31 provisions of section 256.11, subsection 13.
 32 27. Page 4, by inserting before line 32, the

33 following:

34 "Sec. ____ . NEW SECTION. 299B.10 PENALTY.

35 A person who violates a provision of this chapter
36 is guilty of a simple misdemeanor."

37 28. Page 4, line 33, by striking the figure

38 "1990" and inserting the following: "1991".

39 29. Title page, line 1, by inserting after the

40 word "instruction" the following: "or instruction in
41 a nonpublic school and providing a penalty".

42 30. Title page, line 2, by striking the figure

43 "1990" and inserting the following: "1991".

44 31. By renumbering and relettering as necessary.

COMMITTEE ON EDUCATION
LARRY MURPHY, Chairperson

S-3511

1 Amend House File 631, as amended, passed, and
2 reprinted b the House as follows:

DIVISION S—3511A

3 1. Page 50, by inserting after line 12, the
4 following:

5 "Sec. ____ NEW SECTION. 455F.4A HAZARDOUS
6 MATERIALS STAMP.

7 1. A retailer shall make hazardous materials
8 stamps available to consumers in the display area of a
9 household hazardous material.

10 2. A consumer may attach a hazardous materials
11 stamp to a household hazardous material product to
12 encourage the proper disposal of product residue.

13 3. Following initial distribution of the stamps to
14 retailers by the department, the department of
15 inspections and appeals shall distribute the stamps to
16 retailers at the time of inspection of the retail
17 establishment."

DIVISION S—3511B

18 2. Page 50, by inserting after line 19, the
19 following:

20 "3. Adopt rules which establish a household
21 hazardous materials stamp, which shall be of a clearly
22 visible color, to be supplied to and used by
23 retailers."

24 3. By renumbering as necessary.

LARRY MURPHY

S-3512

1 Amend House File 258 as passed by the House as
2 follows:

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

5 "Section 1. Section 123.36, subsection 8, Code
6 1987, is amended to read as follows:

7 8. The division shall credit all fees to the beer
8 and liquor control fund. The division shall remit to
9 the appropriate local authority, a sum equal to sixty-
10 five percent of the fees collected for each class "A",
11 class "B", or class "C" license except special class
12 "C" licenses, covering premises located within the
13 local authority's jurisdiction. The division shall
14 remit to the appropriate local authority a sum equal
15 to seventy-five percent of the fees collected for each
16 special class "C" license covering premises located
17 within the local authority's jurisdiction. The local
18 authority shall expend at least ten percent of the
19 funds received pursuant to this subsection for
20 substance abuse treatment or prevention programs
21 within the geographic area represented by the local
22 authority. Those fees collected for the privilege
23 authorized under subsection 6 shall be credited to the
24 beer and liquor control fund.

25 Sec. 2. Section 123.143, subsection 1, Code 1987,
26 is amended to read as follows:

27 1. All retail beer permit fees collected by any
28 local authority at the time application for the permit
29 is made shall be retained by the local authority. The
30 local authority shall expend at least ten percent of
31 the funds received pursuant to this subsection for
32 substance abuse treatment or prevention programs
33 within the geographic area represented by the local
34 authority. A certified copy of the receipt for the
35 permit fee shall be submitted to the division with the
36 application and the local authority shall be notified
37 at the time the permit is issued. Those amounts
38 collected for the privilege authorized under section
39 123.134, subsection 5, shall be deposited in the beer
40 and liquor control fund."

LARRY MURPHY
CHARLES P. MILLER

S-3513

1 Amend House File 640, as passed by the House as
2 follows:

3 1. By striking everything after the enacting
4 clause and inserting in lieu thereof the following:
5 "Section 1. NEW SECTION. 476.8A TAX REFORM ACT
6 RATE ADJUSTMENT.

7 The utilities board may require a rate-regulated
8 investor-owned public utility to file revised rates to
9 reflect the provisions of applicable state tax reform
10 and the provisions of the Federal Tax Reform Act of
11 1986. In lieu of filing revised rates to reflect the
12 change in state and federal taxes, a public utility
13 may file for a general rate change under section
14 476.6. If the public utility has not received board
15 approval to collect the revised rates by July 1, 1987,
16 the utility shall file a bond or other undertaking
17 approved by the board conditioned upon the refund in a
18 manner to be prescribed by the board of any amounts
19 collected in excess of those amounts which would have
20 been collected under the rates finally approved by the
21 board. The utilities board shall adopt rules
22 implementing this section.

23 If requested, a utility may delay implementation of
24 the revised rates required by this section until April
25 30, 1988, if sufficient bond or corporate undertaking
26 is approved and on file with the board. The bond or
27 corporate undertaking shall be one and one-half times
28 the estimated refund obligation accrued during the
29 delay in implementing the revised rates.

30 Sec. 2. This Act, being deemed of immediate
31 importance, takes effect upon enactment."

COMMITTEE ON ENVIRONMENT
AND ENERGY UTILITIES
PATRICK J. DELUHERY, Chairperson

S-3514

1 Amend House File 591, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 1, by striking lines 25 through 28 and
4 inserting the following: "an order ~~issued pursuant to~~
5 ~~this chapter or for violation of a court-approved~~
6 consent agreement entered under this chapter, or for
7 violation of any order that establishes conditions of
8 release or is a protective order or sentencing order

9 in a criminal prosecution arising from a domestic
10 abuse assault. If held in contempt, the”.

11 2. By striking page 1, line 31 through page 2,
12 line 31.

13 3. Page 2, by striking lines 32 through 35 and
14 inserting the following:

15 “Sec. 6. Section 236.12, subsection 2, Code 1987,
16 is amended by striking the subsection and inserting in
17 lieu thereof the following:

18 2. a. A peace officer may, with or”.

19 4. Page 3, line 3, by inserting after the word
20 “witnesses,” the following: “if any,”.

21 5. Page 3, lines 4 and 5, by striking the words
22 “domestic abuse has been committed” and inserting the
23 following: “a domestic abuse assault has been
24 committed which did not result in any injury to the
25 alleged victim”.

26 6. Page 3, line 9, by inserting after the word
27 “witnesses,” the following: “if any”.

28 7. Page 3, by striking lines 10 and 11 and in-
29 serting the following: “believe that a domestic abuse
30 assault has been committed which resulted in the
31 alleged victim’s suffering a bodily injury.”

32 8. Page 3, line 15, by inserting after the word
33 “witnesses,” the following: “if any,”.

34 9. Page 3, by striking lines 16 and 17 and in-
35 serting the following: “believe that a domestic abuse
36 assault has been committed with the intent to inflict
37 a serious”.

38 10. Page 3, by inserting after line 18 the fol-
39 lowing:

40 “d. A peace officer shall, with or without a
41 warrant, arrest a person under section 708.2,
42 subsection 3, if, upon investigation, including a
43 reasonable inquiry of the alleged victim and other
44 witnesses, if any, the officer has probable cause to
45 believe that a domestic abuse assault has been
46 committed and that the alleged abuser used or
47 displayed a dangerous weapon in connection with the
48 assault.

49 e. A peace officer shall, with or without a
50 warrant, arrest a person under section 708.2,

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1 subsection 4, if, upon investigation, including a
2 reasonable inquiry of the alleged victim and other
3 witnesses, if any, the officer has probable cause to
4 believe that a domestic abuse assault has been
5 committed in which the alleged abuser engaged in a sex

6 act with the alleged victim by force or against the
7 will of the alleged victim.”

8 11. Page 3, line 30, by inserting after the word
9 “finds” the word “probable”.

10 12. By striking page 3, line 34 through page 4,
11 line 5, and inserting the following: “magistrate
12 shall enter an order which shall require the alleged
13 abuser to have no contact with the alleged victim and
14 to refrain from harassing the alleged victim or the
15 victim’s relatives in addition to any other conditions
16 of release determined and imposed by the magistrate
17 under section 811.2.”

18 13. Page 4, by striking lines 27 through 31 and
19 inserting the following: “defined in section 708.1
20 and which is domestic abuse as defined in section
21 236.2, during which the person engages in a sex act
22 with the other person by force or against the will of
23 that person, is guilty of an aggravated misdemeanor
24 unless a greater offense applies.”

25 14. Page 4, by inserting before line 32 the fol-
26 lowing:

27 “Sec. ____ . Section 702.18, Code 1987, is amended
28 to read as follows:

29 702.18 BODILY INJURY -- SERIOUS INJURY.

30 1. “Bodily injury” means any physical pain or
31 illness, or any impairment of physical condition.

32 2. “Serious injury” means disabling mental
33 illness, or any bodily injury which creates a
34 substantial risk of death or which causes serious
35 permanent disfigurement, or protracted loss or
36 impairment of the function of any bodily member or
37 organ.”

38 15. By striking page 4, line 33 through page 5,
39 line 5, and inserting the following: “PENALTY
40 ENHANCED.

41 An assault, as defined in section 708.1 which is
42 domestic abuse as defined in section 236.2 and which
43 would otherwise be punishable as a simple misdemeanor
44 under section 708.2, is a serious misdemeanor if the
45 person who commits the assault was previously”.

46 16. By renumbering as necessary.

COMMITTEE ON JUDICIARY
DONALD V. DOYLE, Chairperson

S-3515

1 Amend House File 395 as amended, passed and
2 reprinted by the House as follows:

DIVISION S—3515A

- 3 1. Page 3, line 31, by striking the words “C.B.
4 OR”.
- 5 2. Page 4, line 1, by striking the words “from
6 January 1 through March 31” and inserting the words
7 “during the closed season for fox or deer”.
- 8 3. Page 4, lines 16 and 17, by striking the words
9 “and shall be assessed a minimum fine of ten dollars
10 for each offense”.
- 11 4. Page 5, line 19, by inserting after the word
12 “birds,” the words “subject to section 109.48”.
- 13 5. Page 12, line 32, by striking the word
14 “leptosirosis” and inserting the word “leptospirosis”.
- 15 6. Page 14, line 7, by inserting after the word
16 “A” the word “wildlife”.
- 17 7. Page 15, by striking lines 24 through 27 and
18 inserting the following: “bait may be used on one
19 line. ~~No~~ A person shall not leave ~~such~~ fish line”.

DIVISION S—3515B

- 20 8. Page 19, lines 8 and 9, by striking the words
21 “without the permission of the occupant”.

DIVISION S—3515A (cont'd.)

- 22 9. Page 19, by inserting after line 9 the
23 following:
24 “A snare shall not be set with a circumference
25 greater than thirty-eight inches unless at least half
26 of the loop is set underwater.”
- 27 10. Page 21, lines 12 and 13, by striking the
28 words “for the value of such as follows” and inserting
29 the following: “for the value of such as follows for
30 its value as established by rule which shall not
31 exceed the following amounts for the respective
32 animals”.
- 33 11. Page 21, by inserting after line 26 the
34 following:
35 “Sec. 41. Section 110.24, Code 1987, is amended by
36 adding the following new unnumbered paragraph:
37 NEW UNNUMBERED PARAGRAPH. A license is not
38 required of the owner or the owner’s guests, invitees
39 or licensees to fish in the owner’s private waters
40 unless those waters are open to the public under
41 section 109.78.”

COMMITTEE ON
NATURAL RESOURCES
HURLEY W. HALL, Chairperson

S-3516

1 Amend House File 631 as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 9, line 19, by inserting after the figure
4 "3," the following: "moneys collected from the
5 pesticide container program pursuant to chapter
6 206A,".

7 2. Page 27, by striking lines 3 through 10 and
8 inserting the following:

9 "Sec. ____ . NEW SECTION. 206A.1 DEFINITIONS.

10 As used in this chapter, unless the context
11 otherwise requires:

12 1. "Pesticide" means a pesticide, as defined in
13 section 206.2, subsection 1, and used for agricultural
14 purposes.

15 2. "Pesticide container" means a metal or plastic
16 receptacle used to hold a pesticide, but does not
17 apply to paper or cardboard containers.

18 3. "Consumer" means a person who purchases a
19 pesticide in a pesticide container.

20 4. "Dealer" means a person who engages in the sale
21 of pesticides in pesticide containers to one or more
22 consumers.

23 5. "Department" means the department of
24 agriculture and land stewardship.

25 6. "Secretary" means the secretary of agriculture.

26 Sec. ____ . NEW SECTION. 206A.2 PURPOSE.

27 The purpose of this section is to insure the triple
28 rinsing or equivalent of pesticide containers in
29 accord with the department's regulations, and to
30 provide an incentive through a deposit system for the
31 return of triple rinsed pesticide containers. All
32 pesticide containers shall have a sticker supplied by
33 the department. That sticker shall be used to
34 identify those pesticide containers for which a
35 deposit is required.

36 Sec. ____ . NEW SECTION. 206A.3 SCOPE.

37 This section applies to all pesticide containers,
38 which are sold, bartered, or traded within the state,
39 or transported to the state for use in the state.

40 Sec. ____ . NEW SECTION. 206A.4 STICKERS REQUIRED.

41 1. Upon the sale, trade, or barter of any
42 pesticide container subject to this chapter, the
43 pesticide dealer shall affix a sticker supplied by the
44 department to identify those containers. The sticker
45 shall indicate that the deposit has been paid and

46 shall be designed so that it can be used to identify
47 both the dealer and the purchaser and the amount of
48 the deposit value.

49 2. The department shall make stickers available to
50 dealers at a cost to be determined by the department.

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1 Sec. ____ . NEW SECTION. 206A.5 DEPOSIT VALUES.

2 In-state purchases. At the time of delivery from
3 an in-state dealer to an in-state consumer, the dealer
4 must collect a deposit in cash or give credit on each
5 pesticide container. The deposit values collected
6 shall be in accordance with the following schedule:

7 1. Two dollars per pesticide container of two and
8 one-half gallons or less.

9 2. Five dollars per pesticide container of more
10 than two and one-half gallons through nine gallons.

11 3. Ten dollars per pesticide container of more
12 than nine gallons.

13 Sec. ____ . NEW SECTION. 206A.6 TRIPLE RINSE
14 PROCEDURE.

15 The department shall establish proper procedure for
16 the triple rinsing of pesticide containers and shall
17 disseminate this information. The department shall
18 also adopt rules for the establishment of penalties
19 against a person not complying with the triple rinse
20 procedure.

21 Sec. ____ . NEW SECTION. 206A.7 AFFIDAVITS.

22 Each dealer shall provide a blank affidavit on
23 which a purchaser shall list only the number of
24 containers purchased from the dealer which are being
25 returned on a particular day at a particular site.

26 Those containers which are still in use or have been
27 returned unopened to the dealer shall not be listed.

28 Sec. ____ . NEW SECTION. 206A.8 RETURN OF
29 CONTAINERS AND PROPER DISPOSAL.

30 The consumer shall return the container to the
31 dealer for disposal. The dealer shall then return the
32 container to the distributor who shall dispose of the
33 container in accordance with rules adopted by the
34 department for disposal.

35 In all cases of disposal the consumer shall include
36 on each affidavit from each dealer from which a
37 pesticide container being disposed of was purchased,
38 exchanged, or bartered:

39 a. A listing of all containers returned for
40 disposal.

41 b. The signature of the consumer verifying that
42 the container is triple rinsed.

43 Sec. ____ . NEW SECTION. 206A.9 DEPOSITS REFUNDED.

44 Deposits will be refunded by pesticide dealers on
45 all pesticide containers bearing the department's
46 stickers at the place of business of the pesticide
47 dealer who sold, bartered, or traded the pesticide,
48 provided that the containers have been triple rinsed
49 or the equivalent in accordance with the department's
50 regulations prior to return and provided that the

Page 3

1 purchaser displays a completed affidavit to the
2 dealer.

3 Sec. ____ . NEW SECTION. 206A.10 REPORTS --
4 OUTSTANDING DEPOSIT VALUES.

5 A pesticide dealer shall, not later than the last
6 day of each calendar month, file with the department a
7 report which shall include:

8 1. A statement of the number of pesticide
9 containers sold, bartered, or traded during the
10 previous month.

11 2. A statement of the number of pesticide
12 containers or affidavits returned for refund to the
13 dealer during the previous month.

14 3. Other information as the department may require
15 for enforcement of this chapter.

16 Any outstanding deposit values not returned to the
17 consumer shall be collected by the department from the
18 dealer annually based upon the monthly reports filed
19 with the department of the number of containers sold,
20 bartered, or traded and not returned during the
21 preceding fiscal year.

22 Sec. ____ . NEW SECTION. 206A.11 ADMINISTRATION --
23 RULES ADOPTED.

24 The department shall administer this chapter and
25 shall adopt rules necessary to carry out the
26 provisions of this chapter, subject to chapter 17A.

27 Sec. ____ . NEW SECTION. 206A.12 PENALTIES.

28 1. After the effective date of this Act, it shall
29 be unlawful for a person to possess a pesticide
30 container without a properly approved and affixed
31 sticker, with the exception that a pesticide dealer or
32 distributor may hold pesticide containers if they are
33 for sale and not for personal use.

34 2. Any person who does any of the following acts
35 commits a fraudulent practice:

36 a. Collects or attempts to collect the deposit
37 value on the container a second time, with the
38 knowledge that the deposit value has once been paid by
39 the dealer to a consumer.

40 b. Manufactures, sells, possesses, or applies a
 41 false or counterfeit label or indication which shows
 42 or purports to show a deposit value for a container,
 43 with intent to use the false or counterfeit label or
 44 indication.

45 c. Collects or attempts to collect a deposit value
 46 on a container with the use of a false or counterfeit
 47 label or indication showing a deposit value, knowing
 48 the label or indication to be false or counterfeit.

49 3. As used in this section, a false or counterfeit
 50 label or indication means a label or indication

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1 purporting to show a valid deposit value which has not
 2 been initially applied as authorized.

3 4. Any person disposing of a pesticide container
 4 in a manner not authorized by the department is guilty
 5 of a simple misdemeanor.

6 Sec. ____ . NEW SECTION. 206A.13 AGRICULTURE
 7 MANAGEMENT ACCOUNT.

8 Any outstanding deposit values or other fees
 9 collected shall be deposited in the groundwater
 10 protection fund to be credited to the agriculture
 11 management account.

12 Sec. ____ . NEW SECTION. 206A.14 DUTIES OF THE
 13 DEPARTMENT.

14 The department shall:

15 1. Provide stickers to those required to affix
 16 stickers to pesticide containers and may establish a
 17 cost for the provision of stickers.

18 2. Establish procedures for the triple rinsing of
 19 containers, disseminate this information, and provide
 20 training.”

21 3. By renumbering as necessary.

LARRY MURPHY

S-3517

1 Amend the amendment S-3493 to House File 499, as
 2 amended, passed, and reprinted by the House, as
 3 follows:

4 1. By striking page 32, line 37 through page 33,
 5 line 12, and inserting the following:

6 “Sec. ____ . Section 442.4, subsection 3, unnumbered
 7 paragraph 1 and paragraph a, Code 1987, are amended to
 8 read as follows:

9 For the school year beginning July 1, ~~1980~~ 1987,

10 and each subsequent school year, budget enrollment
11 means the sum of the following:

12 a. Twenty-five percent of the basic enrollment for
13 the school ~~formula~~ year ~~beginning July 1, 1979~~.
14 However, if the basic enrollment of a school district
15 for a budget year is more than fifteen percent higher
16 than the basic enrollment of the district for the base
17 year, the school district's basic enrollment for the
18 budget year shall be used thereafter for the
19 calculation required under this paragraph in lieu of
20 using the basic enrollment for the ~~school~~ year
21 ~~beginning July 1, 1979~~.

22 For the purpose of this subsection, the listed
23 budget years shall use the listed formula years:

24 (1) For the budget year beginning July 1, 1987,
25 the formula year used for determining budget
26 enrollment is the budget year beginning July 1, 1979.

27 (2) For the budget year beginning July 1, 1988,
28 the formula year used for determining budget
29 enrollment is the budget year beginning July 1, 1981.

30 (3) For each succeeding budget year, the formula
31 year used for determining budget enrollment shall be
32 advanced two years until for the budget year beginning
33 July 1, 1994, the formula year for determining budget
34 enrollment is the budget year beginning July 1, 1993.
35 Thereafter, the budget enrollment for a budget year is
36 equal to the basic enrollment for the base year."

RAY TAYLOR

S-3518

1 Amend House File 646 as amended, passed, and
2 reprinted by the House as follows:

3 1. By striking page 2, line 27 through page 4,
4 line 26, and inserting the following:

5 "Sec. 3. NEW SECTION. 479A.3 NOTICE TO
6 EXCAVATORS.

7 1. The county recorder or the city clerk,
8 respectively, shall provide access to any pertinent
9 information on deposit by township or city to the
10 excavator, or shall provide the name, address, and a
11 telephone number or numbers, answered twenty-four
12 hours a day, seven days a week, of a pertinent one-
13 call system.

14 2. County recorders and city clerks are immune
15 from any civil or criminal liability for receiving and
16 providing access to the information required to be

17 deposited with and made available from the recorders'
18 or clerks' offices by this chapter."

COMMITTEE ON SMALL BUSINESS
AND ECONOMIC DEVELOPMENT
LEONARD L. BOSWELL, Chairperson

S-3519

1 Amend the amendment S-3488 to House File 600 as
2 amended, passed, and reprinted by the House as
3 follows:
4 1. Page 14, line 39, by inserting after the word
5 "areas" the words "and area education agencies".
6 2. Page 16, by inserting after line 1 the
7 following:
8 "3. The term of office of each director of an area
9 education agency board of directors elected in the
10 years 1985 or 1986 and of any person elected to fill a
11 vacancy in such an office shall be extended until the
12 organization meeting in December of 1989. The term of
13 office of each director of an area education agency
14 board of directors elected in the year 1987 and of any
15 person elected to fill a vacancy in such an office
16 shall be extended until the organization meeting in
17 December of 1991. The board of directors of each area
18 education agency shall determine by resolution prior
19 to July 1, 1989 which of the director positions to be
20 elected at the 1989 director district conventions
21 shall be elected to two-year terms and which shall be
22 elected to four-year terms."
23 3. Page 16, line 8, by inserting after the word
24 "areas" the words "and area education agencies".

JOE WELSH

CORRECTED CONFERENCE COMMITTEE AMENDMENT
TO HOUSE FILE 244

S-3520

1 Amend House File 244, as passed by the House, as
2 follows:
3 1. Page 1, by inserting before line 1 the
4 following:
5 "Section 1. Section 573.2, Code 1987, is amended
6 to read as follows:

7 573.2 PUBLIC IMPROVEMENTS -- BOND AND CONDITIONS.

8 1. CONTRACTOR'S BOND. Contracts for the
9 construction of a public improvement shall, when the
10 contract price equals or exceeds twenty-five thousand
11 dollars, be accompanied by a bond, with surety,
12 conditioned for the faithful performance of the
13 contract, and for the fulfillment of other
14 requirements as provided by law. The bond may also be
15 required when the contract price does not equal that
16 amount.

17 2. SUBCONTRACTOR'S BOND. A subcontractor must
18 post the following bond to be entitled to receive
19 prompt payment under section 573.12, subsection 2.
20 Subcontracts for the construction of a public
21 improvement shall be accompanied by a bond, with
22 surety, conditioned for the faithful performance of
23 the subcontract, and for the fulfillment of other
24 requirements as provided by law, in all cases where a
25 contractor's bond is required.

26 3. INSOLVENCY OF THE SURETY. However, if a
27 contractor or subcontractor provides a performance or
28 maintenance bond as required by a public improvement
29 contract governed by this chapter and subsequently the
30 surety company becomes insolvent and the contractor or
31 subcontractor is required to purchase a new bond, the
32 contractor or subcontractor may apply for
33 reimbursement from the governmental agency that
34 required a second bond and the claims shall be
35 reimbursed from funds allocated for road construction
36 purposes."

37 2. Page 1, line 12, by striking the word "The"
38 and inserting the following:

39 "If the subcontractor has posted a bond under
40 section 573.2, subsection 2, the".

41 3. Page 1, line 15, by inserting after the word
42 "subcontractor." the following: "If the subcontractor
43 has not posted a bond under section 573.2, subsection
44 2, the contractor may retain from each payment to a
45 subcontractor an amount deemed by the contractor to be
46 sufficient to assure full performance, unless
47 otherwise limited by contract between the contractor
48 and subcontractor."

49 4. Page 1, line 16, by striking the word "A" and
50 inserting the following: "If the subcontractor has

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- 1 posted a bond under section 573.2, subsection 2, a".
2 5. Page 1, line 17, by striking the word "a" and
3 inserting the following: "the".
4 6. Page 1, by inserting after line 31 the
5 following:
6 "Sec. ____ . Section 573.14, unnumbered paragraph 1,
7 Code 1987, is amended to read as follows:
8 Said fund shall be retained by the public
9 corporation for a period of thirty days after the
10 completion and final acceptance of the improvement.
11 If at the end of said thirty-day period claims are on
12 file as herein provided the public corporation shall
13 continue to retain from said unpaid funds a sum ~~not~~
14 ~~less than equal to~~ double the total amount of all
15 claims on file. The balance shall be paid to the con-
16 tractor."
17 7. By renumbering as necessary.

COMMITTEE ON COMMERCE
WILLIAM D. PALMER, Chairperson

S-3521

- 1 Amend House File 649 as amended, passed and
2 reprinted by the House as follows:
3 1. Page 1, lines 19 and 20, by striking the words
4 "two hundred dollars in any particular item or one
5 thousand dollars in the aggregate" and inserting the
6 following: "two hundred dollars in any particular
7 item or one seven thousand five hundred dollars in the
8 aggregate".
9 2. Page 1, line 20, by inserting after the word
10 "aggregate." the following: "However, the exemption
11 on wearing apparel shall not apply to wearing apparel
12 acquired within one year of the date of execution or
13 the date the exemption is claimed."
14 3. Page 1, by inserting after line 23 the
15 following:
16 "Sec. ____ . Section 627.6, subsection 5, Code 1987,
17 is amended to read as follows:
18 5. The debtor's interest; ~~not to exceed two~~
19 ~~hundred dollars in value in any particular item, in~~
20 household furnishings, household goods, and appliances
21 held primarily for the personal, family, or household
22 use of the debtor or a dependent of the debtor; ~~not to~~
23 ~~exceed in value two thousand dollars in the aggregate.~~
24 However, the exemption on household goods, furnishings
25 and appliances shall not apply to household goods,

26 furnishings and appliances acquired within one year of
 27 the date of execution or the date the exemption is
 28 claimed.”

29 4. Page 1, line 25, by striking the word
 30 “subsection” and inserting the following:
 31 “subsections”.

32 5. Page 1, by inserting after line 30 the
 33 following:

34 “NEW SUBSECTION. 15. Heirlooms which have been in
 35 the possession of the debtor or members of the
 36 debtor’s family for not less than ten years.”

37 6. Page 2, by striking lines 3 through 15 and
 38 inserting the following: “child, or dependent.
 39 However, the exemption shall not apply to any interest
 40 or value in insurance acquired within one year of the
 41 date of execution or the date the exemption is
 42 claimed.”

43 7. Page 2, by striking lines 29 through 31 and
 44 inserting the following: “contracted prior to the
 45 death of the insured.”

46 8. Page 2, by inserting after line 32 the
 47 following:

48 “Sec. ____ . This Act, being deemed of immediate
 49 importance, takes effect upon enactment.”

50 9. By renumbering as necessary.

COMMITTEE ON AGRICULTURE
 BERL E. PRIEBE, Chairperson

S-3522

1 Amend amendment S-3488 to House File 600 as
 2 amended, passed, and reprinted by the House as
 3 follows:

4 1. Page 13, lines 49 and 50 by striking the words
 5 “in September after the regular school election” and
 6 inserting the following: “in September November”.

MICHAEL E. GRONSTAL

S-3523

1 Amend House File 624, as amended, passed, and re-
 2 printed by the House, as follows:

3 1. Page 1, by striking lines 7 and 8.
 4 2. Page 1, line 11, by striking the word “,
 5 deflagration,”.
 6 3. Page 1, by striking line 14 and inserting the

7 following: "materials regulations, 49 C.F.R. 173.88,
8 173.100, except:

9 a. Missiles with or without fins.

10 b. Firecrackers that exceed one inch in length or
11 have a total pyrotechnic composition in excess of
12 fifty milligrams."

13 4. Page 1, by inserting after line 22 the fol-
14 lowing:

15 "____. "Wholesaler" means a person who sells fire-
16 works or other wholesalers or retailers."

17 5. Page 1, line 27, by striking the word
18 "transportation,".

19 6. Page 1, line 30, by striking the word
20 "transportation and".

21 7. Page 1, by striking lines 34 and 35 and in-
22 serting the following: "explosions."

23 8. Page 2, by inserting after line 23 the fol-
24 lowing:

25 "9. Fireworks shall not be sold or stored within
26 fifty feet of any gasoline pump, gasoline service sta-
27 tion, gasoline bulk station, or any building in which
28 gasoline or flammable liquids are sold in quantities
29 in excess of one gallon. This subsection does not
30 apply to retailers where cleaners, paints, and oil are
31 sold in the original containers to retail customers.

32 10. Fireworks shall not be sold from or stored in
33 tents or other nonrigid structures.

34 11. Fireworks shall not be sold in any building
35 that has any point in the building further than fifty
36 feet from an exit.

37 12. Fireworks offered for retail sale shall be
38 protected from direct contact and handling by the
39 public at all times. Marketing where retail customers
40 are allowed to move among stocks of fireworks or serve
41 themselves from firework stocks or displays is
42 prohibited except in buildings in which only fireworks
43 are sold."

44 9. Page 3, by inserting after line 19 the
45 following:

46 "____. The fire marshal shall establish rules and a
47 fee for the issuance of a license for a pyrotechnic
48 operator."

49 10. Page 3, by inserting after line 23 the
50 following:

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1 " ____ . A retail license shall not be issued to a
2 retailer that does not have a valid sales tax permit."

3 11. Page 3, by striking lines 25 and 26, and
4 inserting the following: "import for sale, store for
5 sale, or sell fireworks, unless the person has
6 obtained a valid".

7 12. By striking page 3, line 32 through page 4,
8 line 3 and inserting the following:

9 "5. It is unlawful to offer fireworks for sale at
10 retail before the twentieth day of June or after the
11 tenth day of July."

12 13. Page 5, by inserting after line 15 the fol-
13 lowing:

14 "Application for an annual permit may be made by
15 submitting a written application accompanied by a
16 fifty dollar fee. The state fire marshal shall
17 establish rules concerning the issuance and operation
18 of an annual permit."

19 14. Page 6, by striking lines 8 and 9 and insert-
20 ing the following: "licenses shall be deposited in
21 the general fund."

22 15. Page 6, by striking lines 11 through 14 and
23 inserting the following:

24 "The provisions of this chapter shall be construed
25 as imposing minimum requirements and shall not be
26 construed as prohibiting any city within its corporate
27 limits or county with respect to unincorporated
28 territory from passing ordinances deemed necessary to
29 regulate or prohibit the sale and use of fireworks."

30 16. Page 6, by striking line 17 and inserting the
31 following: "adopted pursuant to section 101B.3 or
32 101B.6 commits a".

33 17. Page 6, by striking line 21 and inserting the
34 following: "adopted pursuant to section 101B.2,
35 101B.4, 101B.5, or 101B.7 commits".

36 18. Page 7, by inserting after line 17 the fol-
37 lowing:

38 "Sec. ____ . This Act takes effect on January 1,
39 1988."

40 19. By numbering and renumbering as necessary.

S-3524

- 1 Amend amendment, S-3488, to House File 600 as
2 amended, passed, and reprinted by the House as
3 follows:
4 1. Page 9, line 26, by inserting after the word
5 "November" the following: "of each odd-numbered
6 year".

MICHAEL E. GRONSTAL

S—3525

- 1 Amend House File 499 as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 11, by inserting after line 20 the
4 following:
5 "A supplemental pay plan may provide for
6 supplementing the costs of vocational agriculture
7 programs as provided in section 294A.16A."
8 2. Page 14, by inserting before line 11 the
9 following:
10 "Sec. — . NEW SECTION. 294A.16A VOCATIONAL
11 AGRICULTURE.
12 A supplemental pay plan that provides for
13 supplementing the costs of vocational agriculture
14 programs may include providing for:
15 1. Teacher salary costs beyond the regular school
16 year for twelve-month contracts for vocational
17 agriculture teachers in order for them to develop and
18 provide summer programs.
19 2. Travel costs of the teachers.
20 3. Supervision costs of the teachers for
21 intracurricular student organizations and
22 associations.
23 4. Costs of coordination of continuing education
24 programs for adult young farmers and agribusiness
25 personnel.
26 5. Replacing and updating vocational education
27 instructional equipment in school districts.
28 6. Revising vocational agriculture curricula to
29 include the instruction of diversified enterprises.
30 7. Developing and implementing additional
31 instructional programs for vocational agriculture.
32 8. Developing curriculum guides that incorporate
33 exploratory and career awareness for vocational
34 agriculture into the educational programs for grades
35 kindergarten through eight."

JOE J. WELSH

S-3526

- 1 Amend the Committee on Transportation amendment, S-
- 2 3485, to House File 167, as passed by the House, as
- 3 follows:
- 4 1. Page 1, by striking lines 3 and 4 and
- 5 inserting the following:
- 6 "____. Page 3, by inserting after line 11 the
- 7 following: "
- 8 2. Page 1, by striking lines 33 through 36 and
- 9 inserting the following:
- 10 "____. Title page, line 1, by striking the word
- 11 "for" and inserting the following: "for, issuance
- 12 of".
- 13 3. Renumber as necessary.

RICHARD F. DRAKE
HURLEY W. HALL

S-3527

- 1 Amend House File 614 as amended, passed and
- 2 reprinted by the House, as follows:
- 3 1. Page 1, by inserting before line 1 the
- 4 following:
- 5 "Section 1. Section 156.3, Code 1987, is amended
- 6 to read as follows:
- 7 156.3 ELIGIBILITY REQUIREMENTS.
- 8 To be eligible to take the examination for a
- 9 funeral director's license, a person must have
- 10 ~~completed two academic years of instruction in a~~
- 11 ~~recognized college, junior college or university~~
- 12 received a bachelor of science or bachelor of arts
- 13 degree from an institution accredited by the north
- 14 central association of colleges and secondary schools
- 15 or an equivalent accrediting association in another
- 16 region of the United States, in a course of study
- 17 approved by the board ~~or have equivalent education as~~
- 18 ~~defined by the board~~ and have satisfactorily completed
- 19 a course of instruction in mortuary science in an
- 20 accredited school approved by the board."
- 21 2. Page 18, line 10, by inserting after the
- 22 figure "1988." the following: "Section 1 of this Act
- 23 takes effect January 1, 1992."
- 24 3. Title page, line 3, by inserting after the
- 25 word "penalties," the following: "revising
- 26 educational requirements for funeral directors,".
- 27 4. By renumbering as necessary.

RAY TAYLOR
BERL E. PRIEBE

S-3528

- 1 Amend House File 520 as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 21, by inserting after line 18 the
 4 following:
 5 "Sec. 19. NEW SECTION. 557B.15 EXEMPTIONS BY
 6 ATTORNEY GENERAL.
 7 The attorney general may, by rule or order, exempt
 8 any person from all or part of the requirements of
 9 this chapter if the attorney general finds the
 10 requirements unnecessary for the protection of
 11 purchasers. In determining exemptions from this
 12 chapter, the attorney general shall consider all of
 13 the following:
 14 1. The duration of the membership camping
 15 contracts involved.
 16 2. The number of membership camping contracts
 17 being offered by the operator.
 18 3. The amount of the purchase price of the
 19 membership camping contracts."
 20 2. Page 21, by striking line 19 and inserting the
 21 following:
 22 "Sec. 20. NEW SECTION. 557B.16 RULES."

AL STURGEON
DALE TIEDEN

S-3529

- 1 Amend Senate File 499 as follows:
 2 1. By striking everything after the enacting
 3 clause and inserting the following:
 4 "Section 1. Section 220.1, Code 1987, is amended
 5 by adding the following new subsections:
 6 NEW SUBSECTION. 36. "State housing credit
 7 ceiling" means the state housing credit ceiling as
 8 defined in I.R.C. § 42(h)(3)(C).
 9 NEW SUBSECTION. 37. "Low-income housing credit"
 10 means the low-income housing credit as defined in
 11 I.R.C. § 42(a).
 12 Sec. 2. Section 220.1, unnumbered paragraph 2,
 13 Code 1987, is amended by striking the paragraph and
 14 inserting in lieu thereof the following:
 15 The authority shall establish by rule further

16 definitions applicable to this chapter, and
17 clarification of the definitions in this section, as
18 necessary to assure eligibility for funds available
19 under federal housing laws, or to assure compliance
20 with federal tax laws relating to the issuance of tax
21 exempt mortgage subsidy bonds pursuant to I.R.C. §
22 103A, or relating to the issuance of tax exempt
23 residential rental property bonds for qualified
24 residential housing under I.R.C. § 103, or relating to
25 the allowance of low-income credits under I.R.C. § 42.
26 Sec. 3. NEW SECTION. 220.52 STATE HOUSING CREDIT
27 CEILING ALLOCATION.

28 1. The authority is designated the housing credit
29 agency for the allowance of low-income housing credit
30 under the state housing credit ceiling.

31 2. The authority shall adopt rules and allocation
32 procedures which will ensure the maximum use of
33 available tax credits in order to encourage
34 development of low-income housing in the state. The
35 authority shall consider the following factors in the
36 adoption and application of the allocation rules:

- 37 a. Timeliness of the application.
- 38 b. Location of the proposed housing project.
- 39 c. Relative need in the proposed area for low-
40 income housing.
- 41 d. Availability of low-income housing in the
42 proposed area.
- 43 e. Economic feasibility of the proposed project.
- 44 f. Ability of the applicant to proceed to
45 completion of the project in the calendar year for
46 which the credit is sought.

47 The authority shall adopt rules specifying the
48 application procedure and the allowance of low-income
49 housing credits under the state housing credit
50 ceiling.

Page 2

1 3. The authority shall not allow more than ninety
2 percent of the low-income housing credits under the
3 state housing credit ceiling to projects other than
4 qualified low-income housing projects as defined in
5 I.R.C. § 42(h)(5)(B)."

6 2. Title page, lines 1 through 3, by striking the
7 words "by providing for its allocation and designating
8 the Iowa finance authority as the housing credit
9 agency" and inserting the following: "allowance".

S-3530

1 Amend House File 346, as passed by the House, as
2 follows:

3 1. Page 2, by inserting after line 7 the
4 following:

5 "Sec. 2. Section 149.7, unnumbered paragraph 1,
6 Code 1987, is amended to read as follows:

7 The podiatry examiners may issue a temporary
8 certificate ~~to an academic staff member of a podiatry~~
9 ~~school in this state~~ authorizing the licensee named in
10 the certificate to practice podiatry if, in the
11 opinion of the podiatry examiners, ~~determine that a~~
12 need exists and the person possesses the
13 qualifications prescribed by the podiatry examiners
14 for the certificate, which shall be substantially
15 equivalent to those required for regular licensure
16 under this chapter. The podiatry examiners shall
17 determine in each instance the applicant's eligibility
18 for the certificate, whether or not ~~examinations an~~
19 examination shall be given, and the type of
20 ~~examinations~~ examination. The requirements of the law
21 pertaining to regular permanent licensure shall not be
22 mandatory for this temporary certificate except as
23 specifically designated by the podiatry examiners.
24 The granting of a temporary certificate does not in
25 any way indicate that the person licensed is
26 necessarily eligible for regular licensure, and the
27 podiatry examiners are not obligated to license the
28 person."

29 2. Title page, line 2, by inserting after the
30 word "examiners" the following: "and the board of
31 podiatry examiners".

JOHN E. SOORHOLTZ
ROBERT M. CARR

S-3531

1 Amend amendment, S-3493, to House File 499 as
2 amended, passed and reprinted, by the House as
3 follows:

- 4 1. Page 15, by striking lines 7 through 16.
- 5 2. Page 15, by striking lines 21 through 43.
- 6 3. Page 16, by striking lines 11 through 26.

EUGENE FRAISE

S-3532

1 Amend House File 594 as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 10, line 10, by inserting after the word
4 "license." the following: "A pharmacy license issued
5 pursuant to subsection 4 may be further identified as
6 a hospital pharmacy license."

7 2. Page 10, by inserting after line 18 the
8 following:

9 "4. The board shall adopt rules for the issuance
10 of a hospital pharmacy license to a hospital which
11 provides pharmacy services for its own use. The rules
12 shall:

13 a. Recognize the special needs and circumstances
14 of hospital pharmacies.

15 b. Give due consideration to the scope of pharmacy
16 services that the hospital's medical staff and
17 governing board elect to provide for the hospital's
18 own use.

19 c. Consider the size, location, personnel, and
20 financial needs of the hospital.

21 d. Give recognition to the standards of the joint
22 commission on accreditation of hospitals and the
23 American osteopathic association and to the conditions
24 of participation under medicare.

25 To the maximum extent possible, the board shall
26 coordinate the rules with the standards and conditions
27 described in paragraph "d" and shall coordinate its
28 inspections of hospital pharmacies with the medicare
29 surveys of the department of inspections and appeals
30 and with the board's inspections with respect to
31 controlled substances conducted under contract with
32 the federal government.

33 A hospital which provides pharmacy services by
34 contracting with a licensed pharmacy is not required
35 to obtain a hospital pharmacy license or a general
36 pharmacy license.

37 5. A hospital which elects to operate a pharmacy
38 for other than its own use is subject to the
39 requirements for a general pharmacy license. If the
40 hospital's pharmacy services for other than its own
41 use are special or limited, the board may issue a
42 special or limited-use pharmacy license pursuant to
43 subsection 3."

44 3. Page 10, line 33, by striking the figure "4"
45 and inserting the following: "6".

46 4. Page 23, by inserting after line 25 the
47 following:

48 "Sec. ____ . The provisions of this Act requiring
49 that hospital pharmacies be licensed shall not take
50 effect until January 1, 1988."

Page 2

1 5. By renumbering as necessary.

FORREST V. SCHWENGELS

S-3533

1 Amend House File 594 as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 17, line 32, by striking the words "one
4 year" and inserting the following: "eighteen months".

FORREST SCHWENGELS
RICHARD F. DRAKE

S-3534

1 Amend House File 500 as amended, passed and
2 reprinted by the House, as follows:
3 1. Page 1, by striking lines 28 and 29 and
4 inserting the following:
5 "b. Handicap is related to the job but through
6 experience, training, or reasonable accommodation the
7 person has overcome the handicap and is able".
8 2. Page 2, by inserting after line 9 the
9 following:
10 "Sec. ____ . Section 601A.6, subsection 1,
11 paragraphs a and b, Code 1987, are amended to read as
12 follows:
13 a. Person to refuse to hire, accept, register,
14 classify, or refer for employment, to discharge any
15 employee, or to otherwise discriminate in employment
16 against any applicant for employment or any employee
17 because of the age, race, creed, color, sex, national
18 origin, religion, ~~or~~ disability, or association with
19 protected class members, of such applicant or
20 employee, unless based upon the nature of the
21 occupation. If a disabled person is qualified to
22 perform a particular occupation, by reason of training
23 or experience, the nature of that occupation shall not
24 be the basis for exception to the unfair or
25 discriminating practices prohibited by this
26 subsection.

27 b. Labor organization or the employees, agents or
28 members thereof to refuse to admit to membership any
29 applicant, to expel any member, or to otherwise
30 discriminate against any applicant for membership or
31 any member in the privileges, rights, or benefits of
32 such membership because of the age, race, creed,
33 color, sex, national origin, religion, or disability,
34 or association with protected class members, of such
35 applicant or member.

36 Sec. ____ . Section 601A.6, subsection 4, Code 1987,
37 is amended by striking the subsection and renumbering
38 the remaining subsections.

39 Sec. ____ . **NEW SECTION. 601A.6A REASONABLE**
40 **ACCOMMODATION BY EMPLOYER.**

41 1. An employer shall make reasonable accommodation
42 to the known physical or mental limitations of an
43 otherwise qualified handicapped employee or applicant
44 for employment unless the employer can demonstrate
45 that the accommodation would impose an undue hardship
46 on the operation of its program.

47 2. Reasonable accommodation may include the
48 following:

49 a. Making facilities used by employees readily
50 accessible to and usable by handicapped persons.

Page 2

1 b. Job restructuring, part-time or modified work
2 schedules, acquisition or modification of equipment or
3 devices, the provision of readers or interpreters, and
4 other similar actions.

5 3. Reasonable accommodation may require more than
6 a de minimis expenditure as long as it does not impose
7 an undue hardship on the operation of the employer's
8 program.

9 4. In determining whether an accommodation would
10 impose an undue hardship on the operation of an
11 employer's program, factors to be considered include
12 all of the following:

13 a. The overall size of the employer's program with
14 respect to number of employees, number and type of
15 facilities, and size of budget.

16 b. The type of the employer's operation, including
17 the composition and structure of the employer's
18 workforce.

19 c. The nature and cost of the accommodation
20 needed.

21 5. An employer shall not deny any employment
22 opportunity to a qualified handicapped employee or
23 applicant if the basis for the denial is the need to

24 make reasonable accommodation to the physical or
 25 mental limitations of the employee or applicant.
 26 Sec. ____ . Section 601A.8, subsection 1, Code 1987,
 27 is amended to read as follows:

28 1. To refuse to sell, rent, lease, assign or
 29 sublease any real property or housing accommodation or
 30 part, portion or interest therein, to any person
 31 because of the race, color, creed, sex, religion,
 32 national origin, or disability, or association with
 33 protected class members, of such person.

34 Sec. ____ . Section 601A.8, subsection 4, Code 1987,
 35 is amended by adding the following new unnumbered
 36 paragraph:

37 **NEW UNNUMBERED PARAGRAPH.** It shall also be an
 38 unfair or discriminatory practice for any person to
 39 interfere with the interests because of race, creed,
 40 color, sex, national origin, religion, or disability.”

41 3. Page 2, by inserting after line 23 the
 42 following:

43 “Sec. ____ . Section 601A.13, subsection 1, Code
 44 1987, is amended to read as follows:

45 1. However, a retirement plan or benefit system
 46 shall not require the involuntary retirement of a
 47 person ~~under the age of seventy~~ because of that
 48 person's age. This paragraph does not prohibit the
 49 following:

50 a. The involuntary retirement of a person who has

Page 3

1 attained the age of sixty-five and has for the two
 2 prior years been employed in a bona fide executive or
 3 high policy-making position and who is entitled to an
 4 immediate, nonforfeitable annual retirement benefit
 5 from a pension, profit-sharing, savings or deferred
 6 compensation plan of the employer which equals ~~twenty-~~
 7 ~~seven forty-five~~ thousand dollars. ~~This retirement~~
 8 ~~benefit test may be adjusted according to the~~
 9 ~~regulations prescribed by the United States secretary~~
 10 ~~of labor pursuant to Public Law 95-256, section 8:~~

11 b. The involuntary retirement of a person covered
 12 by a collective bargaining agreement which was entered
 13 into by a labor organization and was in effect on
 14 ~~September 1, 1977~~ July 1, 1987. This exemption does
 15 not apply after the termination of that agreement or
 16 January 1, ~~1980~~ 1990, whichever first occurs.

17 c. Nothing in this chapter shall be construed to
 18 prohibit compulsory retirement of any employee who has
 19 attained seventy years of age, and who is serving
 20 under a contract of unlimited tenure, or similar

21 arrangement providing for unlimited tenure, at an
 22 institution of higher education as defined by section
 23 1201(a) of the federal Higher Education Act of 1965.

24 Sec. ____ . Section 601A.15, subsection 8, paragraph
 25 a, subparagraph (8), Code 1987, is amended by adding
 26 the following new unnumbered paragraphs:

27 NEW UNNUMBERED PARAGRAPH. The term "injury" as
 28 used in this subparagraph includes pain, humiliation,
 29 or emotional distress when the pain, humiliation, or
 30 emotional distress is caused by or aggravated by a
 31 discriminatory act.

32 NEW UNNUMBERED PARAGRAPH. In a proceeding before
 33 the agency, where costs are borne by the agency,
 34 amounts that would be court costs if incurred in an
 35 action in district court, shall be paid by the
 36 respondent to the agency.

37 Sec. ____ . Section 601A.15, subsection 8, paragraph
 38 a, Code 1987, is amended by adding the following new
 39 subparagraph:

40 NEW SUBPARAGRAPH. (9) Exemplary damages may be
 41 awarded where the respondent acted with actual malice
 42 or where the respondent acts with deliberate
 43 indifference to or with willful or reckless disregard
 44 of the rights of the complainant.

45 Sec. ____ . Section 601A.16, Code 1987, is amended
 46 by adding the following new subsection:

47 NEW SUBSECTION. 7. An action brought pursuant to
 48 this chapter may be joined with any other action,
 49 except an administrative proceeding."

50 4. Title page, line 2, by inserting after the

Page 4

1 word "commission" the following: ", and providing
 2 penalties".

3 5. By renumbering as necessary.

TOM MANN, Jr.

S-3535

1 Amend House File 210, as amended, passed, and re-
 2 printed by the House, as follows:

3 1. Page 1, line 4, by striking the words "an a"
 4 and inserting the following: "an".

5 2. Page 1, by striking lines 5 through 7 and in-
 6 serting the following: "intermediate care facility,
 7 ~~or skilled nursing facility, or county care facility~~
 8 has a program which has".

9 3. Page 1, by striking lines 9 and 10 and in-
 10 serting the following: "for and manage the patient.
 11 An intermediate care facility, or skilled nursing
 12 facility, or county care facility is required to".

13 4. Page 1, by striking lines 12 and 13 and in-
 14 serting the following: "behavior when the
 15 intermediate care facility, or skilled nursing
 16 facility, or county care facility cannot control the".

17 5. Page 1, by striking lines 17 and 18 and
 18 inserting the following: "17A for programs to be
 19 required in intermediate care facilities, and skilled
 20 nursing facilities, and county care".

21 6. Page 1, by striking lines 21 through 35.

22 7. Page 2, by striking lines 17 through 22 and
 23 inserting the following: "that section. However, any
 24 commitment to a facility regulated and operated under
 25 chapter 135C, shall be in accordance with section
 26 135C.23."

27 8. Page 2, by striking lines 25 through 29 and
 28 inserting the following:

29 "NEW UNNUMBERED PARAGRAPH. A judge, magistrate, or
 30 judicial hospitalization referee shall make all
 31 placements to a county care facility pursuant to sec-
 32 tion 135C.23."

33 9. By renumbering as necessary.

JULIA B. GENTLEMAN
 BEVERLY HANNON

S-3536

1 Amend House File 574 as amended, passed, and
 2 reprinted by the House, as follows:

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

5 "Sec. ____ . NEW SECTION. 715A.7 FILING MULTIPLE
 6 COUNTS IN ONE INFORMATION, INDICTMENT, OR COMPLAINT.

7 A single information, indictment, or complaint
 8 charging false use of a financial instrument may
 9 allege more than one such violation against a person.
 10 The multiple charges shall be set out in separate
 11 counts, and the accused person shall be acquitted or
 12 convicted upon each count by a separate verdict. A
 13 convicted person shall be sentenced upon each verdict
 14 of guilty. The court may consider separate verdicts of
 15 guilty returned at the same time as one offense for
 16 the purpose of sentencing.

17 2. Renumber as necessary.

RICHARD VARN

S-3537

1 Amend amendment, S-3492, to House File 626 as
2 amended, passed and reprinted by the House as follows:
3 1. Page 2, line 14, by striking the words "rate,
4 if the amount" and inserting the following: "rate on
5 that portion".
6 2. Page 2, line 15, by inserting after the word
7 "loan" the following: "which".
8 3. Page 2, by striking lines 20 through 22, and
9 inserting the following: "for the term of the loan or
10 within one year from the loan initiation date as
11 defined by rules adopted by the authority."

EMIL HUSAK

S-3538

1 Amend House File 655 as amended, passed, and
2 reprinted by the House as follows:
3 1. Page 3, by striking lines 3 through 13.
4 2. Title page, by striking line 3 and inserting
5 the following: "the award of lost time and
6 transportation costs in small claims actions, and by".
7 3. Title page, by striking lines 5 through 7 and
8 inserting the following: "court having actual
9 jurisdictions."

RICHARD VARN
TOM MANN, Jr.

S-3539

1 Amend House File 660 as amended, passed and
2 reprinted by the House as follows:
3 1. Page 2, by striking lines 2 and 3 and
4 inserting the following:
5 "NEW SUBSECTION. 2A. "Dependent adult" for the
6 purposes of this chapter means a person sixty years of
7 age or over who is unable to protect the".

BEVERLY HANNON
JULIA GENTLEMAN

S-3540

- 1 Amend amendment S-3534 to House File 500 as amended,
- 2 passed and reprinted by the House as follows:
- 3 1. Page 3, by striking lines 28 through 31 and
- 4 inserting in lieu thereof the following: "used in this
- 5 subparagraph includes emotional distress where the
- 6 discriminatory act consisted of outrageous conduct."

LEE W. HOLT
RICHARD F. DRAKE
HURLEY W. HALL
WILLIAM W. DIELEMAN
LINN FUHRMAN
CALVIN O. HULTMAN

S-3541

- 1 Amend amendment, S-3493, to House File 499, as
- 2 amended, passed, and reprinted by the House, as
- 3 follows:
- 4 1. Page 10, by inserting after line 5 the
- 5 following:
- 6 "8. This section does not preclude a school
- 7 district from sharing certificated instructional
- 8 personnel with one or more other school districts in
- 9 order to utilize a modified block schedule for
- 10 offering classes in the districts without obtaining
- 11 approval from the department of education and
- 12 designation as a pilot project."
- 13 2. Page 11, by inserting after line 42 the
- 14 following:
- 15 "This section does not preclude a school district
- 16 from providing a sabbatical program for its teachers
- 17 separate from the sabbatical program provided under
- 18 this section."

RAY TAYLOR

S-3542

- 1 Amend House File 540 as amended, passed and
- 2 reprinted by the House as follows:
- 3 1. Page 2, by striking line 34 through page 3,
- 4 line 3.

JAMES RIORDAN
BEVERLY HANNON

S-3543

1 Amend House File 244, as passed by the House as
2 follows:

3 1. Page 1, by striking lines 22 and 23 and
4 inserting the following: "received payment for the
5 subcontractor's work if the subcontractor has not
6 assumed the risk of nonpayment by the public
7 corporation, and if the reason for nonpayment is not
8 the subcontractor's fault."

RICHARD DRAKE

S-3544

1 Amend House File 636, as passed by the House, as
2 follows:

3 1. Page 6, by striking lines 5 through 8.
4 2. Page 6, by striking lines 12 and 13.
5 3. Page 6, line 34, by striking the word "shall"
6 and inserting the following: "may".
7 4. By renumbering as necessary.

JIM RIORDAN

HOUSE AMENDMENT TO
SENATE FILE 319

S-3545

1 Amend Senate File 319, as passed by the Senate, as
2 follows:

3 1. Page 1, by inserting after line 19 the
4 following:
5 "Sec. ____ . Section 657A.2, Code 1987, is amended
6 by adding the following new subsection:
7 **NEW SUBSECTION.** 6. For the purpose of abatement
8 in connection with property in a city with a
9 population of less than one hundred thousand a
10 petition for abatement must include the allegation
11 that a building is abandoned and is in a dangerous or
12 unsafe condition."
13 2. By renumbering as necessary.

HOUSE AMENDMENT TO
SENATE FILE 264

S-3545

- 1 Amend Senate File 264, as passed by the Senate, as
- 2 follows:
- 3 1. Amend the title, line 1, by inserting after
- 4 the word "exemption" the following: "and making the
- 5 Act retroactive".

HOUSE AMENDMENT TO
SENATE FILE 266

S-3547

- 1 Amend Senate File 266 as follows:
- 2 1. Title page, line 1, by inserting after the
- 3 word "affirmation" the following: "and reenactment".

S-3548

- 1 Amend House File 469 as amended, passed and
- 2 reprinted by the House as follows:
- 3 1. Page 2, lines 8 and 9, by striking the words
- 4 "or at employer expense, if there is no employee
- 5 benefit plan,".

CALVIN O. HULTMAN

S-3549

- 1 Amend House File 469 as amended, passed and
- 2 reprinted by the House as follows:
- 3 1. Page 1, by inserting after line 6 the
- 4 following:
- 5 "____. As used in this section, "employer" means a
- 6 person, who in this state employs for wages more than
- 7 twenty-five natural persons. An employer does not
- 8 include a client, patient, customer, or other person
- 9 who obtains professional services from a licensed
- 10 person who provides services on a fee service basis or
- 11 as an independent contractor. An employer also does
- 12 not include a fraternal, charitable, or religious
- 13 association or corporation if the association or

14 corporation is not organized either for private profit
15 or to provide accommodations or services that are
16 available on a nonmembership basis. An employer does
17 include the state of Iowa, or a political subdivision
18 of the state if the subdivision employs more than
19 twenty-five natural persons.”

CALVIN O. HULTMAN

S-3550

1 Amend amendment S-3534 to House File 500 as amended,
2 passed and reprinted by the House as follows:
3 1. Page 3, by striking lines 37 through 44.

EDGAR H. HOLDEN
WILLIAM W. DIELEMAN
LEE W. HOLT
RICHARD F. DRAKE
CALVIN O. HULTMAN

S-3551

1 Amend House File 241, as passed by the House, as
2 follows:
3 1. Page 1, line 9, by inserting after the word
4 “director.” the following: “Before granting approval,
5 the director shall require that the university
6 compensate the department for the use of the
7 resources, on terms specified by the director.”

EUGENE FRAISE
EMIL J. HUSAK

S-3552

1 Amend the amendment, S-3493, to House File 499, as
2 amended, passed, and reprinted by the House, as
3 follows:

DIVISION S—3552A

4 1. Page 5, by striking lines 9 and 10 and
5 inserting the following:
6 “___ . Page 15, by striking lines 27 through 35
7 and inserting the following: “education agencies is
8 not more than twelve. The plans shall be reported to

9 the general assembly not later than October 1, 1987.
10 The focus of the”.

DIVISION S—3552B

11 2. Page 5, by inserting after before 11 the
12 following:
13 “___ . Page 16, by inserting after line 12 the
14 following:
15 “Sec. ___ . Section 256.7, Code 1987, is amended by
16 adding the following new subsection:
17 NEW SUBSECTION. 9. Develop plans to redraw the
18 boundary lines of merged area schools so that the
19 total number of merged area schools does not exceed
20 twelve. The plans shall be reported to the general
21 assembly not later than January 15, 1988.””

DIVISION S—3552A (cont'd.)

22 3. Page 14, by striking lines 11 and 12.

RICHARD J. VARN
LARRY MURPHY
BOB CARR

S-3553

1 Amend House File 488, as amended, passed, and re-
2 printed by the House, as follows:
3 1. Page 1, by striking line 19 and inserting the
4 following: “privilege has been revoked prior to July
5 1, 1986 under section 321B.7, 321B.13, or 321B.16 as
6 they existed”.
7 2. Page 1, line 23, by striking the words and
8 figure “section 321J.2 filed at” and inserting the
9 following: “section 321.281 as it existed prior to
10 July 1, 1986 filed as”.
11 3. Page 1, line 27, by striking the figure
12 “321J.2” and inserting the following: “321.281”.

TOM MANN, JR.

S-3554

1 Amend amendment, S-3534, to House File 500 as
2 amended, passed and reprinted by the House, as
3 follows:
4 1. Page 1, by striking lines 3 through 7.

- 5 2. By striking page 1, line 36 through page 2,
6 line 25.
7 3. By renumbering as necessary.

RICHARD F. DRAKE
HURLEY W. HALL
WILLIAM W. DIELEMAN
CALVIN O. HULTMAN

S-3555

- 1 Amend amendment, S-3493, to House File 499 as
2 amended, passed and reprinted by the House as follows:
3 1. Page 4, line 44, by inserting after the word
4 "benefits" the following: "paid outside the general
5 fund limits".
6 2. Page 25, by striking line 3 and inserting the
7 following:
8 "291.13 GENERAL AND SCHOOLHOUSE, CAPITAL PROJECTS,
9 AND LIABILITY".
10 3. Page 25, line 15, by inserting after the word
11 "certified." the following: "The money collected by
12 the liability levy authorized by the board shall be
13 called the liability fund and may be used only for the
14 purposes for which it is authorized or certified."
15 4. Page 25, by striking lines 26 and 27 and
16 inserting the following: "the amount of the general
17 fund and the schoolhouse, the capital projects fund,
18 and the liability fund held over, received, paid
19 out.".
20 5. Page 31, line 45, by striking the word
21 "general" and inserting the following: "liability".
22 6. Page 34, by striking lines 8 through 11 and
23 inserting the following: "section 442.2 or 442.9.
24 Miscellaneous income includes property tax levied
25 under the provisions of section 613A.7, to fund the
26 costs of tort liability insurance for the school
27 district."
28 7. Page 34, by striking lines 16 and 17 and
29 inserting the following: "of the general fund of a
30 school district."
31 8. Page 37, line 2, by inserting after the word
32 "costs" the following: "in excess of any tax
33 limitation imposed by statute".
34 9. Page 37, line 48, by inserting after the word
35 "section" the following: "in excess of any limitation
36 imposed by statute".

EDGAR H. HOLDEN
LARRY MURPHY

S-3556

1 Amend House File 580 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 601A.6, Code 1987, is amended
6 by adding the following new subsection after
7 subsection 1 and renumbering the subsequent
8 subsections:
9 NEW SUBSECTION. 2. Employment policies relating
10 to pregnancy and childbirth shall be governed by the
11 following:
12 a. A written or unwritten employment policy or
13 practice which excludes from employment applicants or
14 employees because of pregnancy is a prima-facie
15 violation of this chapter, and may be justified only
16 upon showing of business necessity.
17 b. Disabilities caused or contributed to by
18 pregnancy, miscarriage, childbirth, and recovery
19 therefrom are, for all job-related purposes, temporary
20 disabilities and shall be treated as such under any
21 health or temporary disability insurance or sick leave
22 plan available in connection with employment. Written
23 and unwritten employment policies and practices
24 involving matters such as the commencement and
25 duration of leave, the availability of extensions, the
26 accrual of seniority and other benefits and
27 privileges, reinstatement, and payment under any
28 health or temporary disability insurance or sick leave
29 plan, formal or informal, shall be applied to a
30 disability due to pregnancy or childbirth on the same
31 terms and conditions as they are applied to other
32 temporary disabilities.
33 c. Disabilities caused or contributed to by legal
34 abortion and recovery therefrom are, for all job-
35 related purposes, temporary disabilities and shall be
36 treated as such under any temporary disability or sick
37 leave plan available in connection with employment.
38 Written and unwritten employment policies and
39 practices ENtreated as such under any temporary disability or sick
40 and duration of leave, the availability of extensions,
41 the accrual of seniority and other benefits and
42 privileges, reinstatement, and payment under any
43 temporary disability insurance or sick leave plan,
44 formal or informal, shall be applied to a disability
45 due to legal abortion on the same terms and conditions

46 as they are applied to other temporary disabilities.
47 The employer may elect to exclude health insurance
48 coverage for abortion from a plan provided by the
49 employer, except where the life of the mother would be
50 endangered if the fetus were carried to term or where

Page 2

1 medical complications have arisen from an abortion.
2 d. An employer shall not terminate the employment
3 of a person disabled by pregnancy because of the
4 pregnancy.
5 e. Where a leave is not available or a sufficient
6 leave is not available under any health or temporary
7 disability insurance or sick leave plan available in
8 connection with employment, the employer shall not
9 refuse to grant to an employee who is disabled by a
10 pregnancy a leave of absence if the leave of absence
11 is for eight weeks or less. However, the employee
12 must provide timely notice of the period of leave
13 requested and the employer must approve any change in
14 the period requested before the change is effective.
15 Before granting the leave of absence, the employer may
16 require that the employee's disability resulting from
17 pregnancy be verified by medical certification stating
18 that the employee is not able to reasonably perform
19 the duties of employment."
20 2. Title page, by striking lines 2 and 3 and
21 inserting the following: "disabled by pregnancy."

TOM MANN, Jr.

S-3557

1 Amend House File 499, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 18, by inserting after line 12 the
4 following:
5 "Sec. ____ . NEW SECTION: 256.18 POLICY OF STATE
6 CONCERNING COMPLETION OF HIGH SCHOOL.
7 It is the policy of this state that boards of
8 directors of school districts shall adopt policies
9 that encourage students enrolled in their schools to
10 complete the graduation requirements as early as
11 possible. Those students who complete the high school
12 graduation requirements prior to the completion of
13 twelfth grade shall not be required to continue

14 attendance under chapter 299, but shall be assisted in
15 enrolling in postsecondary educational institutions.”

FORREST V. SCHWENGELS

S-3558

1 Amend House File 499 as amended, passed, and
2 reprinted by the House as follows:
3 1. Page 18, by inserting after line 12 the
4 following:
5 “Sec. ____ . NEW SECTION. 256.19 POLICY OF STATE
6 CONCERNING VOCATIONAL TRAINING.
7 It is a policy of this state that the state board
8 of education shall direct that the school districts
9 send students who have not yet graduated from high
10 school and do not intend to attend an institution of
11 higher education to an area school for vocational and
12 technical training. Those students receiving a degree
13 from an area school shall also be granted a high
14 school diploma.”

FORREST V. SCHWENGELS

S-3559

1 Amend House File 499 as amended, passed, and
2 reprinted by the House as follows:
3 1. Page 18, by inserting after line 12 the
4 following:
5 “Sec. ____ . NEW SECTION. 256.20 SUPERINTENDENT
6 EVALUATION.
7 Not later than July 1, 1988, the department of
8 education shall establish an evaluation system for
9 judging the performance of superintendents of school
10 districts and shall employ consultants to conduct
11 evaluations of all superintendents. The evaluations
12 shall be completed not later than January 1, 1989, and
13 the one hundred ten highest scoring superintendents
14 shall receive accreditation from the department to
15 continue employment as superintendents. School
16 districts in existence on January 1, 1989, shall
17 cooperate in offering contracts to superintendents for
18 the school year commencing July 1, 1989, so that,
19 pursuant to sections 280.15 and 442.39, only the one

20 hundred ten superintendents accredited by the
21 department are employed as superintendents.”

FORREST V. SCHWENGELS

S-3560

- 1 Amend amendment S-3513 to House File 640 as
- 2 passed by the House as follows:
- 3 1. Page 1, by striking lines 23 through 29.

AL STURGEON
JIM LIND
CHARLES BRUNER

S-3561

- 1 Amend the amendment, S-3492, to House File 626 as
- 2 amended, passed and reprinted by the House as follows:
- 3 1. Page 1, line 14, by inserting after the word
- 4 “operations” the following: “and sheep production
- 5 operations”.
- 6 2. Page 1, line 22, by inserting after the word
- 7 “cattle” the following: “or sheep”.
- 8 3. Page 1, line 38, by inserting after the word
- 9 “PRODUCERS” the following: “AND SHEEP PRODUCERS”.
- 10 4. Page 1, line 42, by inserting after the word
- 11 “operations” the following: “or sheep production
- 12 operations”.
- 13 5. Page 1, line 48, by inserting after the words
- 14 “beef cattle” the following: “or sheep”.
- 15 6. Page 1, line 49, by inserting after the word
- 16 “operation” the following: “or sheep production
- 17 operation”.
- 18 7. Page 2, line 4, by inserting after the word
- 19 “stock” the following: “or sheep breeding stock”.
- 20 8. Page 2, line 7, by inserting after the word
- 21 “stock” the following: “or sheep breeding stock”.
- 22 9. Page 2, line 29, by inserting after the word
- 23 “production” the following: “or sheep production”.
- 24 10. Page 2, line 35, by inserting after the word
- 25 “production” the following: “or sheep production”.
- 26 11. Page 2, line 47, by inserting after the word
- 27 “production” the following: “or sheep production”.
- 28 12. Page 2, line 49, by inserting after the word
- 29 “operations” the following: “or sheep production
- 30 operations”.

- 31 13. Page 3, line 8, by inserting after the word
32 "operation" the following: "or sheep production
33 operation".
34 14. Page 3, line 14, by inserting after the word
35 "operation" the following: "or sheep production
36 operation".
37 15. Page 8, by inserting after line 44 the
38 following:
39 "____. Title page, line 4, by inserting after the
40 word "producers" the following: "or sheep
41 producers"."
42 16. By renumbering as necessary.

FORREST V. SCHWENGELS

S-3562

- 1 Amend House File 540 as amended, passed and
2 reprinted by the House as follows:
3 1. Title, line 2, by striking the word "on" and
4 inserting in lieu thereof the following: "in
5 proximity to".

EDGAR H. HOLDEN

S-3563

- 1 Amend House File 655 as amended, passed, and
2 reprinted by the House as follows:
3 1. Page 3, by striking lines 3 through 13.
4 2. Title page, by striking line 3 and inserting
5 the following: "the award of lost time and
6 transportation costs in small claims actions, and by".
7 3. Title page, by striking lines 5 through 7 and
8 inserting the following: "court having actual
9 jurisdictions."

RICHARD VARN
TOM MANN, Jr.

S-3564

- 1 Amend the amendment, S-3488, to House File 600, as
2 amended, passed, and reprinted by the House, as
3 follows:
4 1. Page 1, by striking lines 16 through 20 and
5 inserting the following:

6 " ____ . By striking page 4, line 6 through page 5,
7 line 14, and inserting the following:
8 "Sec. 10. Section 48.7, subsection 1, paragraph b,
9 Code 1987, is amended by striking the paragraph and
10 inserting in lieu thereof the following:
11 b. A qualified elector may record a change of
12 name, telephone number, or address on election day at
13 the polling place for the precinct in which the
14 elector currently resides, if the elector's name or
15 former name appears on the election register of that
16 polling place for the election being held that day.
17 The precinct election officials shall furnish such a
18 qualified elector a registration form of the type
19 prescribed for use by electors registering under
20 section 48.3. The elector shall complete the form and
21 submit it to the precinct election officials, who
22 shall return it to the commissioner with the election
23 supplies. If the qualified elector's former address
24 and new address are in different counties, the
25 registration form completed by the qualified elector
26 shall be forwarded to the commissioner of the
27 elector's current county of residence by the
28 commissioner conducting the election.""
29 2. Page 1, by striking lines 21 through 26 and
30 inserting the following:
31 " ____ . Page 5, by striking lines 15 through 33.

35 JULIA B. GENTLEMAN

S-3565

1 Amend House File 617, as amended, passed, and
2 reprinted by the House as follows:
3 1. Page 3, by inserting after line 16 the
4 following:
5 "Sec. ____ . NEW SECTION. 524.1421 REORGANIZATION
6 OF BANK AFFILIATES.
7 1. Notwithstanding any other provision of this
8 chapter, the resulting bank of a merger or
9 consolidation of two or more banks, which have been
10 affiliates as defined in section 524.1101 for more
11 than five years prior to the effective date of the
12 merger or consolidation, may retain and operate as its
13 retained bank offices the principal places of business
14 and all bank offices of the affiliate banks which are
15 merged or consolidated into the resulting bank.
16 2. The resulting bank may establish bank offices
17 allowed by other sections of this chapter to the same
18 extent as if the merger or consolidation had not

19 occurred.

20 3. This section does not permit the resulting bank
21 to establish after the effective date of the merger or
22 consolidation any bank offices in addition to those
23 allowed to the resulting bank by other sections of
24 this chapter. However, the resulting bank may
25 establish and operate facilities which in the absence
26 of the merger or consolidation would be considered
27 under section 524.1202, subsection 2, paragraphs "c"
28 and "d", to be an integral part of the former
29 principal places of business of the affiliates which
30 are merged or consolidated into the resulting bank.

31 4. Retained bank offices as provided in subsection
32 1 shall be operated by the resulting bank in the same
33 manner as bank offices established under section
34 524.1201. The banks which are merged or consolidated
35 under this section shall:

36 a. Retain an advisory board of directors to advise
37 on the operations of a retained bank office. The
38 board shall be composed of citizens residing in the
39 area served by the bank.

40 b. Maintain records of loan to deposit ratios
41 including percentage of commercial and agricultural
42 loans originated in the retained bank office in the
43 same manner as then would be required if the bank
44 affiliate had not been merged or consolidated.

45 c. Maintain a loan officer in the retained bank
46 office.

47 d. Conform to any then current federal and state
48 community reinvestment laws and rules as if the bank
49 affiliate had not been merged or consolidated.

50 e. Be subject to the franchise tax on the same

Page 2

1 basis as if the retained bank office had not been
2 merged or consolidated, provided that this paragraph
3 shall also apply to those retained bank offices
4 resulting from the merger or consolidation of bank
5 affiliates within the same or contiguous counties.

6 5. This section does not alter the limitations
7 upon bank holding companies contained in section
8 524.1802.

9 6. The privileges of this section are available on
10 the same conditions to a national bank.

11 7. This section shall be strictly construed as an
12 exception to the bank office location limitations
13 contained in section 524.1202 and it is the intent of
14 the general assembly that a court or regulatory agency
15 interpreting this section shall not interpret it to

16 permit statewide branch banking or the location of a
17 bank office in this state other than as provided in
18 this section and in sections 524.312 and 524.1202.
19 This section does not authorize the establishment of
20 bank offices at any time or by any bank except when
21 done as the direct and immediate consequence of a
22 merger or consolidation, does not authorize the
23 establishment of the principal place of business of
24 the resulting bank of a merger or consolidation at any
25 location other than one actually occupied and operated
26 as a principal place of business of one of the parties
27 to the merger or consolidation, does not authorize a
28 bank office at any location other than one actually
29 occupied and operated as a principal place of business
30 or bank office by one of the parties to the merger or
31 consolidation, and does not authorize a greater number
32 of bank offices within the municipality or urban
33 complex of the principal place of business of the
34 resulting bank than is expressly permitted by section
35 524.1202, subsection 2.”

EDGAR H. HOLDEN
WILLIAM D. PALMER

S-3566

1 Amend House File 617, as amended, passed, and
2 reprinted by the House as follows:
3 1. Page 13, by inserting after line 12 the
4 following:
5 “Sec. ____ . Section 524.1805, Code 1987, is
6 amended to read as follows:
7 524.1805 OUT-OF-STATE HOLDING COMPANIES.
8 ~~Nothing in this division shall be construed to~~
9 ~~authorize a bank holding company which is with respect~~
10 ~~to the state of Iowa an An~~ “out-of-state bank holding
11 company”, as defined or referred to in 12 U.S.C. §
12 1842(d), as amended to January 1, 1971, ~~to may~~
13 directly or indirectly acquire any of the voting
14 shares of, all or a portion of the voting securities
15 or other capital stock of, or any interest in; all or
16 substantially all of the assets of, or power to
17 control in any manner the election of any of the
18 directors of, any bank in this state, unless such bank
19 holding company was on January 1, 1971 registered with
20 the federal reserve board as a bank holding company;
21 and on that date owned at least two banks in this
22 state one or more state banks or national banking
23 associations conducting a banking business in this

24 state or one or more bank holding companies located in
 25 this state controlling one or more state banks or
 26 national banks conducting a banking business in this
 27 state."

28 2. By renumbering as necessary.

EDGAR H. HOLDEN
 WILLIAM D. PALMER

S-3567

1 Amend House File 624 as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 6, by inserting after line 1 the
 4 following:
 5 "5. All items of special or class "B" fireworks,
 6 as set forth in the United States department of
 7 transportation's hazardous materials regulations, 49
 8 C.F.R. 173.88, are expressly prohibited from shipment
 9 into, manufacture, possession, sale, and use within
 10 this state, except as provided in this section."
 11 2. Renumber as necessary.

WALLY HORN

S-3568

1 Amend the Committee amendment, S-3523, to House
 2 File 624 as amended, passed, and reprinted by the
 3 House, as follows:
 4 1. Page 1, line 26, by striking the word "fifty"
 5 and inserting the following: "one hundred".

JIM LIND

S-3569

1 Amend House File 603, as passed by the House, as
 2 follows:
 3 1. Page 1, line 33 by inserting after the word
 4 "needs," the following: "including vacancy rate of
 5 rental property and ratio of subsidized rental housing
 6 to nonsubsidized housing,".
 7 2. Page 2, line 12 by inserting after the word
 8 "section" the following: "to hire adequate staff to
 9 carry out these programs".
 10 3. Page 2, by inserting after line 12 the

11 following:

12 "7. This section is repealed July 1, 1989."

JEAN LLOYD-JONES

S-3570

1 Amend House File 617, as amended, passed, and
2 reprinted by the House as follows:

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

5 "Sec. ____ . Section 524.1805, Code 1987, is
6 amended to read as follows:

7 524.1805 OUT-OF-STATE HOLDING COMPANIES.

8 ~~Nothing in this division shall be construed to~~
9 ~~authorize a bank holding company which is with respect~~
10 ~~to the state of Iowa an An~~ "out-of-state bank holding
11 company", as defined or referred to in 12 U.S.C. §
12 1842(d), as amended to January 1, 1971, ~~to may~~
13 directly or indirectly acquire any of the voting
14 shares of, all or a portion of the voting securities
15 or other capital stock of, or any interest in; all or
16 substantially all of the assets of, or power to
17 control in any manner the election of any of the
18 directors of, ~~any bank in this state, unless such bank~~
19 ~~holding company was on January 1, 1971 registered with~~
20 ~~the federal reserve board as a bank holding company,~~
21 ~~and on that date owned at least two banks in this~~
22 ~~state one or more state banks or national banking~~
23 ~~associations conducting a banking business in this~~
24 ~~state or one or more bank holding companies located in~~
25 ~~this state controlling one or more state banks or~~
26 ~~national banks conducting a banking business in this~~
27 ~~state."~~

28 2. By renumbering as necessary.

EDGAR H. HOLDEN
WILLIAM D. PALMER

S-3571

1 Amend amendment, S-3493, to House File 499, as
2 amended, passed, and reprinted by the House, as
3 follows:

4 1. Page 22, by inserting after line 41 the
5 following:

6 "____ . Page 26, lines 21 and 22, by striking the

- 7 words "and each succeeding school year"."
- 8 2. Page 22, by striking lines 42 through 44 and
9 inserting the following:
- 10 "___ . Page 26, by striking lines 23 through 30
11 and inserting the following: "school district which
12 provides access to fewer than forty-one academic
13 curriculum units may enroll the parent's or guardian's
14 child in a public school in a contiguous school
15 district in the manner provided in this section.""
- 16 3. Page 22, by inserting before line 45 the
17 following:
- 18 "___ . Page 26, line 31, by striking the word
19 "February" and inserting the following: "January".
20 ___ . Page 27, by striking lines 1 through 4 and
21 inserting the following: "a public school in a
22 contiguous school district.""
- 23 4. By striking page 22, line 45 through page 23,
24 line 2.
- 25 5. Page 23, by inserting after line 10 the
26 following:
- 27 "___ . Page 27, by striking lines 25 through 29
28 and inserting the following: "the board under chapter
29 290.""
- 30 6. Page 23, line 11, by striking the words and
31 figure "after line 29" and inserting the following:
32 "before line 30".
- 33 7. Page 38, by inserting after line 48 the
34 following:
- 35 "___ . Page 36, by striking lines 9 and 10."
- 36 8. Page 38, line 49, by striking the words and
37 figure "after line 10" and inserting the following:
38 "before line 11".

JOY CORNING
RICHARD J. VARN

S-3572

- 1 Amend amendment, S-3493, to House File 499, as
2 amended, passed, and reprinted by the House, as
3 follows:
- 4 1. By striking page 3, line 39, through page 4,
5 line 29.
- 6 2. Page 17, by striking lines 3 through 45.

JOY CORNING
BEVERLY A. HANNON

S-3573

- 1 Amend amendment, S-3493, to House File 499 as
2 amended, passed, and reprinted by the House, as
3 follows:
4 1. Page 20, by striking lines 26 through 44.

JOY CORNING

S-3574

- 1 Amend House File 412 as amended, passed and
2 reprinted by the House as follows:
3 1. Page 3, by striking lines 20 through 25 and
4 inserting in lieu thereof the following: "council
5 shall select its own chairperson and shall serve
6 without compensation or reimbursement for expenses."
7 2. Page 8, by striking line 23 through page 9,
8 line 16.

JULIA GENTLEMAN

S-3575

- 1 Amend amendment, S-3493, to House File 499, as
2 amended, passed, and reprinted by the House, as
3 follows:
4 1. Page 1, by striking lines 26 through 31 and
5 inserting the following:
6 "If the moneys appropriated by the general assembly
7 for phase I are either insufficient or moneys remain
8 after payments are made for a fiscal year, moneys
9 shall be transferred from or added to the moneys
10 appropriated by the general assembly for phase III."

WALLY HORN

S-3576

- 1 Amend amendment, S-3493, to House File 499 as
2 amended, passed, and reprinted by the House, as
3 follows:
4 1. Page 14, line 25, by striking the words "legal
5 services,".

WALLY HORN

S-3577

1 Amend House File 499, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 15, by inserting after line 9 the
4 following:

5 "Sec. ____ . NEW SECTION. 294.21A COLLECTIVE
6 BARGAINING.

7 For the school year beginning July 1, 1987 only,
8 section 20.17, subsection 3, relating to the exemption
9 from chapter 21 and presentation of initial bargaining
10 positions of the public employer and certified
11 bargaining representative for certificated employees,
12 does not apply to collective bargaining for moneys
13 received under phases II and III, and an agreement
14 between the board of directors and the certified
15 bargaining representative for certificated employees
16 need not be ratified by the employees or board."

WALLY HORN

S-3578

1 Amend the amendment, S-3493, to House File 499, as
2 amended, passed, and reprinted by the House, as
3 follows:

4 1. Page 22, by striking lines 3 through 6 and
5 inserting the following:

6 "____ . Page 23, by striking lines 22 through 34.

7 ____ . Page 24, by striking line 9 and inserting
8 the following: "performed. The schedule of bills
9 allowed may be published on a once monthly basis in
10 lieu of publication with the proceedings of each
11 meeting of the board. The list of claims allowed
12 shall include the name of the person or".

13 ____ . Page 24, by striking lines 16 through 18 and
14 inserting the following: "weeks following the
15 adjournment of the meeting."

16 ____ . Page 24, line 22, by striking the words and
17 figure "sections 279.34 and" and inserting the
18 following: "section".

19 ____ . Page 24, line 27, by striking the words and
20 figure "sections 279.34 and" and inserting the fol-
21 lowing: "section".

22 2. Page 39, by inserting after line 2 the fol-
23 lowing:

24 "____ . Page 36, by inserting after line 10 the
25 following:

26 "Sec. ____ . Section 279.34, Code 1987, is
27 repealed."

WALLY HORN
JOY CORNING

S-3579

1 Amend the amendment, S-3493, to House File 499, as
2 amended, passed, and reprinted by the House, as
3 follows:

4 1. Page 21, lines 3 and 4, by striking the words
5 and figures "paragraphs 2 and 3, Code 1987, are" and
6 inserting the following: "paragraph 2, Code 1987,
7 is".

8 2. Page 21, by striking lines 5 through 7 and in-
9 serting the following:

10 "The board may, with approval of sixty percent of
11 the voters, voting in a regular or special election in
12 the school district, make extended time contracts
13 not".

14 3. Page 21, by striking line 16 and inserting the
15 following: "the voted levy."

16 4. Page 21, by striking lines 17 through 33.

17 5. Page 21, by striking line 45 and inserting the
18 following: "for which a schoolhouse tax for a lease-
19 purchase option has been voted pursuant to".

20 6. Page 21, line 46, by striking the word and
21 figure "section 278.1" and inserting the following:
22 "section 278.1".

23 7. By striking page 21, line 49 through page 22,
24 line 2 and inserting the following: "not exceeding
25 ten years and not exceeding the period for which the
26 schoolhouse tax for a lease-purchase option has been
27 authorized by the voters."

28 8. Page 24, line 31, by inserting after the word
29 "purposes." the following: "Funds expended by a
30 school district for new construction of a school lunch
31 facility must first be approved by the voters of the
32 district."

33 9. Page 27, lines 7 and 8, by striking the words
34 "or without notice" and inserting the following: "or
35 without notice the approval of the voters at a regular
36 school election using the procedure specified in
37 section 278.2".

38 10. Page 28, line 29, by striking the words
39 "proceeds of" and inserting the following: "proceeds
40 of amount approved by the voters for anticipation of
41 collection of the tax from".

- 42 11. Page 31, by striking lines 5 and 6 and
43 inserting the following:
44 "2. Opening roads to schoolhouses or buildings."
45 12. Page 31, line 7, by striking the words
46 "buildings or".
47 13. Page 31, by striking lines 10 through 12.
48 14. Page 31, line 13, by inserting after the word
49 "libraries" the following: "but not library
50 buildings".

Page 2

- 1 15. Page 31, line 18, by striking the words
2 "improving, or expanding" and inserting the following:
3 "or improving".
4 16. Page 31, line 26, by inserting after the
5 figure "28E." the following: "Annually, the board
6 must reapprove the rental."
7 17. Page 31, by striking lines 31 and 32.

EDGAR H. HOLDEN
JACK HESTER

S-3580

- 1 Amend amendment, S-3493, to House File 499, as
2 amended, passed, and reprinted by the House, as
3 follows:
4 1. Page 12, line 21, by striking the word "The"
5 and inserting the following: "Effective for
6 certificates issued on or after July 1, 1989, the".
7 2. Page 12, line 32, by inserting after the word
8 "board." the following: "The board may charge
9 applicants an examination fee."

RICHARD J. VARN

S-3581

- 1 Amend House File 574 as amended, passed, and
2 reprinted by the House as follows:

DIVISION S—3581A

- 3 1. Page 1, by striking line 30 and inserting the
4 following:
5 "2. a. Forgery is a class "D" felony if the
6 writing is or".
7 2. Page 1, by striking line 35 and inserting the
8 following: "property or enterprise, or a check,
9 draft, or other writing which ostensibly evidences an
10 obligation of the person who has purportedly executed
11 it or authorized its execution.
12 b. Forgery is an aggravated misdemeanor".
13 3. Page 2, line 2, by inserting after the word
14 "or" the following: "any other writing or".
15 4. Page 2, by striking lines 4 and 5 and
16 inserting the following: "affecting legal relations."

DIVISION S—3581B

- 17 5. By striking page 2, line 28 through page 3,
18 line 9, and inserting the following:
19 "1. A person commits an aggravated misdemeanor by
20 using a credit card for the purpose of obtaining
21 property or services with knowledge of either of the
22 following:
23 a. The credit card has been revoked or canceled.
24 b. For any other reason the use of the credit card
25 is unauthorized.
26 It is an affirmative defense to prosecution under
27 paragraph "b" if the person proves by a preponderance
28 of the evidence that the person had the purpose and
29 ability to meet all obligations to the issuer arising
30 out of the use of the credit card.
31 2. An offense under this section is a class "D"
32 felony if the credit card is stolen or forged or the
33 value of the property or services secured or sought to
34 be secured by means of the credit card is greater than
35 five hundred dollars."
36 6. Page 3, by inserting after line 9 the
37 following:
38 "Sec. ____ . **NEW SECTION. 715A.7 FILING MULTIPLE**
39 **COUNTS IN ONE INFORMATION, INDICTMENT, OR COMPLAINT.**
40 A single information, indictment, or complaint
41 charging a criminal act under this chapter may allege
42 more than one such violation against a person. The
43 multiple charges shall be set out in separate counts,
44 and the accused person shall be acquitted or convicted
45 upon each count by a separate verdict. A convicted
46 person shall be sentenced upon each verdict of guilty.
47 The court may consider separate verdicts of guilty
48 returned at the same time as one offense for the

49 purpose of sentencing.”
50 7. Renumber as necessary.

RICHARD VARN

S-3582

1 Amend amendment, S-3493, to House File 499 as
2 amended, passed, and reprinted by the House, as
3 follows:
4 1. Page 3, line 10, by striking the word
5 “parents,”.

LARRY MURPHY

S-3583

1 Amend House File 499, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 36, line 11, by striking the figures and
4 word “46, 52 through 55” and inserting the following:
5 “and 46”.
6 2. Page 36, line 13, by striking the word
7 “through” and inserting the following: “, 53, and”.

LARRY MURPHY

S-3584

1 Amend the amendment, S-3493, to House File 499, as
2 amended, passed, and reprinted by the House, as
3 follows:
4 1. Page 3, line 25, by inserting after the word
5 “district” the following: “or area education agency”.
6 2. Page 39, by striking lines 3 and 4 and in-
7 serting the following:
8 “___ . Page 36, by striking lines 15 and 16 and
9 inserting the following: “effective date of those
10 sections. Sections 47 and 60 of this Act take effect
11 for the school year”.”

LARRY MURPHY

S-3585

1 Amend the amendment, S-3493, to House File 499, as
2 amended, passed, and reprinted by the House, as
3 follows:
4 1. Page 1, by inserting after line 8 the fol-
5 lowing:
6 " ____ . Page 3, line 21, by striking the figure
7 "1987" and inserting the following: "1988".
8 ____ . Page 3, line 25, by striking the figure
9 "1987" and inserting the following: "1988".
10 2. Page 1, by inserting after line 16 the follow-
11 ing:
12 " ____ . Page 4, line 7, by striking the figure
13 "1987" and inserting the following: "1988".
14 3. Page 1, line 24, by striking the figure "1987"
15 and inserting the following: "1988".
16 4. Page 1, by striking lines 33 through 38 and
17 inserting the following:
18 " ____ . Page 5, lines 23 and 24, by striking the
19 words and figures "1987 and July 1, 1988" and
20 inserting the following: "1988, July 1, 1989, and
21 July 1, 1990".
22 ____ . Page 6, lines 3 and 4, by striking the words
23 and figures "1987 and July 1, 1988" and inserting the
24 following: "1988, July 1, 1989, and July 1, 1990".
25 5. Page 1, by inserting after line 38 the follow-
26 ing:
27 " ____ . Page 7, by striking lines 10 through 21 and
28 inserting the following: "teachers. Negotiations
29 under this section are subject to section 20.9."
30 ____ . By striking page 7, line 25 through page 8,
31 line 12.
32 ____ . Page 8, line 14, by striking the figure
33 "1987" and inserting the following: "1988".

GEORGE R. KINLEY

S-3586

1 Amend the amendment, S-3493, to House File 499, as
2 amended, passed, and reprinted by the House, as
3 follows:
4 1. Page 5, by inserting after line 12, the
5 following:
6 "Sec. ____ . Section 256.11, subsections 2, 3 and 4,
7 Code 1987, are amended to read as follows:
8 2. The kindergarten program shall include
9 experiences designed to develop healthy emotional and
10 social habits and growth in the language arts and
11 communication skills; as well as a capacity for the

12 completion of individual tasks; and protection and
 13 development of physical well-being for at least a
 14 period of time each week, emphasizing the appropriate
 15 activities and subject areas required in subsection 6,
 16 paragraph "g" for the kindergarten level. A
 17 kindergarten teacher shall hold a certificate
 18 providing that the holder is qualified to teach in
 19 kindergarten. An accredited nonpublic school must
 20 meet the requirements of this subsection only if the
 21 nonpublic school offers a kindergarten program.

22 3. The following areas shall be taught in the
 23 grades one through six: English-language arts,
 24 including reading, handwriting, spelling, oral and
 25 written English, and literature; social studies,
 26 including geography, history of the United States and
 27 Iowa, cultures of other peoples and nations, and
 28 American citizenship, including the study of national,
 29 state, and local government in the United States;
 30 mathematics; science, including environmental
 31 awareness and conservation of natural resources;
 32 health and physical education, including the effects
 33 of alcohol, tobacco, drugs, and poisons on the human
 34 body for at least a period of time each week,
 35 emphasizing the appropriate activities and subject
 36 areas required in subsection 6, paragraph "g" for the
 37 grade level; the characteristics of communicable
 38 diseases; traffic safety, including pedestrian and
 39 bicycle safety procedures; music; and art.

40 4. The following shall be taught in grades seven
 41 and eight as a minimum program: science, including
 42 environmental awareness and conservation of natural
 43 resources; mathematics; social studies; cultures of
 44 other peoples and nations, and American citizenship;
 45 English-language arts which shall include reading,
 46 spelling, grammar, oral and written composition, and
 47 may include other communication subjects; health and
 48 physical education, including the effects of alcohol,
 49 tobacco, drugs, and poisons on the human body; for at
 50 least a period of time each week, emphasizing the

Page 2

1 appropriate activities and subject areas required in
 2 subsection 6, paragraph "g", for the grade level, the
 3 characteristics of communicable diseases, including
 4 venereal diseases and current crucial health issues;
 5 music; and art."

6 2. Page 7, by inserting after line 36 the
 7 following:

8 "Sec. ____ . Section 256.11, subsection 6, paragraph
9 g, Code 1987, is amended by striking the paragraph and
10 inserting in lieu thereof the following:
11 g. All students physically able shall be required
12 to participate in physical education activities during
13 each semester they are enrolled in school. A minimum
14 of one-fourth unit each semester shall be required.
15 Physical education shall include those physical and
16 mental activities that will increase cardiovascular
17 endurance, muscular strength and power, flexibility,
18 weight regulating, improved bone development, improved
19 posture, and constructive use of leisure time. A
20 student shall not be excused from a required physical
21 education course by enrolling in a course or by par-
22 ticipating in an opportunity offered in lieu of
23 physical education which involves written material,
24 oral information, or research relating to physical
25 education, or by participating in physical activity
26 outside of the physical education course."
27 3. Page 7, by inserting before line 37, the
28 following:

29 "Sec. ____ . Section 256.11, subsection 6, paragraph
30 j, Code 1987, is amended to read as follows:
31 j. Health education, including an awareness of
32 physical and mental health needs, the effects of
33 alcohol, tobacco, drugs, and poisons on the human
34 body, methods of reducing stress, the characteristics
35 of communicable diseases, including venereal diseases,
36 and current crucial health issues.

JIM LIND
LARRY MURPHY
WILLIAM W. DIELEMAN

S-3587

1 Amend the amendment, S-3493, to House File 499 as
2 amended, passed, and reprinted by the House, as
3 follows:

DIVISION S—3587A

4 1. Page 4, line 45, by striking the word "levy"
5 and inserting the following: "budget".
6 2. Page 14, line 50, by striking the word
7 "amount" and inserting the following: "budget".
8 3. Page 20, line 11, by striking the word
9 "amount" and inserting the following: "budget".
10 4. Page 22, line 2, by striking the word "amount"

- 11 and inserting the following: "budget".
- 12 5. Page 22, line 37, by striking the word
- 13 "amount" and inserting the following: "budget".
- 14 6. Page 25, line 6, by striking the word "amount"
- 15 and inserting the following: "budget".
- 16 7. Page 26, by striking lines 3 and 4, and
- 17 inserting the following: "such insurance agreement
- 18 may be levied or budgeted in excess of any tax or
- 19 budget limitation imposed by statute. For a school".
- 20 8. Page 26, line 5, by striking the words "a tax
- 21 levied" and inserting the following: "an amount
- 22 budgeted".
- 23 9. By striking page 26, line 50, through page 28,
- 24 line 30.
- 25 10. Page 28, line 32, by striking the word
- 26 "AMOUNT" and inserting the following: "BUDGET".
- 27 11. By striking page 28, line 33 through page 30,
- 28 line 33 and inserting the following:
- 29 "The board of directors of a school district shall
- 30 adopt a budget for the purposes specified in this
- 31 section and transmit the budget to the appropriate
- 32 county board of supervisors and city councils pursuant
- 33 to section 298.6. The amount of the budget shall not
- 34 exceed the revenue that would be received if a tax
- 35 levy of eighty-one cents per thousand dollars of
- 36 assessed valuation were levied on all of the property
- 37 in the school district. The amount paid pursuant to a
- 38 loan agreement continued under section 297.35 shall be
- 39 subtracted when determining the total budget allowed
- 40 under this section."
- 41 12. Page 30, line 36, by striking the words "from
- 42 the property tax and income surtax" and inserting the
- 43 following: "received from the cities and county for
- 44 the capital projects and equipment budget".
- 45 13. Page 31, line 40, by striking the word "LEVY"
- 46 and inserting the following: "BUDGET".
- 47 14. Page 31, by striking lines 41 through 44, and
- 48 inserting the following:
- 49 "The board of directors of a school district shall
- 50 adopt a budget for the purposes specified in this

Page 2

DIVISION S—3587A (cont'd.)

- 1 section and transmit the budget to the appropriate
- 2 county board of supervisors and city councils pursuant
- 3 to section 298.6. The revenue received from the
- 4 cities and county for the liability budget".
- 5 15. Page 32, by inserting after line 5 the

6 following:

7 "Sec. 126A. NEW SECTION. 298.6 LEVIES BY COUNTIES
8 AND CITIES.

9 The board of directors of each school district
10 shall determine the total amount to be raised for the
11 sum of its liability budget and its capital projects
12 and equipment budget under this chapter. It shall
13 determine, on the basis of the percent of the
14 population of the school district residing in the
15 unincorporated area of the county and the percent that
16 resides in each city located wholly or partially
17 within the school district compared to the total
18 population of the school district, the percent of the
19 total cost to be paid by each constituent unit. The
20 county auditor shall transmit a listing of the portion
21 of its budget estimate in dollars to each affected
22 county board of supervisors and city council. The
23 unincorporated part of each county shall be considered
24 as a separate unit. Annually each county board of
25 supervisors shall review the budget estimate for the
26 unincorporated portion of the county and appropriate
27 for school district purposes its share in the county
28 rural services fund budget. Annually each city
29 council shall review the budget estimate for the city
30 and appropriate for school district purposes its share
31 in the city general fund budget. Each city and county
32 shall contribute its share on an equitable basis by
33 population. With approval of a city council, the
34 county treasurer may withhold the city's portion of
35 the taxes collected for a city to meet the city's
36 contribution for school district purposes under this
37 section and deliver a receipt to the city clerk for
38 the amount withheld."

39 16. Page 32, line 14, by striking the word "levy"
40 and inserting the following: "budget".

41 17. Page 32, line 33, by striking the word "levy"
42 and inserting the following: "budget".

43 18. Page 32, by inserting after line 34 the
44 following:

45 "Sec. 129A. Section 331.424, subsection 2, Code
46 1987, is amended by adding the following new lettered
47 paragraph:

48 NEW LETTERED PARAGRAPH. c. For capital projects
49 and equipment and liability purposes of school
50 districts under chapter 298.

Page 3

DIVISION S—3587A (cont'd.)

- 1 Sec. 129B. Section 384.12, Code 1987, is amended
 2 by adding the following new subsection:
 3 NEW SUBSECTION. 20. A tax sufficient to pay for
 4 the capital projects and equipment and liability
 5 purposes of school districts."

DIVISION S—3587B

- 6 19. Page 34, line 9, by striking the word "under"
 7 and inserting the following: "under".
 8 20. Page 34, lines 9 and 10, by striking the word
 9 and figures "~~section 618A.7, 298.3~~" and inserting the
 10 following: "~~section 618A.7, or amount budgeted~~".
 11 21. Page 34, line 17, by striking the word "levy"
 12 and inserting the following: "budget".

DIVISION S—3587A (cont'd.)

- 13 22. Page 37, line 3, by striking the word "levy"
 14 and inserting the following: "budget".
 15 23. Page 37, line 49, by striking the word "levy"
 16 and inserting the following: "budget".
 17 24. Page 39, line 1, by inserting before the
 18 figure "298.7" the following: "297.36,".

RAY TAYLOR

S-3588

- 1 Amend House File 499, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 15, by inserting after line 9 the
 4 following:
 5 "Sec. ____ . NEW SECTION. 294A.21A MINIMUM SALARY
 6 FOR SUBSTITUTE TEACHERS.
 7 In addition to the minimum salary requirements
 8 specified in section 294A.5, the minimum daily salary
 9 paid to a substitute teacher for the school year
 10 beginning July 1, 1987 and succeeding school years is
 11 seventy-five dollars."

JACK RIFE

S-3589

1 Amend the amendment, S-3493, to House File 499, as
2 amended, passed, and reprinted by the House, as
3 follows:

4 1. By striking page 22, line 42 through page 23,
5 line 23, and inserting the following:

6 "___ . By striking page 26, line 18 through page
7 28, line 9."

8 2. Page 38, by inserting after line 48 the
9 following:

10 "___ . Page 36, by striking lines 9 and 10."

11 3. Page 38, line 49, by striking the words and
12 figure "after line 10" and inserting the following:
13 "before line 11"."

14 4. Page 39, by striking lines 3 through 7 and
15 inserting the following:

16 "___ . Page 36, by striking lines 15 and 16 and
17 inserting the following: "effective date of those
18 sections.""

JACK RIFE

S-3590

1 Amend amendment, S-3493, to House File 499, as
2 amended, passed, and reprinted by the House, as
3 follows:

4 1. By striking page 13, line 40 through page 14,
5 line 9.

6 2. Page 14, by striking lines 16 through 36.

7 3. By striking page 35, line 38 through page 36,
8 line 1.

RAY TAYLOR

S-3591

1 Amend the amendment, S-3493, to House File 499, as
2 amended, passed, and reprinted by the House, as
3 follows:

4 1. Page 28, line 42, by inserting after the word
5 "the" the following: "income surtax rate shall not
6 exceed ten percent of the state income tax. Within
7 the limits of the maximum income surtax rate, the".

8 2. Page 29, line 8, by inserting after the word

9 "election," the following: "within the limits of the
10 maximum income surtax rate,".

LARRY MURPHY

S-3592

1 Amend amendment, S-3493, to House File 499 as
2 amended, passed, and reprinted by the House, as
3 follows:

4 1. Page 20, line 36, by striking the words "; or
5 director's spouse;" and inserting the following: "
6 or director's spouse,".

7 2. Page 20, line 37, by inserting after the word
8 "board" the following: "except that a director's
9 spouse may receive compensation directly from the
10 school board if the director's spouse is employed by
11 the school board on a one-half time or less basis".

RAY TAYLOR

S-3593

1 Amend the amendment, S-3493, to House File 499, as
2 amended, passed, and reprinted by the House, as
3 follows:

4 1. By striking page 32, line 35 through page 33,
5 line 45, and inserting the following:

6 " ____ . By striking page 33, line 4 through page
7 34, line 4.

8 ____ . By striking page 34, line 13 through page
9 35, line 28."

10 2. By striking page 34, line 39 through page 35,
11 line 35.

DALE L. TIEDEN

S-3594

1 Amend the amendment, S-3493, to House File 499, as
2 amended, passed, and reprinted by the House, as
3 follows:

4 1. Page 3, by striking lines 29 through 33 and
5 inserting the following:

6 " ____ . Page 14, by striking lines 33 and 34 and
7 inserting the following: "program shall be made by
8 the department of revenue and finance on a quarterly

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9 basis, and the payments shall be separate from state
10 aid payments made pursuant to sections 442.25 and
11 442.26. For the school year”.

LARRY MURPHY

S-3595

1 Amend amendment, S-3493, to House File 499, as
2 amended, passed, and reprinted by the House, as
3 follows:

4 1. Page 32, line 50, by inserting after the word
5 “for” the following: “the school year beginning July
6 1, 1989 and”.

7 2. Page 33, by striking lines 1 through 3 and
8 inserting the following: “year, the twenty-five
9 percent portion shall be reduced to fifteen percent.”

10 3. Page 33, line 8, by inserting after the word
11 “for” the following: “the school year beginning July
12 1, 1989 and”

13 4. Page 33, by striking lines 9 through 12 and
14 inserting the following: “school year, the seventy-
15 five percent portion shall be increased to eighty-five
16 percent.”

17 5. Page 33, by striking lines 33 through 37 and
18 inserting the following: “amount. For each of the
19 school years beginning July 1, 1988 and July 1, 1989,
20 the one hundred two percent amount shall be reduced by
21 five-tenths of one percent so that for the school year
22 beginning July 1, 1989 and each succeeding school.”

23 6. Page 33, line 39, by inserting after the word
24 “hundred” the following: “one”.

DALE L. TIEDEN
LARRY MURPHY

S-3596

1 Amend House File 499, as amended, passed, and re-
2 printed by the House, as follows:

3 1. Page 15, by inserting before line 18 the
4 following:

5 “Sec. ____ . NEW SECTION. 294A.23 COVERAGE OF
6 STATE TRAINING SCHOOL TEACHERS.

7 The department of education shall allocate moneys
8 from phase II to the department of human services for
9 payments to the classroom teachers employed at the
10 state training school.”

RAY TAYLOR

S-3597

- 1 Amend House File 617 as amended, passed and
- 2 reprinted by the House as follows:
- 3 1. Title, line 1, by inserting after the word
- 4 "institutions" the following: "and acts which constitute
- 5 a fraudulent practice".

DONALD V. DOYLE

S-3598

- 1 Amend the amendment, S-3493, to House File 499, as
- 2 amended, passed, and reprinted by the House, as
- 3 follows:
- 4 1. Page 1, by inserting after line 2 the follow-
- 5 ing:
- 6 "___ . Page 1, line 9, by striking the word
- 7 "three" and inserting the following: "two".
- 8 ___ . Page 1, line 10, by inserting after the word
- 9 "recruitment" the following: "and retention".
- 10 ___ . Page 1, by striking line 11.
- 11 ___ . Page 1, line 12, by striking the figure
- 12 "III" and inserting the following: "II".
- 13 2. Page 1, by striking lines 9 through 32 and in-
- 14 serting the following:
- 15 "___ . By striking page 3, line 12 through page 5,
- 16 line 16."
- 17 3. Page 1, by inserting before line 33 the
- 18 following:
- 19 "___ . Page 5, line 18, by striking the figure
- 20 "II" and inserting the following: "I".
- 21 ___ . Page 5, line 21, by striking the figure "II"
- 22 and inserting the following: "I".
- 23 ___ . Page 5, line 22, by striking the figure "II"
- 24 and inserting the following: "I".
- 25 4. Page 1, by inserting after line 35 the
- 26 following:
- 27 "___ . Page 5, line 25, by striking the figure
- 28 "II" and inserting the following: "I".
- 29 ___ . Page 5, by striking line 26 and inserting
- 30 the following: "an amount equal to ninety-three
- 31 dollars and sixty-nine cents".
- 32 ___ . Page 5, line 28, by striking the word
- 33 "thirty-eight" and inserting the following: "forty-
- 34 seven".

35 ____ . Page 5, line 30, by striking the figure "II"
36 and inserting the following: "I".
37 ____ . Page 5, line 32, by striking the figure "II"
38 and inserting the following: "I".
39 ____ . Page 6, line 2, by striking the figure "II"
40 and inserting the following: "I".
41 5. Page 1, by inserting after line 38 the follow-
42 ing:
43 " ____ . Page 6, line 5, by striking the figure "II"
44 and inserting the following: "I".
45 ____ . Page 6, by striking line 6 and inserting the
46 following: "amount equal to four dollars and thirty-
47 seven cents multiplied".
48 ____ . Page 6, line 8, by striking the word
49 "thirty-eight" and inserting the following: "forty-
50 seven".

Page 2

1 ____ . Page 6, line 10, by striking the figure "II"
2 and inserting the following: "I".
3 ____ . Page 6, line 12, by striking the figure "II"
4 and inserting the following: "I".
5 ____ . Page 6, line 17, by striking the figure "II"
6 and inserting the following: "I".
7 ____ . Page 6, line 26, by striking the figure "II"
8 and inserting the following: "I".
9 ____ . Page 6, line 33, by striking the figure "II"
10 and inserting the following: "I".
11 ____ . Page 7, line 9, by striking the figure "II"
12 and inserting the following: "I".
13 ____ . Page 7, line 14, by striking the figure "II"
14 and inserting the following: "I".
15 ____ . Page 7, line 20, by striking the figure "II"
16 and inserting the following: "I".
17 ____ . Page 7, line 35, by striking the figure "II"
18 and inserting the following: "I".
19 ____ . Page 8, line 3, by striking the figure "II"
20 and inserting the following: "I".
21 ____ . Page 8, line 5, by striking the figure "II"
22 and inserting the following: "I".
23 ____ . Page 8, line 8, by striking the figure "II"
24 and inserting the following: "I".
25 ____ . Page 8, line 17, by striking the figure "II"
26 and inserting the following: "I".
27 ____ . Page 8, line 19, by striking the figure "II"
28 and inserting the following: "I".
29 ____ . Page 8, line 23, by striking the figure
30 "III" and inserting the following: "II".
31 ____ . Page 8, line 25, by striking the figure

- 32 "III" and inserting the following: "II".
- 33 6. Page 2, line 18, by striking the figure "III"
- 34 and inserting the following: "II".
- 35 7. Page 2, line 20, by striking the figure "III"
- 36 and inserting the following: "II".
- 37 8. Page 2, line 25, by striking the figure "III"
- 38 and inserting the following: "II".
- 39 9. Page 2, by inserting after line 26 the fol-
- 40 lowing:
- 41 "___ . Page 9, line 1, by striking the figure
- 42 "III" and inserting the following: "II"."
- 43 10. Page 2, by inserting after line 28 the
- 44 following:
- 45 "___ . Page 9, line 14, by striking the figure
- 46 "III" and inserting the following: "II"."
- 47 11. Page 2, line 36, by striking the figure "III"
- 48 and inserting the following: "II".
- 49 12. Page 2, line 42, by striking the figure "III"
- 50 and inserting the following: "II".

Page 3

- 1 13. Page 2, line 44, by striking the figure "III"
- 2 and inserting the following: "II".
- 3 14. Page 2, by inserting after line 49 the fol-
- 4 lowing:
- 5 "___ . Page 9, line 35, by striking the figure
- 6 "III" and inserting the following: "II".
- 7 ___ . Page 10, line 16, by striking the figure
- 8 "III" and inserting the following: "II"."
- 9 15. Page 3, line 1, by striking the figure "III"
- 10 and inserting the following: "II".
- 11 16. Page 3, by inserting after line 8 the follow-
- 12 ing:
- 13 "___ . Page 12, line 29, by striking the figure
- 14 "III" and inserting the following: "II"."
- 15 17. Page 3, line 13, by striking the figure "III"
- 16 and inserting the following: "II".
- 17 18. Page 3, by inserting after line 13 the
- 18 following:
- 19 "___ . Page 12, line 34, by striking the figure
- 20 "III" and inserting the following: "II"."
- 21 19. Page 3, by inserting after line 17 the fol-
- 22 lowing:
- 23 "___ . Page 13, line 33, by striking the figure
- 24 "III" and inserting the following: "II"."
- 25 20. Page 3, line 22, by striking the figure "III"
- 26 and inserting the following: "II".
- 27 21. Page 3, by inserting after line 28 the
- 28 following:

29 "___ . Page 14, line 8, by striking the figure
 30 "III" and inserting the following: "II".
 31 ___ . Page 14, line 22, by striking the figure
 32 "III" and inserting the following: "II".
 33 22. Page 3, by inserting after line 37 the
 34 following:
 35 "___ . Page 15, line 8, by striking the figure
 36 "III" and inserting the following: "II".
 37 ___ . Page 15, line 9, by striking the words and
 38 figure "or phase II"."

JACK RIFE

HOUSE AMENDMENT TO
 SENATE FILEE 148

S-3599

1 Amend Senate File 148, as amended and passed by the
 2 Senate, as follows:
 3 1. Page 1, line 10, by striking the word "Not"
 4 and inserting the word "No".
 5 2. Page 1, line 28, by striking the word "female"
 6 and inserting the following: "a woman".
 7 3. Page 1, line 29, by striking the word "male"
 8 and inserting the following: "a man".
 9 4. Page 1, line 30, by striking the word "female"
 10 and inserting the word "women".
 11 5. Page 1, line 31, by striking the word "male"
 12 and inserting the word "men".
 13 6. Page 2, by striking lines 1 through 9 and
 14 inserting the following:
 15 "In January 1972 the The governor shall appoint
 16 five eligible electors of each judicial election
 17 district to the district judicial nominating
 18 commission. Appointments shall be to staggered terms
 19 of six years each and shall be made in the month of
 20 January for terms commencing February 1, 1972 of even-
 21 numbered years. The governor shall appoint two such
 22 commissioners to serve until January 31, 1974; two to
 23 serve until January 31, 1976; and one to serve until
 24 January 31, 1978. In the month of January when each
 25 of those terms expires and every six years thereafter
 26 the governor shall appoint district judicial
 27 nominating commissioners for six-year terms. No more
 28 than a".
 29 7. Page 2, by striking lines 16 through 26 and
 30 inserting the following:

31 ~~"In January 1972 the~~ The resident members of the
 32 bar of each judicial election district shall elect
 33 five eligible electors of the district to the district
 34 judicial nominating commission ~~for terms commencing~~
 35 ~~February 1, 1972. One of such commissioners shall~~
 36 ~~serve until January 31, 1974; two until January 31,~~
 37 ~~1976; and two until January 31, 1978; as determined by~~
 38 ~~lot by such commissioners. In the month of January~~
 39 ~~when each of those terms expires and every six years~~
 40 ~~thereafter such members of the bar of the respective~~
 41 ~~judicial election districts shall elect district~~
 42 ~~nominating commissioners for six-year terms.~~
 43 Commissioners shall be elected to staggered terms of
 44 six years each. The elections shall be held in the
 45 month of January for terms commencing February 1 of
 46 even-numbered years."
 47 8. Page 2, line 29, by striking the words "~~female~~
 48 ~~and one shall be male~~" and inserting the following:
 49 "a woman and one shall be a man".
 50 9. Page 2, line 31, by striking the word "~~female~~"

Page 2

1 and inserting the following: "a woman".
 2 10. Page 2, line 32, by striking the word "male"
 3 and inserting the following: "a man".
 4 11. Page 2, line 33, by striking the word
 5 "~~female~~" and inserting the following: "a woman".
 6 12. Page 2, line 35, by striking the word "male"
 7 and inserting the following: "a man".
 8 13. Page 3, lines 1 and 2, by striking the words
 9 "~~female and male~~" and inserting the following: "women
 10 and men".
 11 14. Page 4, by striking lines 3 through 12 and
 12 inserting the following: "~~shall arrange for the~~
 13 ~~publication of cause to be mailed to each member of~~
 14 ~~the bar whose name appears on the certified list~~
 15 ~~prepared pursuant to section 46.8 for the district or~~
 16 ~~districts affected, a notice stating the existence of~~
 17 ~~the vacancy, the requirements for eligibility, and the~~
 18 ~~manner in which the vacancy will be filled in those~~
 19 ~~publications which the clerk of the supreme court~~
 20 ~~deems likely to give reasonable notice to the eligible~~
 21 ~~voting members of the bar of the district in which the~~
 22 ~~vacancy occurs. Other items may be included in the~~
 23 ~~same mailing if they are on sheets separate from the~~
 24 ~~notice.~~ The election of a district judicial
 25 nominating commissioner or the close of nominations
 26 for a state judicial nominating commissioner shall not
 27 occur until thirty days after the ~~publication mailing~~

28 of the notice.”

29 15. Page 4, by inserting after line 12, the
30 following:

31 “Sec. ____ . **NEW SECTION. 46.9A NOTICE PRECEDING**
32 **NOMINATION OF ELECTIVE NOMINATING COMMISSIONERS.**

33 At least sixty days prior to the expiration of the
34 term of an elective state or district judicial
35 nominating commissioner, the clerk of the supreme
36 court shall cause to be mailed to each member of the
37 bar whose name appears on the certified list prepared
38 pursuant to section 46.8 for the district or districts
39 affected, a notice stating the date the term of office
40 will expire, the requirements for eligibility to the
41 office for the succeeding term, and the procedure for
42 filing nominating petitions, including the last date
43 for filing. Other items may be included in the same
44 mailing if they are on sheets separate from the
45 notice.

46 Sec. ____ . Section 69.16, unnumbered paragraph 1,
47 Code 1987, is amended to read as follows:

48 ~~It is declared the policy of the state of Iowa that~~
49 ~~all All~~ appointive boards, commissions, and councils
50 of the state established by the Code if not otherwise

Page 3

1 provided by law shall be bipartisan in their
2 composition. No person shall be appointed or
3 reappointed to any board, commission, or council
4 established by the Code if the effect of that
5 appointment or reappointment would cause the number of
6 members of the board, commission, or council belonging
7 to one political party to be greater than one-half the
8 membership of the board, commission, or council plus
9 one.

10 Sec. ____ . Section 69.16A, Code 1987, is amended to
11 read as follows:

12 69.16A GENDER BALANCE.

13 ~~It is a policy of the state of Iowa that all All~~
14 appointive boards, commissions, committees and
15 councils of the state established by the Code if not
16 otherwise provided by law shall reflect, as much as
17 possible, a gender balance be gender balanced. No
18 person shall be appointed or reappointed to any board,
19 commission, committee, or council established by the
20 Code if that appointment or reappointment would cause
21 the number of members of the board, commission,
22 committee, or council of one gender to be greater than
23 one-half the membership of the board, commission,
24 committee, or council plus one. If there are multiple

25 appointing authorities for a board, commission,
 26 committee, or council, they shall consult each other
 27 to avoid a violation of this section.”

28 16. Page 4, line 14, by inserting after the word
 29 “member” the following: “of a judicial nominating
 30 commission”.

31 17. Page 4, by striking lines 17 through 21.

32 18. Title page, line 2, by inserting after the
 33 word “commissioners” the following: “and balance in
 34 the appointment of members of state boards,
 35 commissions, committees, and councils”.

36 19. By numbering and renumbering as necessary.

HOUSE AMENDMENT TO
 SENATE FILE 424

S-3600

1 Amend Senate File 424 as amended, passed, and
 2 reprinted by the Senate as follows:

3 1. Page 1, by inserting after line 17 the
 4 following:

5 “Sec. 2. Section 56.2, subsection 6, Code 1987, is
 6 amended to read as follows:

7 6. “Political committee” means a committee, but
 8 not a candidate’s committee, which accepts
 9 contributions, makes expenditures, or incurs
 10 indebtedness in the aggregate of more than two hundred
 11 fifty dollars in any one calendar year for the purpose
 12 of supporting or opposing a candidate for public
 13 office or ballot issue, or an association, lodge,
 14 society, cooperative, union, fraternity, sorority,
 15 educational institution, civic organization, labor
 16 organization, religious organization, or professional
 17 organization which makes contributions in the
 18 aggregate of more than two hundred fifty dollars in
 19 any one calendar year for the purpose of supporting or
 20 opposing a candidate for public office or a ballot
 21 issue. “Political committee” also includes a
 22 committee which accepts contributions, makes
 23 expenditures, or incurs indebtedness in the aggregate
 24 of more than two hundred fifty dollars in a calendar
 25 year to cause the publication or broadcasting of
 26 material in which the public policy positions or
 27 voting record of an identifiable candidate is
 28 discussed and in which a reasonable person could find
 29 commentary favorable or unfavorable to those public

30 policy positions or voting record."

31 2. Page 3, by striking lines 21 through 23 and
32 inserting the following: "the receipt of any
33 contribution from a political committee or from a
34 lobbyist registered under the rules adopted by either
35 house of the general assembly while the general
36 assembly is in".

37 3. Page 3, lines 29 and 30, by striking the words
38 "~~political committee or registered lobbyist person~~"
39 and inserting the following: "political committee or
40 registered lobbyist".

41 4. By renumbering as necessary.

HOUSE AMENDMENT TO
SENATE FILE 70

S-3601

1 Amend Senate File 70, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 2, lines 17 and 18, by striking the words
4 "service stations and gas stations" and inserting the
5 following: "service motor vehicle fuel stations".

6 2. Page 3, line 4, by striking the word
7 "immediately" and inserting the following: "within
8 forty-eight hours".

HOUSE AMENDMENT TO
SENATE FILE 138

S-3602

1 Amend Senate File 138, as passed by the Senate, as
2 follows:

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

5 "Sec. 2. APPLICABILITY AND EFFECTIVE DATE.

6 1. This Act is retroactive to March 30, 1987 and
7 is applicable on and after that date.

8 2. This Act, being deemed of immediate importance,
9 takes effect upon enactment."

10 2. Title page, line 3, by inserting after the
11 figure "1985" the following: "and providing for the
12 retroactive applicability of the Act and an effective
13 date".

HOUSE AMENDMENT TO
SENATE FILE 195

S-3603

- 1 Amend Senate File 195, as amended, passed, and
- 2 reprinted by the Senate as follows:
- 3 1. Page 1, by striking lines 12 through 17 and
- 4 inserting the following: "remand the same ~~them~~ within
- 5 sixty days from the date the case is submitted to the
- 6 board for decision. In order".

S-3604

- 1 Amend House File 658 as passed by the House as
- 2 follows:
- 3 1. Page 8, line 32, by striking the word "reasonable"
- 4 and inserting in lieu thereof the word "reasonable".
- 5 2. Page 8, line 35, by striking the word "appropriate"
- 6 and inserting in lieu thereof the word "appropriate".

JOHN A. PETERSON
BERL E. PRIEBE

S-3605

- 1 Amend amendment, S-3493, to House File 499 as
- 2 amended, passed, and reprinted by the House as
- 3 follows:
- 4 1. Page 20, by inserting after line 3 the
- 5 following:
- 6 Sec. 400. NEW SECTION. 275.57 ATTACHMENT OF
- 7 DISTRICT.
- 8 Notwithstanding the procedure prescribed in
- 9 sections 275.51 through 275.56, if a petition is filed
- 10 with the board of directors of a school district and
- 11 it is signed by at least fifty percent of the eligible
- 12 electors of a portion of the school district
- 13 requesting that the portion of the school district be
- 14 dissolved and attached to one or more contiguous
- 15 school districts, that portion of the school district
- 16 shall be attached to the contiguous districts named in the
- 17 petition effective the next following July 1.
- 18 However, if within forty-five days after the petition
- 19 is filed with the board of directors, a second
- 20 petition is filed with the board requesting that an
- 21 election be held on the proposition to dissolve the

22 portion of the school district, the board shall call a
23 special election to vote on the proposition. The
24 proposition carries if a simple majority of those
25 voting on the proposition at the election votes in
26 favor of the proposition.

27 This section is also applicable to portions of
28 school districts included in petitions filed under
29 section 275.12."

30 2. Page 39, by inserting after line 11 the
31 following:

32 "Sec. ____ . Section 400 of this Act takes effect
33 retroactive to January 1, 1987."

MICHAEL E. GRONSTAL

S-3606

1 Amend House File 395 as amended, passed and reprinted
2 by the House as follows:

3 1. Page 19, lines 7 and 8 by striking the words "within
4 one hundred yards of the entry to a private drive serving a
5 residence".

RAY TAYLOR

S-3607

1 Amend House File 499 as amended, passed and
2 reprinted by the House as follows:

3 1. Page 15, by inserting after line 19, the following:
4 "Sec. ____ . NEW SECTION. 1.17 OFFICIAL LANGUAGE.
5 The official language for the state is the English
6 language."

EDGAR H. HOLDEN

S-3608

1 Amend House File 395 as amended, passed and
2 reprinted by the House as follows:

3 1. Page 3, by striking line 29 through page 4,
4 line 1.

EUGENE S. FRAISE

S-3609

1 Amend amendment, S-3493, to House File 499 as
 2 amended, passed and reprinted by the House as follows:
 3 1. Page 8, by striking lines 14 through 22 and
 4 inserting the following: "utilize a modified block
 5 schedule. The application shall be received by
 6 January 1 of the preceding school year. The state
 7 board shall review the applications and notify school
 8 districts with approved applications not later than
 9 February 15 of the preceding school year. The state
 10 board may request that a".

LARRY MURPHY

S-3610

1 Amend the amendment, S-3493, to House File 499, as
 2 amended, passed, and reprinted by the House, as
 3 follows:
 4 1. Page 13, by striking lines 33 through 39.

RICHARD J. VARN
LARRY MURPHY

S-3611

1 Amend amendment, S-3493, to House File 499 as
 2 amended, passed and reprinted by the House as follows:
 3 1. Page 3, by inserting after line 8 the
 4 following:
 5 "___ . Page 12, by striking lines 8 through 10 and
 6 inserting the following: "education under section
 7 294A.16.""

WALLY HORN
JOY CORNING

S-3612

1 Amend the amendment, S-3493, to House File 499, as
 2 amended, passed, and reprinted by the House, as
 3 follows:
 4 1. Page 3, by inserting after line 17 the
 5 following:
 6 "___ . Page 13, by striking lines 25 and 26 and
 7 inserting the following:

8 "A plan adopted by the board of directors of a
9 school district or area education agency shall be sub-
10 mitted to the department of".

WALLY HORN
JOY CORNING

S-3613

1 Amend House File 499 as amended, passed and
2 reprinted by the House, as follows:
3 1. Page 33, by inserting after line 3 the
4 following:
5 "Sec. ____ . Section 442.4, Code 1987, is amended by
6 adding the following new subsection:
7 NEW SUBSECTION. 3A. If the number of pupils in
8 basic enrollment for the budget year is fewer than
9 four pupils per square mile in the school district, as
10 determined by the department of management, the
11 department of management shall assign an additional
12 weighting of one-tenth for each pupil in basic
13 enrollment for the budget year."
14 2. Page 34, line 11, by inserting after the
15 figure "280.4" the following: "the additional
16 weighting for sparcity of pupils in subsection 3A."

BEVERLY HANNON
JOHN W. JENSEN
JAMES R. RIORDAN
EUGENE S. FRAISE
DONALD E. GETTINGS
FORREST SCHWENGELS

S-3614

1 Amend House File 304, as amended, passed and
2 reprinted by the House, as follows:
3 1. Page 1, by striking line 15 and inserting the
4 following: "amended by striking the subsection and
5 inserting in lieu thereof the following:
6 6. Determine the annual salaries of county
7 auditor, treasurer, recorder, attorney, and sheriff.
8 The salaries shall be set by resolution of the board
9 adopted when the budget and certificate of taxes is
10 adopted under section 331.434. The proposed salaries
11 are subject to public comment or objection in the same
12 manner as other budget proposals."
13 2. Page 1, line 30, by striking the figure

14 "331.907" and inserting the following: "~~331.907~~

15 331.322, subsection 6".

16 3. Page 1, by inserting after line 32 the
17 following:

18 "Sec. ____ . Section 331.752, subsection 4, Code
19 1987, is amended to read as follows:

20 4. The resolution changing the status of a county

21 attorney shall state the initial annual salary to be
22 paid to the county attorney when the full-time or

23 part-time status is effective. The annual salary
24 specified in the resolution shall remain effective

25 until changed as provided in section ~~331.907~~ 331.322,

26 subsection 6. The annual salary of a full-time county

27 attorney shall be an amount which is between forty-
28 five percent and one hundred percent of the annual

29 salary received by a district court judge."

30 4. By striking page 2, line 15 through page 3,
31 line 19.

32 5. Page 3, line 24, by striking the word and
33 figure "and 331.906" and inserting the following:

34 "through 331.907".

JOHN W. JENSEN
WILMER RENSINK

S-3615

1 Amend amendment S-3462 to House File 304, as
2 amended, passed and reprinted by the House, as
3 follows:

4 1. Page 1, by striking lines 3 through 48, and
5 inserting in lieu thereof the following:

6 "____ . Page 1, by striking line 15 and inserting
7 the following: "amended by striking the subsection
8 and inserting in lieu thereof the following:

9 6. Determine the annual salaries of county

10 auditor, treasurer, recorder, attorney, and sheriff.

11 The salaries shall be set by resolution of the board

12 adopted when the budget and certificate of taxes is

13 adopted under section 331.434. The proposed salaries

14 are subject to public comment or objection in the same
15 manner as other budget proposals."

16 ____ . Page 1, line 30, by striking the figure
17 "331.907" and inserting the following: "~~331.907~~
18 331.322, subsection 6".

19 ____ . Page 1, by inserting after line 32 the
20 following:

21 "Sec. ____ . Section 331.752, subsection 4, Code
22 1987, is amended to read as follows:

23 4. The resolution changing the status of a county
24 attorney shall state the initial annual salary to be
25 paid to the county attorney when the full-time or
26 part-time status is effective. The annual salary
27 specified in the resolution shall remain effective
28 until changed as provided in section ~~331.907~~ 331.322,
29 subsection 6. The annual salary of a full-time county
30 attorney shall be an amount which is between forty-
31 five percent and one hundred percent of the annual
32 salary received by a district court judge.”

33 ____ . By striking page 2, line 15 through page 3,
34 line 19.

35 ____ . Page 3, line 24, by striking the word and
36 figure “and 331.906” and inserting the following:
37 “through 331.907.”

JOHN W. JENSEN
WILMER RENSINK

S-3616

1 Amend the amendment, S-3493, to House File 499 as
2 amended, passed, and reprinted by the House, as
3 follows:

4 1. Page 12, by striking line 32 and inserting the
5 following: “prescribed by the board. The
6 examinations required by this section shall be used as
7 a criteria for issuing an initial teaching certificate
8 only if the state board determines that the
9 examinations are valid and reliable indicators of
10 successful teaching performante for applicants for
11 initial certificates under this chapter.””

12 2. Page 13, by inserting after line 32 the
13 following:

14 “ ____ . Page 20, line 21, by striking the word
15 “shall” and inserting the following: “may be required
16 to”.”

17 3. Page 14, by striking line 10, and inserting
18 the following:

19 “ ____ . Page 20, by striking lines 31 through 34
20 and inserting the following:
21 “Nothing in this chapter shall be construed to
22 prohibit a pupil from enrolling in a course at an
23 eligible postsecondary institution at the expense of
24 the pupil or the pupil’s parent or guardian. The
25 board of directors of a school district shall not
26 prohibit a pupil from enrolling in a course at an
27 eligible postsecondary institution when expenses for
28 the course, including tuition, transportation costs,

29 expenses for textbooks and materials, and other fees,
30 are paid by the pupil or the pupil's parent or
31 guardian.””

RICHARD J. VARN

S-3617

1 Amend the amendment, S-3493, to House File 499, as
2 amended, passed, and reprinted by the House, as
3 follows:
4 1. Page 1, by striking lines 21 through 25 and
5 inserting the following: “payments. For school years
6 after the school year beginning July 1, 1987, if a
7 school district or area education agency reduces the
8 number of its full-time equivalent teachers below the
9 number employed during the school year beginning July
10 1, 1987, the department of revenue and finance shall
11 pay each school district and area education agency a
12 total minimum salary supplement equal to the ratio of
13 the number of full-time equivalent teachers employed
14 in the school district or area education agency for
15 that school year divided by the number of full-time
16 equivalent teachers employed in the school district or
17 area education agency for the school year beginning
18 July 1, 1987 and multiplying that fraction by the
19 total minimum salary supplement paid to that school
20 district or area education agency for the school year
21 beginning July 1, 1987.”

JOE J. WELSH

S-3618

1 Amend the amendment S-3493 to House File 499, as
2 amended, passed, and reprinted by the House, as
3 follows:
4 1. Page 1, by inserting after line 8 the
5 following:
6 “___ . Page 3, line 16, by striking the words “the
7 minimum salary” and inserting the following: “teacher
8 salaries”.
9 ___ . Page 3, by inserting after line 20 the
10 following:
11 “For the school year beginning July 1, 1987, the
12 salary of each full-time teacher whose regular
13 compensation is less than eighteen thousand dollars
14 for that school year shall be increased by ten

15 percent, not exceeding regular compensation of
16 eighteen thousand dollars, in the manner provided in
17 this section and section 294A.6 if moneys are
18 appropriated by the general assembly for phase I."

19 ____ . Page 3, line 21, by striking the figure
20 "1987" and inserting the following: "1988".

21 2. Page 1, by inserting after line 13 the
22 following:

23 "____ . Page 3, line 30, by inserting after the
24 word "supplements" the following: "to increase each
25 eligible teacher's compensation by ten percent not
26 exceeding regular compensation of eighteen thousand
27 dollars".

28 ____ . Page 3, by striking lines 32 and 33 and
29 inserting the following: "total of the amount needed
30 for the salary increase under this section plus the
31 amount required to".

32 ____ . Page 4, line 5, by striking the words "shall
33 be prorated".

34 3. Page 1, by striking lines 17 through 25 and
35 inserting the following:

36 "____ . By striking page 4, line 14, through page
37 5, line 2 and inserting the following: "or area
38 education agency for each succeeding school year.""

39 4. Page 1, by striking lines 33 through 35 and
40 inserting the following:

41 "____ . Page 5, by striking lines 23 through 30 and
42 inserting the following: "teachers. For the fiscal
43 year beginning July 1, 1987, the department of
44 education shall allocate to each school district for
45 the purpose of implementing phase II an amount equal
46 to thirty-seven dollars and ninety-seven cents
47 multiplied by the district's certified enrollment if
48 the general assembly has appropriated sufficient
49 moneys to make those payments for that fiscal year.
50 For the fiscal year beginning July 1, 1988, the

Page 2

1 department of education shall allocate to each school
2 district for phase II an amount equal to seventy-five
3 dollars and ninety-three cents multiplied by the
4 district's certified enrollment if the general
5 assembly has appropriated sufficient moneys to make
6 those payments for that fiscal year. If".

7 5. Page 1, by striking lines 36 through 38 and
8 inserting the following:

9 "____ . Page 6, by striking lines 3 through 10 and
10 inserting the following:

11 "For the fiscal year beginning July 1, 1987 the

12 department shall allocate to each area education
13 agency for the purpose of implementing phase II an
14 amount equal to one dollar and seventy-seven cents
15 multiplied by the enrollment served in the area
16 education agency if the general assembly has
17 appropriated sufficient moneys to make those payments
18 for that fiscal year. For the fiscal year beginning
19 July 1, 1988, the department of education shall
20 allocate to each area education agency for phase II an
21 amount equal to three dollars and fifty-five cents
22 multiplied by the enrollment served by the area
23 education agency if the general assembly has
24 appropriated sufficient moneys to make those payments
25 for that fiscal year. If”.

26 6. Page 2, by striking lines 29 through 49 and
27 inserting the following:

28 “___ . Page 9, by striking lines 15 through 25 and
29 inserting the following:

30 “For the school year beginning July 1, 1987 if
31 sufficient moneys have been appropriated for phase III
32 payments, the payments for an approved plan for a
33 school district shall be equal to the product of a
34 district’s certified enrollment and forty-nine dollars
35 and thirty-two cents. For fiscal years thereafter, if
36 sufficient moneys have been appropriated for phase III
37 payments for school districts, the payments for an
38 approved plan shall be equal to the product of a
39 district’s certified enrollment and ninety-eight
40 dollars and sixty-three cents. For the school year
41 beginning July 1, 1987, if sufficient moneys have been
42 appropriated for phase III payments, the payments for
43 an approved plan for an area education agency shall be
44 equal to the product of an area education agency’s
45 enrollment served and two dollars and thirty cents.
46 For fiscal years thereafter, if sufficient moneys have
47 been appropriated for phase III payments for school
48 districts, the payments for an approved plan shall be
49 equal to the product of an area education agency’s
50 enrollment served and four dollars and sixty cents.

Page 3

1 However, the department of education shall”.

EDGAR H. HOLDEN
JOHN W. JENSEN
RICHARD VANDE HOEF
NORMAN J. GOODWIN
DAVID M. READINGER
RICHARD F. DRAKE

S-3619

1 Amend amendment S-3493 to House File 499 as
2 amended, passed and reprinted by the House as follows:
3 1. Page 22, by inserting after line 5 the following:
4 " ____ . Page 24, by inserting after line 25 the
5 following:
6 "However, if the number of copies of a school
7 newsletter mailed to residents in the school district
8 exceeds the number of school district resident
9 subscribers to a newspaper published in the district,
10 publication of the information required in sections
11 279.34 and 279.35 in a school district newsletter
12 satisfies the requirements of sections 279.34 and
13 279.35."

JOHN W. JENSEN

S-3620

1 Amend amendment, S-3493, to House File 499 as
2 amended, passed, and reprinted by the House, as
3 follows:

DIVISION S—3620A

4 1. Page 29, line 3, by inserting after the word
5 "board," the following: "or on the board's own
6 motion,".
7 2. Page 29, line 3, by inserting after the word
8 "proposal" the following: "to raise the capital
9 projects and equipment amount".

DIVISION S—3620B

10 3. Page 34, by striking lines 8 through 11 and
11 inserting the following: "section 442.2 or 442.9.
12 ~~Miscellaneous income includes property tax levied
13 under the provisions of section 613A.7, to fund the
14 costs of tort liability insurance for the school
15 district.~~"

DIVISION S—3620C

16 4. Page 34, by striking line 27 and inserting the
17 following: "278 and for major building repairs as
18 defined in".
19 5. Page 34, line 28, by striking the words and

20 figure "section ~~297.5~~ 298.2" and inserting the
 21 following: "section 297.5, and for the purposes
 22 listed in section 298.2, subsections 2, 3, 4, and 7".

RICHARD VARN

S-3621

1 Amend House File 591 as amended, passed and
 2 reprinted by the House as follows:
 3 1. Page 4, lines 28 and 29, by striking the words
 4 "the other person" and inserting in lieu thereof the
 5 words "a person other than a cohabiting spouse".

C. JOSEPH COLEMAN

S-3622

1 Amend amendment S-3514 to House File 591 as amended,
 2 passed and reprinted by the House as follows:
 3 1. Page 2, line 22, by striking the words "the
 4 other person" and inserting in lieu thereof the words
 5 "a person other than a cohabiting spouse".

C. JOSEPH COLEMAN

S-3623

1 Amend the amendment, S-3493, to House File 499, as
 2 amended, passed, and reprinted by the House, as
 3 follows:
 4 1. Page 15, by striking line 10 and inserting the
 5 following: "a, Code 1987, is amended to read as
 6 follows:
 7 5. The petition may also include a provision that
 8 ~~the schoolhouse tax provided in section 278.1, subsec-~~
 9 ~~tion 7; imposition of the capital projects and equip-~~
 10 ~~ment levy~~ will be voted upon at the election conducted
 11 under section 275.18."
 12 2. Page 16, by striking lines 3 through 6 and
 13 inserting the following: "corporation and the propo-
 14 sition to ~~levy the schoolhouse tax under section~~
 15 ~~278.1, subsection 7; impose the capital projects and~~
 16 ~~equipment amount under section 298.2~~ if the petition
 17 included a provision for a vote to ~~levy the~~
 18 ~~schoolhouse tax~~ impose the capital projects and
 19 equipment amount. If a proposition receives a".

- 20 3. Page 20, line 24, by striking the word "or"
 21 and inserting the following: "the imposition of the
 22 capital projects and equipment amount or".
- 23 4. Page 27, by striking lines 4 through 6 and in-
 24 serting the following: "the schoolhouse tax capital
 25 projects and equipment amount which has been approved
 26 by the voters as provided in section 278.1, subsection
 27 7".
- 28 5. Page 27, by striking lines 9 through 11 and
 29 inserting the following: "agreements in
 30 anticipation".
- 31 6. Page 27, by striking lines 17 and 18 and in-
 32 serting the following: "within the limits of the ~~tax~~
 33 amount approved by the voters under section 298.2 to
 34 pay for the".
- 35 7. Page 27, line 32, by striking the words "~~by~~
 36 ~~the voters~~" and inserting the following: "by the
 37 voters".
- 38 8. Page 28, by striking lines 34 and 35 and
 39 inserting the following: "submit the proposition of
 40 raising a capital projects and equipment amount to the
 41 voters at a regular school election, or upon receipt
 42 of a petition signed by twenty-five eligible electors
 43 in a district having a population of five thousand or
 44 less and fifty eligible electors in any other district
 45 shall submit the proposition to the voters. The
 46 capital projects and equipment amount shall not exceed
 47 the amount that could".
- 48 9. By striking page 28, line 49 through page 29,
 49 line 13, and inserting the following:
 50 "The proposition may include a".

Page 2

- 1 10. Page 29, lines 22 and 23, by striking the
 2 words "decision of the board" and inserting the
 3 following: "proposition approved by the voters".

JOHN W. JENSEN
 JACK W. HESTER

S-3624

- 1 Amend amendment S-3493 to House File 499 as
 2 amended, passed and reprinted by the House as follows:
 3 1. Page 22, by striking lines 3 through 5 and
 4 inserting in lieu thereof the following:
 5 "____. Page 24, by striking lines 3 through 18,
 6 and inserting in lieu thereof the following:

7 "The board of directors of each school district
 8 shall meet with the media representatives of the
 9 communities they serve to develop and implement a
 10 communication plan designed to effectively notify the
 11 public of all proceedings of each regular, adjourned,
 12 or special meeting of the board including major
 13 expenditures for salaries and for services performed.
 14 The plan shall be approved by the department of
 15 education and shall be effective beginning with the
 16 school year beginning July 1, 1988. Salaries paid to
 17 individuals regularly employed by the district shall
 18 only be published annually and the publication shall
 19 include the total amount of the annual salary of each
 20 employee. Matters discussed in closed session
 21 pursuant to section 21.5 shall not be published until
 22 the matters are no longer confidential."

JULIA GENTLEMAN

S-3625

1 Amend the amendment, S-3493, to House File 499, as
 2 amended, passed, and reprinted by the Senate, as
 3 follows:
 4 1. Page 12, line 28, by striking the word " , but"
 5 and inserting the following: " . If the board
 6 administers examinations for subject matter
 7 proficiency, it".

RICHARD J. VARN

S-3626

1 Amend House File 499 as amended, passed and
 2 reprinted by the House as follows:
 3 1. By striking page 35, line 29 through page 36,
 4 line 8.

PATRICK DELUHERY
 RAY TAYLOR
 JOHN W. JENSEN
 WILLIAM DIELEMAN

S-3627

- 1 Amend amendment S-3493 to House File 499 as
- 2 amended, passed and reprinted by the House as follows:
- 3 1. Page 12, line 24, by striking the word "may"
- 4 and inserting in lieu thereof the word "shall".

RAY TAYLOR

S-3628

- 1 Amend House File 646 as amended, passed, and re-
- 2 printed by the House, as follows:
- 3 1. Page 4, line 26, by inserting after the word
- 4 "excavator." the following: "A public agency, as
- 5 defined pursuant to section 28E.2, is exempt from the
- 6 requirement regarding marking of a location of an
- 7 underground facility within forty-eight hours of the
- 8 notice from an excavator."

ALVIN V. MILLER

S-3629

- 1 Amend amendment S-3493 to House File 499 as amended,
- 2 passed and reprinted by the House as follows:
- 3 1. Page 10, by striking line 45 through page 11,
- 4 line 42.

EDGAR H. HOLDEN
JULIA GENTLEMAN

S-3630

- 1 Amend the amendment, S-3493, to House File 499 as
- 2 amended, passed, and reprinted by the House, as
- 3 follows:
- 4 1. Page 12, by inserting after line 32 the
- 5 following:
- 6 "The examinations required by this section shall be
- 7 used as a criteria for issuing an initial teaching
- 8 certificate only if the state board determines that
- 9 the examinations are valid and reliable indicators of
- 10 successful teaching performance for applicants for
- 11 initial certificates under this chapter."
- 12 2. Page 13, by inserting after line 32 the
- 13 following:

14 "____. Page 20, line 21, by striking the word
 15 "shall" and inserting the following: "may be required
 16 to".
 17 3. Page 14, by striking line 10, and inserting
 18 the following:
 19 "____. Page 20, by striking lines 31 through 34
 20 and inserting the following:
 21 "Nothing in this chapter shall be construed to
 22 prohibit a pupil from enrolling in a course at an
 23 eligible postsecondary institution at the expense of
 24 the pupil or the pupil's parent or guardian. The
 25 board of directors of a school district shall not
 26 prohibit a pupil from enrolling in a course at an
 27 eligible postsecondary institution when expenses for
 28 the course, including tuition, transportation costs,
 29 expenses for textbooks and materials, and other fees,
 30 are paid by the pupil or the pupil's parent or
 31 guardian.""

RICHARD J. VARN

S-3631

1 Amend amendment S-3493 to House File 499 as
 2 amended, passed and reprinted by the House as follows:
 3 1. Page 22, by inserting before line 7 the following:
 4 "____. Page 24, by inserting before line 19 the
 5 following:
 6 "However, if the number of copies of a school
 7 newsletter mailed to residents in the school district
 8 exceeds the number of school district resident
 9 subscribers to a newspaper published in the district,
 10 publication of the information required in sections
 11 279.34 and 279.35 in a school district newsletter
 12 satisfies the requirements of sections 279.34 and
 13 279.35.""

JOHN W. JENSEN

S-3632

1 Amend House File 499 as amended, passed, and
 2 reprinted by the House, as follows:

DIVISION S—3632C

- 3 1. Page 2, line 1, by striking the words and
4 figure "and July 1, 1988" and inserting the following:
5 ", July 1, 1988, and July 1, 1989".
- 6 2. Page 2, line 7, by striking the words and
7 figure "and July 1, 1988" and inserting the following:
8 ", July 1, 1988, and July 1, 1989".
- 9 3. Page 3, by striking lines 7 through 9 and
10 inserting the following:
11 "If moneys are appropriated by the general assembly
12 to the fund for distribution under this chapter the
13 moneys shall be allocated by the department so that
14 nine and twenty-three hundredths percent of the moneys
15 appropriated are distributed for phase I, thirty-nine
16 and forty-nine hundredths percent are distributed for
17 phase II, and fifty-one and twenty-eight hundredths
18 percent are distributed for phase III."
- 19 4. Page 3, lines 23 and 24, by striking the words
20 "eighteen thousand dollars" and inserting the
21 following: "determined based upon the moneys
22 allocated for phase I and the regular compensation of
23 teachers for that school year."
- 24 5. Page 3, line 27, by inserting after the word
25 "education" the following: "by the third Friday in
26 September".
- 27 6. Page 3, line 29, by striking the words
28 "eighteen thousand dollars" and inserting the
29 following: "the minimum annual salary".
- 30 7. Page 3, line 30, by inserting after the word
31 "year" the following: "for that year".
- 32 8. Page 3, line 32, by striking the words
33 "eighteen thousand dollars" and inserting the
34 following: "the minimum annual salary".
- 35 9. By striking page 4, line 10 through page 5,
36 line 6, and inserting the following: "each school
37 district and area education agency under phase I and
38 the department of revenue and finance shall make the
39 payments. For succeeding school years if sufficient
40 moneys are appropriated to the fund, the amount of the
41 total minimum salary supplement shall be equal to the
42 amount paid for the school year beginning July 1, 1987
43 and it shall be used to increase teacher salaries."
- 44 10. Page 5, by striking lines 7 through 14.
- 45 11. By striking page 5, line 23 through page 6,
46 line 2, and inserting the following: "teachers.
47 Annually, the department of education shall allocate
48 to school districts for the purpose of implementing
49 phase II ninety-five and twelve hundredths percent of
50 the total phase II allocation determined under section

Page 2

DIVISION S—3632C (cont'd.)

1 294A.3. Annually, the department shall divide the
2 total certified enrollment in the state into the
3 school districts' portion of the phase II allocation
4 to determine a phase II per pupil amount for school
5 districts. Each school district shall receive for
6 phase II the phase II per pupil amount multiplied by
7 the district's certified enrollment."
8 12. Page 6, by striking lines 3 through 17 and
9 inserting the following:
10 "Annually the department of education shall
11 allocate to area education agencies for the purpose of
12 implementing phase II four and eighty-eight hundredths
13 percent of the total phase II allocation determined
14 under section 294A.3. Annually, the department shall
15 divide the total enrollment served in the state into
16 the area education agencies' portion of the phase II
17 allocation to determine a phase II per pupil amount
18 for area education agencies. Each area education
19 agency shall receive for phase II the phase II per
20 pupil amount multiplied by the area education agency's
21 enrollment served.
22 13. Page 7, by striking line 34 and inserting the
23 following: "equal to or more than the minimum salary
24 for phase I will".

DIVISION S—3632A

25 14. Page 8, line 27, by striking the words "and
26 to promote student achievement".

DIVISION S—3632C

27 15. Page 8, by inserting after line 31 the
28 following:
29 "It is the intent of the general assembly that
30 school districts and area education agencies
31 incorporate into their planning for performance-based
32 pay plans and supplemental pay plans, implementation
33 of recommendations from recently issued national and
34 state reports relating to the requirements of the
35 educational system for meeting future educational
36 needs, especially as they relate to the preparation,
37 working conditions, and responsibilities of teachers,
38 including but not limited to assistance to new
39 teachers, development of teachers as instructional
40 leaders in their schools and school districts, using
41 teachers for evaluation and diagnosis of other
42 teachers' techniques, and the implementation of

43 sabbatical leaves.

44 It is the intent of the general assembly that as
45 more stringent or additional teaching certification
46 standards or other educational requirements affecting
47 teacher compensation are mandated in response to
48 recommendations made in various national and state
49 reports relating to education and teaching in the
50 nation and in this state, the cost of meeting these

Page 3

DIVISION S—3632C (cont'd.)

1 requirements shall be borne by the districts and area
2 education agencies themselves and state financial
3 assistance will be provided only pursuant to an
4 approved phase III plan. Renewal of school districts'
5 and area education agencies' initial allocations of
6 phase III moneys may be affected in subsequent years
7 by implementation of increased or additional
8 standards."

9 16. Page 9, by striking lines 3 through 13 and
10 inserting the following: "combination of the two."

11 17. Page 9, by striking lines 15 through 30 and
12 inserting the following:

13 "Annually, the department of education shall
14 determine the payments for an approved plan for each
15 school district and area education agency. Ninety-
16 five and twelve hundredths percent of the total phase
17 III allocation determined under section 294A.3 shall
18 be allocated to school districts and four and eighty-
19 eight hundredths percent shall be allocated to area
20 education agencies. Annually the department shall
21 determine a phase III per pupil amount for school
22 districts and a phase III per pupil amount for area
23 education agencies based upon the phase III allocation
24 for each in the same manner as the phase II per pupil
25 amounts were determined. The total amount paid for
26 phase III for a school year for each school district
27 that has an approved plan is equal to the phase III
28 per pupil amount for school districts multiplied by
29 the district's certified enrollment. The total amount
30 paid for phase III for a school year for each area
31 education agency that has an approved plan is equal to
32 the phase III per pupil amount for area education
33 agencies multiplied by the area education agency's
34 enrollment served.

35 18. Page 10, line 17, by inserting after the word
36 "district" the following: ", except that phase III
37 moneys may be used to employ substitute teachers,

38 part-time teachers, and other employees needed to
 39 implement plans that provide innovative staffing
 40 patterns or that require that a teacher employed on a
 41 full-time basis be absent from the classroom for
 42 specified periods for fulfilling other instructional
 43 duties”.

DIVISION S—3236B44 19. Page 12, line 31, by striking the words
 45 “parents, students.”.

DIVISION S—3632C (cont'd.)

46 20. Page 12, line 33, by inserting after the word
 47 “proposal” the following: “for distribution of phase
 48 III moneys to be submitted to the board of directors”.
 49 21. Page 13, by striking lines 8 and 9 and in-
 50 serting the following: “area education agency for

Page 4

DIVISION S—3632C (cont'd.)

1 consideration by the board in developing a plan. For
 2 the school year beginning July”.

3 22. Page 14, line 7, by inserting after the word
 4 “agency” the following: “for the school year
 5 beginning July 1, 1987”.

6 23. Page 14, line 7, by inserting after the word
 7 “an” the following: “approved phase III plan that are
 8 not expended for that school year shall not revert to
 9 the general fund of the state but may be expended by
 10 that school district during the school year beginning
 11 July 1, 1988. For school years thereafter, moneys
 12 allocated to a school district or area education
 13 agency for an”.

14 24. Page 14, line 22, by striking the words and
 15 figure “for phase III” and inserting the following:
 16 “and allocated to phase III under section 294A.3”.

17 25. Page 14, line 33, by inserting after the word
 18 “finance” the following: “on a quarterly basis and
 19 may be made”.

20 26. Page 14, line 34, by inserting after the
 21 figure “442.26.” the following: “For the school year
 22 beginning July 1, 1987, the first quarterly payment
 23 shall be made not later than October 15, 1987 taking
 24 into consideration the relative budget and cash
 25 position of the state resources.”

26 27. Page 15, by striking lines 10 through 17.

RICHARD VARN
 LARRY MURPHY

S-3633

- 1 Amend the amendment, S-3493, to House File 499, as
2 amended, passed, and reprinted by the House, as
3 follows:
- 4 1. Page 15, by striking line 20 and inserting the
5 following: "1987, is amended to read as follows:
6 5. The petition may also include a provision that
7 the ~~schoolhouse tax provided in section 278.1, subsec-~~
8 ~~tion 7, imposition of the capital projects and equip-~~
9 ~~ment amount~~ will be voted upon at the election
10 conducted under section 275.18."
- 11 2. Page 16, by striking lines 3 through 6 and
12 inserting the following: "corporation and the propo-
13 sition to ~~levy the schoolhouse tax under section~~
14 ~~278.1, subsection 7, impose the capital projects and~~
15 ~~equipment amount under section 298.2~~ if the petition
16 included a provision for a vote to ~~levy the~~
17 ~~schoolhouse tax impose the capital projects and~~
18 ~~equipment amount~~. If a proposition receives a".
- 19 3. Page 20, line 24, by striking the word "or"
20 and inserting the following: "the imposition of the
21 capital projects and equipment amount or".
- 22 4. Page 27, by striking lines 4 through 6 and in-
23 serting the following: "the schoolhouse tax capital
24 projects and equipment amount which has been approved
25 by the voters as provided in ~~section 278.1, subsection~~
26 ~~7~~".
- 27 5. Page 27, by striking lines 9 through 11 and
28 inserting the following: "agreements in
29 anticipation".
- 30 6. Page 27, by striking lines 17 and 18 and in-
31 serting the following: "within the limits of the ~~tax~~
32 amount approved by the voters under section 298.2 to
33 pay for the".
- 34 7. Page 27, line 32, by striking the words "~~by~~
35 ~~the voters~~" and inserting the following: "by the
36 voters".
- 37 8. Page 28, by striking lines 34 and 35 and
38 inserting the following: "submit the proposition of
39 raising a capital projects and equipment amount to the
40 voters at a regular school election, or upon receipt
41 of a petition signed by twenty-five eligible electors
42 in a district having a population of five thousand or
43 less and fifty eligible electors in any other district
44 shall submit the proposition to the voters. The
45 capital projects and equipment amount shall not exceed

46 the amount that could”.

47 9. By striking page 28, line 49 through page 29,

48 line 13, and inserting the following:

49 “The proposition may include a”.

50 10. Page 29, lines 22 and 23, by striking the

Page 2

1 words “decision of the board” and inserting the

2 following: “proposition approved by the voters”.

JOHN W. JENSEN

JACK W. HESTER

S-3634

1 Amend the amendment, S-3632, to House File 499, as

2 amended, passed, and reprinted by the House, as

3 follows:

4 1. Page 4, by striking lines 17 through 21 and

5 inserting the following:

6 “___ . Page 14, by striking lines 33 and 34 and

7 inserting the following: “program shall be made by

8 the department of revenue and finance on a quarterly

9 basis, and the payments shall be separate from state

10 aid payments made pursuant to sections 442.25 and

11 442.26. For the school year”.

LARRY MURPHY

S-3635

1 Amend amendment, S-3632, to House File 499 as

2 amended, passed and reprinted by the House as follows:

3 1. Page 3, by inserting after line 43 the

4 following:

5 “___ . Page 12, by striking lines 8 through 10 and

6 inserting the following: “education under section

7 294A.16.””

WALLY HORN

JOY CORNING

S-3636

- 1 Amend amendment, S-3632, to House File 499 as
- 2 amended, passed, and reprinted by the House, as
- 3 follows:
- 4 1. Page 3, line 45, by striking the word
- 5 "parents,".

LARRY MURPHY

S-3637

- 1 Amend the amendment, S-3632, to House File 499, as
- 2 amended, passed, and reprinted by the House, as
- 3 follows:
- 4 1. Page 1, by striking lines 39 through 43 and
- 5 inserting the following: "payments. For school years
- 6 after the school year beginning July 1, 1987, if a
- 7 school district or area education agency reduces the
- 8 number of its full-time equivalent teachers below the
- 9 number employed during the school year beginning July
- 10 1, 1987, the department of revenue and finance shall
- 11 reduce the total minimum salary supplement payable to
- 12 that school district or area education agency so that
- 13 the amount paid is equal to the ratio of the number of
- 14 full-time equivalent teachers employed in the school
- 15 district or area education agency for that school year
- 16 divided by the number of full-time equivalent teachers
- 17 employed in the school district or area education
- 18 agency for the school year beginning July 1, 1987 and
- 19 multiplying that fraction by the total minimum salary
- 20 supplement paid to that school district or area
- 21 education agency for the school year beginning July 1,
- 22 1987."

JOE J. WELSH

S-3638

- 1 Amend House File 499, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 13, by striking lines 25 and 26 and
- 4 inserting the following:
- 5 "A plan adopted by the board of directors of a
- 6 school district or area education agency shall be sub-
- 7 mitted to the department of".

WALLY HORN
JOY CORNING

S-3639

1 Amend the amendment, S-3493, to House File 499, as
2 amended, passed, and reprinted by the House, as
3 follows:
4 1. Page 39, by striking lines 3 and 4 and in-
5 serting the following:
6 " ____ . Page 36, by striking lines 15 and 16 and
7 inserting the following: "effective date of those
8 sections. Sections 47 and 60 of this Act take effect
9 for the school year"."

LARRY MURPHY

S-3640

1 Amend the amendment, S-3632, to House File 499, as
2 amended, passed, and reprinted by the House, as
3 follows:
4 1. Page 4, line 10, by inserting after the word
5 "district" the following: "or area education agency".

LARRY MURPHY

S-3641

1 Amend the amendment, S-3632, to House File 499, as
2 amended, passed, and reprinted by the House, as
3 follows:
4 1. Page 1, by inserting after line 18 the fol-
5 lowing:
6 " ____ . Page 3, line 21, by striking the figure
7 "1987" and inserting the following: "1988"."
8 2. Page 1, by inserting after line 23 the
9 following:
10 " ____ . Page 3, line 25, by striking the figure
11 "1987" and inserting the following: "1988"."
12 3. Page 1, by inserting after line 34 the follow-
13 ing:
14 " ____ . Page 4, line 7, by striking the figure
15 "1987" and inserting the following: "1988"."
16 4. Page 1, line 42, by striking the figure "1987"
17 and inserting the following: "1988".
18 5. Page 2, by inserting after line 21 the follow-
19 ing:
20 " ____ . Page 7, by striking lines 10 through 21 and
21 inserting the following: "teachers. Negotiations

22 under this section are subject to section 20.9.”
23 6. Page 2, by striking lines 22 through 24 and
24 inserting the following:
25 “___ . By striking page 7, line 25 through page 8,
26 line 12.
27 ___ . Page 8, line 14, by striking the figure
28 “1987” and inserting the following: “1988”.”

GEORGE R. KINLEY

S-3642

1 Amend the amendment, S-3632, to House File 499, as
2 amended, passed, and reprinted by the House, as
3 follows:
4 1. Page 1, by inserting after line 2 the follow-
5 ing:
6 “___ . Page 1, line 9, by striking the word
7 “three” and inserting the following: “two”.
8 ___ . Page 1, line 10, by inserting after the word
9 “recruitment” the following: “and retention”.
10 ___ . Page 1, by striking line 11.
11 ___ . Page 1, line 12, by striking the figure
12 “III” and inserting the following: “II”.
13 2. Page 1, by striking lines 9 through 44 and in-
14 serting the following:
15 “___ . By striking page 3, line 12 through page 5,
16 line 16.”
17 3. Page 1, by inserting after line 44 the follow-
18 ing:
19 “___ . Page 5, line 18, by striking the figure
20 “II” and inserting the following: “I”.
21 ___ . Page 5, line 21, by striking the figure “II”
22 and inserting the following: “I”.
23 ___ . Page 5, line 22, by striking the figure “II”
24 and inserting the following: “I”.
25 4. Page 1, line 49, by striking the figure “II”
26 and inserting the following: “I”.
27 5. Page 1, line 50, by striking the figure “II”
28 and inserting the following: “I”.
29 6. Page 2, line 3, by striking the figure “II”
30 and inserting the following: “I”.
31 7. Page 2, by striking line 6 and inserting the
32 following: “phase I the phase I per pupil amount
33 multiplied by”.
34 8. Page 2, line 12, by striking the figure “II”
35 and inserting the following: “I”.
36 9. Page 2, line 13, by striking the figure “II”
37 and inserting the following: “I”.

- 38 10. Page 2, line 16, by striking the figure "II"
 39 and inserting the following: "I".
 40 11. Page 2, line 17, by striking the figure "II"
 41 and inserting the following: "I".
 42 12. Page 2, by striking line 19 and inserting the
 43 following: "agency shall receive for phase I the
 44 phase I per".
 45 13. Page 2, by inserting after line 21 the
 46 following:
 47 " — . Page 6, line 26, by striking the figure
 48 "II" and inserting the following: "I".
 49 — . Page 6, line 33, by striking the figure "II"
 50 and inserting the following: "I".

Page 2

- 1 — . Page 7, line 9, by striking the figure "II"
 2 and inserting the following: "I".
 3 — . Page 7, line 14, by striking the figure "II"
 4 and inserting the following: "I".
 5 — . Page 7, line 20, by striking the figure "II"
 6 and inserting the following: "I".
 7 14. Page 2, by striking lines 22 through 24 and
 8 inserting the following:
 9 " — . By striking page 7, line 33 through page 8,
 10 line 4, and inserting the following:
 11 "1. All full-time teachers shall receive an equal
 12 amount from the phase I allocation."
 13 15. Page 2, by inserting before line 25 the
 14 following:
 15 " — . Page 8, line 5, by striking the figure "II"
 16 and inserting the following: "I".
 17 — . Page 8, line 8, by striking the figure "II"
 18 and inserting the following: "I".
 19 — . Page 8, line 17, by striking the figure "II"
 20 and inserting the following: "I".
 21 — . Page 8, line 19, by striking the figure "II"
 22 and inserting the following: "I".
 23 — . Page 8, line 23, by striking the figure
 24 "III" and inserting the following: "II".
 25 — . Page 8, line 25, by striking the figure
 26 "III" and inserting the following: "II".
 27 16. Page 3, line 4, by striking the figure "III"
 28 and inserting the following: "II".
 29 17. Page 3, line 6, by striking the figure "III"
 30 and inserting the following: "II".
 31 18. Page 3, by inserting after line 8 the fol-
 32 lowing:
 33 " — . Page 9, line 1, by striking the figure
 34 "III" and inserting the following: "II"."

- 35 19. Page 3, by inserting after line 10 the
36 following:
37 "___ . Page 9, line 14, by striking the figure
38 "III" and inserting the following: "II".
39 20. Page 3, line 17, by striking the figure "III"
40 and inserting the following: "II".
41 21. Page 3, line 21, by striking the figure "III"
42 and inserting the following: "II".
43 22. Page 3, line 22, by striking the figure "III"
44 and inserting the following: "II".
45 23. Page 3, line 23, by striking the figure "III"
46 and inserting the following: "II".
47 24. Page 3, line 24, by striking the figure "II"
48 and inserting the following: "I".
49 25. Page 3, line 26, by striking the figure "III"
50 and inserting the following: "II".

Page 3

- 1 26. Page 3, line 27, by striking the figure "III"
2 and inserting the following: "II".
3 27. Page 3, line 30, by striking the figure "III"
4 and inserting the following: "II".
5 28. Page 3, line 32, by striking the figure "III"
6 and inserting the following: "II".
7 29. Page 3, by inserting after line 34 the fol-
8 lowing:
9 "___ . Page 10, line 16, by striking the figure
10 "III" and inserting the following: "II".
11 30. Page 3, line 36, by striking the figure "III"
12 and inserting the following: "II".
13 31. Page 3, by inserting after line 43 the
14 following:
15 "___ . Page 12, line 29, by striking the figure
16 "III" and inserting the following: "II".
17 32. Page 3, by inserting after line 48 the
18 following:
19 "___ . Page 12, line 34, by striking the figure
20 "III" and inserting the following: "II".
21 33. Page 4, by inserting after line 2 the fol-
22 lowing:
23 "___ . Page 13, line 33, by striking the figure
24 "III" and inserting the following: "II".
25 34. Page 4, line 7, by striking the figure "III"
26 and inserting the following: "II".
27 35. Page 4, by inserting after line 13 the
28 following:
29 "___ . Page 14, line 8, by striking the figure
30 "III" and inserting the following: "II".
31 36. Page 4, line 16, by striking the figure "III"

32 and inserting the following: "II".
 33 37. Page 4, by inserting after line 25 the
 34 following:
 35 " ____ . Page 15, line 8, by striking the figure
 36 "III" and inserting the following: "II".
 37 ____ . Page 15, line 9, by striking the words and
 38 figure "or phase II"."

JACK RIFE

HOUSE AMENDMENT TO
 SENATE FILE 106

S-3643

1 Amend Senate File 106, as amended, passed, and re-
 2 printed by the Senate, as follows:
 3 1. Page 1, by striking lines 11 through 18 and
 4 inserting the following:
 5 "Sec. 2. NEW SECTION. 279.23A EVALUATION
 6 CRITERIA AND PROCEDURES.
 7 The board shall establish written evaluation
 8 criteria and shall establish and annually implement
 9 evaluation procedures. The board shall also establish
 10 written job descriptions for all supervisory
 11 positions."
 12 2. Page 1, by striking lines 19 through 28.

HOUSE AMENDMENT TO
 SENATE FILE 214

S-3644

1 Amend Senate File 214, as passed by the Senate, as
 2 follows:
 3 1. Page 1, line 7, by inserting after the word
 4 "regular" the following: "or special".
 5 2. Page 1, line 10, by inserting after the word
 6 "regular" the following: "or special".

HOUSE AMENDMENT TO
SENATE FILE 222

S-3645

1 Amend Senate File 222, as passed by the Senate, as
2 follows:

3 1. Page 1, by striking lines 13 through 22 and
4 inserting the following:

5 "Sec. 2. Sections 98.4 and 98.5, Code 1987, are
6 repealed."

HOUSE AMENDMENT TO
SENATE FILE 290

S-3646

1 Amend Senate File 290, as amended, passed, and re-
2 printed by the Senate, as follows:

3 1. Page 1, line 27, by striking the words
4 "serious simple" and inserting the following:

5 "serious".

6 2. Page 1, by inserting after line 27, the fol-
7 lowing:

8 "Sec. ____ . Section 600.16, subsection 4, Code
9 1987, is amended to read as follows:

10 4. Any person, other than the adopting parents or
11 the adopted person, who discloses information in
12 violation of the provisions of this section shall be,
13 upon conviction, guilty of a simple serious
14 misdemeanor."

15 3. By renumbering as necessary.

HOUSE AMENDMENT TO
SENATE FILE 399

S-3647

1 Amend Senate File 399 as amended, passed and
2 reprinted by the Senate as follows:

3 1. Page 1, line 7, by inserting after the word
4 "dollar" the following: "per year of license
5 validity".

6 2. Page 2, line 10, by inserting after the word
7 "dollar" the following: "per year of license
8 validity".

HOUSE AMENDMENT TO
SENATE FILE 449

S-3648

1 Amend Senate File 449 as passed by the Senate as
2 follows:
3 1. Page 7, line 22, by striking the words "An
4 employee" and inserting the following: "A designated
5 representative".

S-3649

1 Amend House File 395 as amended, passed, and
2 reprinted by the House as follows:
3 1. Page 21, by inserting after line 26 the
4 following:
5 "Sec. ____ . Section 110.24, Code 1987, is amended
6 by adding the following new unnumbered paragraph:
7 NEW UNNUMBERED PARAGRAPH. The department may issue
8 a permit, subject to conditions established by the
9 department, which authorizes the patients of a
10 substance abuse facility to fish without a license as
11 a supervised group."

HURLEY W. HALL
DALE L. TIEDEN
CHARLES P. MILLER

S-3650

1 Amend House File 649, as amended, passed and
2 reprinted by the House as follows:
3 1. Page 2, by inserting after line 31 the
4 following:
5 "Sec. ____ . A policy, and the proceeds of a policy
6 of retirement benefits for a self-employed individual,
7 such as a Keough or Individual Retirement Account, are
8 exempt from execution and attachment."

RICHARD VANDE HOEF
KENNETH SCOTT
JOHN W. JENSEN
JACK W. HESTER
ALVIN V. MILLER
AL STURGEON
WILMER RENSINK

BERL E. PRIEBE
EUGENE S. FRAISE

HOUSE AMENDMENT TO
SENATE FILE 493

S-3651

- 1 Amend Senate File 493 as amended, passed, and
2 reprinted by the Senate as follows:
- 3 1. Page 2, by inserting after line 12 the follow-
4 ing:
5 "Interest accrued by the fund shall be credited to
6 and deposited in the fund."
- 7 2. Page 2, by striking lines 24 through 29 and
8 inserting the following:
9 "3. Establish regions that have the same area
10 boundaries as that of the regional coordinating
11 councils established pursuant to section 28.101,
12 subsection 2."
- 13 3. Page 3, by striking lines 8 through 11 and
14 inserting the following:
15 "8. a. Ensure that all operations of the board
16 and corporations authorized under this part comply
17 with the affirmative action requirements of chapter
18 19B.
19 b. Ensure that all loans guaranteed under this
20 part are disbursed and collected without
21 discrimination and in accordance with section 601A.10,
22 subsection 2.
23 c. Ensure that the loans guaranteed under this
24 part are disbursed and utilized in accordance with the
25 targeted small business set-aside requirements of
26 sections 73.15 through 73.21."
- 27 4. Page 3, line 12, by striking the words
28 "Coordinate the adoption of uniform" and inserting the
29 following: "Adopt".
- 30 5. Page 3, by striking line 14 and inserting the
31 following: "and the direction of the corporations for
32 the uniform implementation of this part. These
33 rules".
- 34 6. Page 4, line 10, by inserting after the word
35 "of" the following: "moneys allocated to it from".
- 36 7. Page 4, by striking lines 11 through 26.
37 8. Page 4, line 27, by striking the figure "4."
38 and inserting the following: "b."
39 9. Page 4, line 29, by striking the figure "5."
40 and inserting the following: "c."

41 10. Page 4, line 32, by striking the figure "6."
 42 and inserting the following: "d."
 43 11. Page 5, line 2, by striking the figure "7."
 44 and inserting the following: "e."
 45 12. Page 5, line 4, by striking the figure "8."
 46 and inserting the following: "f."
 47 13. Page 5, by inserting after line 5 the
 48 following:
 49 "g. Coordinate its activities with the small
 50 business development centers, institutions under the

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1 control of the boards of regents, private colleges and
 2 universities and other public entities that are
 3 interested in economic development."
 4 14. Page 5, by inserting after line 27 the
 5 following:
 6 "Sec. ____ . **NEW SECTION. 15.268 NO RESTRICTION.**
 7 Nothing in this part shall be construed so as to
 8 restrict any corporation from fulfilling the purpose
 9 of this part if that corporation has not received
 10 state moneys under this part."
 11 15. By renumbering, relettering, or redesignating
 12 and correcting internal references as necessary.

**HOUSE AMENDMENT TO
 SENATE FILE 282**

S-3652

1 Amend Senate File 282 as amended, passed, and
 2 reprinted by the Senate as follows:
 3 1. Page 1, by inserting after line 16 the
 4 following:
 5 "Sec. 2. Section 708.2, Code 1987, is amended by
 6 adding the following new subsection after subsection 1
 7 and renumbering the subsequent subsections:
 8 **NEW SUBSECTION. 2.** A person who commits an
 9 assault, as defined in section 708.1, and uses or
 10 displays a firearm in connection with the assault, is
 11 guilty of an aggravated misdemeanor. A person may not
 12 be convicted and sentenced for a violation of both
 13 this subsection and section 708.6 or 708.8 as a result
 14 of the same incident.
 15 Sec. 3. **NEW SECTION. 718.7 TRAINING IN THE USE**
 16 **OF WEAPONS OR EXPLOSIVES FOR USE IN CIVIL DISORDER**
 17 **PROHIBITED.**

18 1. As used in this section:

19 a. "Civil disorder" means any public disturbance
20 involving acts of violence which causes an immediate
21 danger of or results in damage or injury to any real
22 or personal property or person.

23 b. "Dangerous weapon" means a dangerous weapon as
24 defined in section 702.7.

25 c. "Explosive" means an explosive as defined in
26 section 101A.1.

27 d. "Offensive weapon" means an offensive weapon as
28 defined in section 724.1.

29 2. A person shall not:

30 a. Teach or demonstrate to any other person the
31 use, application, or manufacture of any dangerous
32 weapon, offensive weapon, explosive, or technique
33 capable of causing injury or death to persons, knowing
34 or having reasonable cause to know and intending that
35 the weapon, explosive, or technique will be unlawfully
36 employed for use in or in furtherance of a civil
37 disorder.

38 b. Assemble with one or more persons for the
39 purpose of training with, practicing with, or being
40 instructed in the use of any dangerous weapon,
41 offensive weapon, explosive, or technique capable of
42 causing injury or death to persons, intending to
43 employ the weapon, explosive, or technique unlawfully
44 for use in or in furtherance of a civil disorder.

45 3. A person convicted of a violation of this
46 section is guilty of a class "D" felony.

47 4. This section shall not apply to:

48 a. A peace officer of this or any other state in
49 the lawful performance of the officer's official
50 duties.

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1 b. A federal official required to carry firearms
2 while engaged in the lawful performance of the
3 official's official duties.

4 c. A member of the armed forces of the United
5 States or of the national guard while engaged in the
6 lawful performance of the member's official duties.

7 d. The conservation commission or any law
8 enforcement agency, hunting club, gun club, shooting
9 range, or any other organization or entity whose
10 primary purpose is to teach the safe handling or use
11 of firearms, archery equipment, or other weapons or
12 techniques employed in connection with lawful sporting
13 or other lawful activity."

14 2. Page 3, line 6, by striking the word

- 15 "container" and inserting the following:
 16 "container₁".
 17 3. Title page, line 1, by striking the words "to
 18 revise" and inserting the following: "relating to
 19 dangerous weapons, offensive weapons, and explosives,
 20 by providing an enhanced penalty for assault when a
 21 firearm is used or displayed, by prohibiting
 22 instruction in the use of weapons or explosives for
 23 use in civil disorder, and by revising".
 24 4. By renumbering as required.

HOUSE AMENDMENT TO
 SENATE FILE 374

S-3653

- 1 Amend Senate File 374, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 5, by inserting after line 30 the
 4 following:
 5 "Sec. ____ . Section 99B.1, subsection 16, Code
 6 1987, is amended to read as follows:
 7 16. "Division" means the racine and gaming
 8 division of the department of commerce.
 9 Sec. ____ . Section 99B.19, Code 1987, is amended to
 10 read as follows:
 11 99B.19 ATTORNEY GENERAL AND COUNTY ATTORNEY.
 12 Upon request of the racine and gaming division of
 13 the department of commerce or the division of criminal
 14 investigation of the department of public safety, the
 15 attorney general shall institute in the name of the
 16 state the proper proceedings against a person charged
 17 by either department with violating this chapter, and
 18 a county attorney, at the request of the attorney
 19 general, shall appear and prosecute an action when
 20 brought in the county attorney's county.
 21 Sec. ____ . Section 99B.20, Code 1987, is amended to
 22 read as follows:
 23 99B.20 DIVISION OF CRIMINAL INVESTIGATION.
 24 The division of criminal investigation of the
 25 department of public safety may investigate to
 26 determine licensee compliance with the requirements of
 27 this chapter. Investigations may be conducted either
 28 on the criminal investigation division's own
 29 initiative or at the request of the racine and gaming
 30 division of the department of commerce. The criminal
 31 investigation division and the racine and gaming
 32 division shall cooperate to the maximum extent

33 possible on an investigation.

34 Sec. ____ . Section 99D.6, Code 1987, is amended to
35 read as follows:

36 99D.6 CHAIRPERSON -- ADMINISTRATOR -- EMPLOYEES --
37 DUTIES -- BOND.

38 The commission shall elect in July of each year one
39 of its members chairperson for the succeeding year.

40 The commission shall appoint an administrator of the
41 racing and gaming division of the department of
42 commerce subject to confirmation by the senate. The
43 administrator shall serve a four-year term. The term
44 shall begin and end in the same manner as set forth in
45 section 69.19. A vacancy shall be filled for the
46 unexpired portion of the term in the same manner as a
47 full-term appointment is made. The administrator may
48 hire other assistants and employees as necessary to
49 carry out the division's duties. Some or all of the
50 information required of applicants in section 99D.8A,

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1 subsections 1 and 2, may also be required of employees
2 of the division if the commission deems it necessary.
3 The administrator shall keep a record of the
4 proceedings of the commission, and preserve the books,
5 records, and documents entrusted to the
6 administrator's care. The commission shall require
7 the administrator to post a bond in a sum it may fix,
8 conditioned upon the faithful performance of the
9 administrator's duties. Subject to the approval of
10 the governor, the commission shall fix the
11 compensation of the administrator within salary range
12 five as set by the general assembly. The division
13 shall have its headquarters in the city of Des Moines,
14 and shall meet in July of each year and at other times
15 and places as it finds necessary for the discharge of
16 its duties."

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

19 "Sec. ____ . Section 327A.17, Code 1987, is amended
20 to read as follows:

21 327A.17 RULES.

22 The Pursuant to chapter 17A, the department may by
23 ~~general order or otherwise~~ prescribe rules applicable
24 to liquid transport carriers. The ~~state~~ department
25 may prescribe and enforce safety rules in the
26 operation of liquid transport carriers and require a
27 periodic inspection of the equipment of every liquid
28 transport carrier from the standpoint of enforcement
29 of safety rules, and the equipment shall be at all

30 times subject to inspection by ~~properly authorized~~
 31 ~~representatives of~~ the department.”

32 3. Page 25, by inserting after line 15 the
 33 following:

34 “Sec. ____ . Section 546.6, Code 1987, is amended to
 35 read as follows:

36 546.6 RACING AND GAMING DIVISION.

37 The racing and gaming division shall combine and
 38 coordinate the supervision of pari-mutuel betting and
 39 the conducting of games of skill, games of chance, or
 40 raffles in the state. The division shall enforce and
 41 implement chapters 99B and 99D. The division is
 42 headed by the administrator of racing and gaming who
 43 shall be appointed pursuant to section 99D.6. The
 44 state racing commission shall perform duties within
 45 the division as prescribed in chapter 99D.”

46 4. Page 25, by inserting after line 21 the
 47 following:

48 “Sec. ____ . Section 601K.1, subsection 3, Code
 49 1987, is amended to read as follows:

50 3. Division ~~of~~ on the status of women.”

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1 5. Page 26, by inserting after line 3 the
 2 following:

3 “Sec. ____ . Section 601K.51, subsections 2 and 3,
 4 Code 1987, are amended to read as follows:

5 2. “Division” means the division ~~of~~ on the status
 6 of women of the department of human rights.

7 3. “Administrator” means the administrator of the
 8 division ~~of~~ on the status of women of the department
 9 of human rights.”

10 6. Page 26, by inserting after line 13 the
 11 following:

12 “Sec. ____ . Section 601K.112, unnumbered paragraph
 13 1, Code 1987, is amended to read as follows:

14 A commission on the deaf is established, consisting
 15 of seven members appointed by the governor, subject to
 16 confirmation by the senate. Lists of nominees for
 17 appointment to membership on the commission shall be
 18 submitted by the Iowa association ~~for~~ of the deaf, the
 19 Iowa school for the deaf, and the commission of
 20 persons with disabilities. At least four members
 21 shall be persons who cannot hear human speech with or
 22 without use of amplification. All members shall
 23 reside in Iowa. The members of the commission shall
 24 appoint the chairperson of the commission. A majority
 25 of the members of the commission ~~shall constitute~~
 26 constitutes a quorum.

27 Sec. ____ . Section 601K.114, subsections 1 through
28 3, Code 1987, are amended to read as follows:

29 1. Interpret to communities and to interested
30 persons the needs of the deaf and how their needs may
31 be met through the use of ~~resource workers~~ service
32 providers.

33 2. Obtain without additional cost to the state
34 available office space in public and private agencies
35 which ~~resource workers~~ service providers may utilize
36 in carrying out service projects for deaf persons.

37 3. Establish service projects for deaf persons
38 throughout the state. Projects shall not be
39 undertaken by ~~resource workers~~ service providers for
40 compensation which would duplicate existing services
41 when those services are available to deaf people
42 through paid interpreters or other persons able to
43 communicate with deaf people.

44 As used in this section, "service projects"
45 includes interpretation services for persons who are
46 deaf, referral and counseling services for deaf people
47 in the areas of adult education, legal aid,
48 employment, medical, finance, housing, recreation, and
49 other personal assistance and social programs.

50 "~~Resource workers~~ Service providers" are persons

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1 who, ~~on a volunteer basis or for compensation or on a~~
2 volunteer basis, carry out service projects."

3 7. Page 26, by inserting after line 31 the
4 following:

5 "Sec. ____ . Section 610.1, Code 1987, is amended to
6 read as follows:

7 610.1 AFFIDAVIT -- CONTENTS -- TOLLING OF
8 LIMITATIONS.

9 A court of the district court, court of appeals, or
10 supreme court shall authorize the commencement,
11 prosecution, or defense of a suit, action, proceeding,
12 or appeal, whether civil or criminal, without the
13 prepayment of fees, costs, or security upon a showing
14 that the person is unable to pay such costs or give
15 security. The person shall submit an affidavit
16 stating the nature of the suit, action, proceeding, or
17 appeal and the affiant's belief that there is an
18 entitlement to redress. Such affidavit shall also
19 include a brief financial statement showing the
20 person's inability to pay costs, fees, or give
21 security. Any authorization to proceed without
22 prepayment of fees, costs, or security under this
23 chapter may be made by the court without hearing. The

24 filing of an affidavit to proceed without the
25 prepayment of fees, costs, or security tolls the
26 applicable statute of limitations. Upon the denial of
27 an application and affidavit to proceed without the
28 prepayment of fees, costs, or security, the person
29 shall have the remainder of the limitations period in
30 which to pay fees, costs, or give security. This
31 section does not allow the deferral of the cost of a
32 transcript.
33 8. By renumbering as necessary.

S-3654

1 Amend the amendment, S-3570, to House File 617, as
2 amended, passed, and reprinted by the House, as
3 follows:
4 1. Page 1, by striking lines 5 through 27 and
5 inserting the following:
6 "Sec. ____ . NEW SECTION. 525.1 SHORT TITLE.
7 This division, sections 525.1 through 525.11, may
8 be cited as the "Iowa Regional Interstate Banking
9 Act".
10 Sec. ____ . NEW SECTION. 525.2 DEFINITIONS.
11 As used in this division, unless the context
12 requires otherwise:
13 1. "Acquire" means to do one or more of the
14 following:
15 a. Obtain control.
16 b. Obtain all or substantially all of the assets
17 of a bank or bank holding company.
18 c. Assume all liabilities for deposits of a bank.
19 d. Merge or consolidate with a bank or bank
20 holding company.
21 2. "Bank" means a bank, as that term is defined in
22 section 524.103, subsection 5, and includes national
23 banking associations.
24 3. "Bank holding company" means a bank holding
25 company as defined or referred to in the Bank Holding
26 Company Act of 1956, 12 U.S.C. § 1841 et seq., as
27 amended to January 1, 1971.
28 4. "Control" means the power, directly or
29 indirectly, to do one or more of the following:
30 a. Direct or exercise a controlling influence over
31 the management or policies of a bank or bank holding
32 company or the election of a majority of the directors
33 of a bank or bank holding company.
34 b. Vote twenty percent or more of any class of
35 voting securities of a bank or bank holding company.
36 5. "Division" means the division of banking of the

37 department.

38 6. "Equity capital" means the sum of common stock,
39 preferred stock, and surplus and undivided profits.

40 7. "Financial institution" means any of the
41 following:

42 a. A state bank organized in this state or another
43 state.

44 b. A national banking association.

45 c. A savings and loan association or other thrift
46 institution organized in this state or another state,
47 or under federal law.

48 d. A credit union organized in this state or
49 another state, or under federal law if a community
50 charter has been granted by the superintendent of

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1 credit unions.

2 8. "Midwestern region" means the states of
3 Illinois, Iowa, Kansas, Michigan, Minnesota, Missouri,
4 Nebraska, North Dakota, South Dakota, and Wisconsin.

5 9. "Out-of-state bank" means a bank whose
6 principal place of business is located in or whose
7 operations are principally conducted in a state other
8 than this state.

9 10. "Out-of-state bank holding company" means an
10 out-of-state bank holding company as defined or
11 referred to in 12 U.S.C. § 1842(d), as amended to
12 January 1, 1971.

13 11. "Principal place of business" means the state
14 in which operations are principally conducted.
15 Operations are principally conducted in the state
16 where the largest percentage of aggregate deposits of
17 a bank or all subsidiaries of a bank holding company
18 are held.

19 12. "Regional bank" means a bank located in the
20 midwestern region.

21 13. "Regional bank holding company" means a bank
22 holding company located in the midwestern region.

23 14. "Subsidiary" means a subsidiary as defined or
24 referred to in 12 U.S.C. § 1841(d), as amended to
25 January 1, 1987.

26 15. "Superintendent" means the superintendent of
27 the division of banking of the department.

28 Sec. ____ . **NEW SECTION. 525.3 OUT-OF-STATE BANK**
29 **HOLDING COMPANIES.**

30 An out-of-state bank or bank holding company shall
31 not acquire any of the voting shares of, any interest
32 in, all or substantially all of the assets of, or
33 power to control in any manner the election of any of

34 the directors of a bank in this state, except as
35 provided in sections 525.4 through 525.11, unless the
36 out-of-state bank holding company was on January 1,
37 1971, registered with the federal reserve board as a
38 bank holding company, and on that date owned at least
39 two banks in this state.

40 Sec. ____ . NEW SECTION. 525.4 REGIONAL RECIPROCAL
41 INTERSTATE BANKING.

42 1. A regional bank or regional bank holding
43 company may, upon the approval of the superintendent,
44 acquire a bank or bank holding company doing business
45 in this state, provided that all of the conditions of
46 this division are met.

47 2. A regional bank or regional bank holding
48 company seeking to acquire a bank or bank holding
49 company in this state must submit an application to
50 the superintendent, in a form approved by the

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1 superintendent, containing all of the following
2 information:

3 a. The identity, personal history, business
4 background, and experience of each person by whom or
5 on whose behalf the acquisition is to be made,
6 including the person's material business activities
7 and affiliations during the past five years, and a
8 description of any material pending legal or
9 administrative proceedings in which the person is a
10 party and any criminal indictment or conviction of
11 that person by a state or federal court.

12 b. A statement of the assets and liabilities of
13 each person by whom or on whose behalf the acquisition
14 is to be made, as of the end of the fiscal year for
15 each of the five years immediately preceding the date
16 of the notice, together with related statements of
17 income, sources, and applications of funds for each of
18 the fiscal years then concluded, all prepared in
19 accordance with generally accepted accounting
20 principles consistently applied, and an interim
21 statement of the assets and liabilities for each
22 person, together with related statements of income,
23 sources, and applications of funds as of a date not
24 more than ninety days prior to the date of the filing
25 of the application.

26 c. The terms and conditions of the proposed
27 acquisition and the manner in which the acquisition is
28 to be made.

29 d. The identity, source, and amount of the funds
30 or other consideration to be used in making the

31 acquisition, and if any part of these funds or other
32 consideration has been or is to be borrowed or
33 otherwise obtained for the purpose of making the
34 acquisition, a description of the transaction, the
35 names of the parties, and any arrangements,
36 agreements, or understandings with those persons.
37 e. Any plans or proposals which an acquiring party
38 has to liquidate the bank, to sell its assets or merge
39 it, or make any other major change in its business or
40 corporate structure or management.
41 f. The identification of any person employed,
42 retained, or to be compensated by the acquiring party,
43 or by any person on the acquiring party's behalf, to
44 make solicitations or recommendations to stockholders
45 for the purpose of assisting in the acquisition, and a
46 brief description of the terms of the employment,
47 retainer, or arrangement for compensation.
48 g. Copies of all invitations, tenders, or
49 advertisements making tender offers to stockholders
50 for purchase of their stock to be used in connection

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1 with the proposed acquisition.
2 h. A statement of how the acquisition will bring
3 "net new funds" to this state. The description of net
4 new funds must be filed with the application and
5 annually thereafter included in the annual disclosure
6 form described in section 525.24, and must state the
7 amount of capital funds, including the increase in
8 equity capital that will result from the acquisition.
9 The description must state the net increase in
10 loanable funds expressed as an increase in the total
11 loan to asset ratio of Iowa loans and assets. The
12 statement must also include a discussion of initial
13 capital investments, loan policy, investment policy,
14 dividend policy, and the general plan of business,
15 including the full range of consumer and business
16 services which will be offered by the bank or banks
17 owned by the bank holding company after the
18 acquisition.
19 i. Any additional relevant information in the form
20 the superintendent requires by rule or by specific
21 request in connection with any particular application.
22 j. Unless the applicant is a resident of Iowa, a
23 corporation organized in this state, or a foreign
24 corporation admitted to do business in this state, a
25 written consent to service of process on a resident of
26 this state in any action arising out of the
27 applicant's activities related to this state.

28 k. Evidence of the applicant's compliance in this
29 or other states with the Community Reinvestment Act of
30 1977, 12 U.S.C. § 2901, et seq., and any state
31 community reinvestment statutes or rules applicable to
32 any of the applicant's activities.

33 3. An applicant shall enter into an agreement with
34 the superintendent to provide reports and permit
35 examination of its records to the extent deemed
36 necessary by the superintendent to ensure compliance
37 with the provisions of this chapter and other relevant
38 provisions of the Code and any rules adopted under
39 those provisions. If the applicant or the resulting
40 bank or bank holding company is federally chartered,
41 the agreement may provide that compliance examination
42 information shall be provided by the federal agency
43 responsible for supervision of that bank or bank
44 holding company. The superintendent may specify the
45 information which requires verification, and shall be
46 provided a report of that status of compliance by the
47 federal agency.

48 4. An Iowa bank or Iowa bank holding company which
49 is to be acquired or held, shall have, on the date of
50 acquisition, and shall maintain a minimum equity

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1 capital of not less than one million dollars. Equity
2 capital shall be maintained consistent with sound
3 banking practices.

4 5. An application to be considered for approval by
5 the superintendent must be accompanied by an
6 application fee of five thousand dollars, payable to
7 the treasurer of state. The application fee is to
8 compensate the superintendent for expenses incurred to
9 process the application.

10 Sec. ____ . NEW SECTION. 525.5 SUPERINTENDENT OF
11 BANKING -- RESPONSIBILITIES.

12 1. If a regional bank or bank holding company
13 files an application to acquire an Iowa bank or Iowa
14 bank holding company under this chapter, the
15 superintendent shall do one of the following within
16 ten days of receipt of the application:

17 a. Accept the application for processing.
18 b. Request additional information to complete the
19 application.
20 c. Return the application if it is substantially
21 incomplete.

22 2. If an application is accepted for processing,
23 the superintendent shall immediately notify the
24 applicant and the bank or bank holding company

25 proposed to be acquired of its acceptance of the
26 application and publish notice of the application in
27 the administrative bulletin.

28 3. Within forty days of acceptance of an
29 application for processing, the superintendent shall
30 conduct an investigation into the condition of the
31 applicant and the Iowa bank or Iowa bank holding
32 company to be acquired. The superintendent may
33 request additional information from the applicant and
34 require its production as a precondition to approval
35 of the application. The superintendent may accept
36 public comment on the acquisition.

37 4. In deciding whether to approve an acquisition
38 under this chapter, the superintendent shall condition
39 approval of the application upon a finding of the
40 restrictions in section 525.6 and any other
41 restrictions in this chapter, and all of the following
42 facts:

43 a. That the banks already controlled by the
44 applicant are operated in a safe, sound, and prudent
45 manner.

46 b. That the financial condition of the applicant
47 or any of its affiliates will not jeopardize the
48 financial stability of the Iowa bank or Iowa bank
49 holding company proposed to be acquired.

50 c. That the proposed merger or acquisition will

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1 not result in an Iowa bank that has inadequate
2 capital, unsatisfactory management, or poor earnings
3 prospects.

4 d. That banks already controlled by the applicant
5 have provided adequate and appropriate services
6 including services contemplated by the Community
7 Reinvestment Act of 1977, 12 U.S.C. § 2901 et seq.,
8 and any state or local community reinvestment statutes
9 or rules applicable to the applicant's operations, and
10 if subject to a rating, that the applicant's banks
11 have received ratings equivalent to at least the
12 minimum acceptable rating in section 525.27.

13 e. That the applicant proposes to provide adequate
14 and appropriate services, including services
15 contemplated by the Community Reinvestment Act of
16 1977, 12 U.S.C. § 2901 et seq., and any applicable
17 Iowa community reinvestment requirements or standards.

18 f. That the management or other principals of the
19 applicant are qualified by character and financial
20 responsibility to control and operate in a legal and
21 proper manner the Iowa bank or Iowa bank holding

22 company proposed to be acquired.

23 g. That the interest of the depositors and
24 creditors of the Iowa bank or Iowa bank holding
25 company proposed to be acquired and the interest of
26 the general public will not be jeopardized by the
27 proposed acquisition.

28 h. That the applicant furnished all the
29 information the superintendent required in reaching
30 its decision.

31 i. That the applicant has a record of and proposes
32 adequate activities to ascertain the credit needs of
33 its community, including the extent of efforts to
34 communicate the availability of credit services
35 offered, especially marketing and special credit-
36 related programs to make members of the community
37 aware of the credit services offered.

38 j. That the applicant has no plans or practices
39 intended to discourage applications for types of
40 credit.

41 k. That there is no record of prohibited
42 discriminatory or other illegal practices by the
43 applicant.

44 l. That the applicant has a history of
45 participation, including investments, in local
46 community development and redevelopment projects or
47 programs.

48 m. That the applicant has a favorable history for
49 origination of residential mortgage loans, housing
50 rehabilitation loans, home improvement loans, and

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1 small business or family farm loans within its
2 community, or the purchase of such loans originated in
3 its community.

4 5. If the superintendent determines that the
5 applicant is qualified, the superintendent shall
6 review the laws of the state in which an applicant
7 maintains its principal place of business, and certify
8 the level of reciprocity granted an Iowa bank holding
9 company seeking to acquire a bank or bank holding
10 company in that state. The superintendent may approve
11 an application otherwise complying with this chapter
12 if the superintendent certifies that the state in
13 which the regional bank holding company is located
14 grants reciprocity to Iowa bank holding companies on
15 terms generally as favorable as permitted in this
16 chapter. If the superintendent certifies that the
17 reciprocity is on less favorable terms, then the bank
18 holding company located in a state with less favorable

19 terms shall only acquire an interest in an Iowa bank
20 or Iowa bank holding company to the same extent as an
21 Iowa bank holding company may acquire an interest in a
22 bank in the state where the regional bank holding
23 company is located.

24 6. The superintendent shall issue an order either
25 approving or disapproving an application. The order
26 shall include findings of fact based upon the
27 application, investigation, public comments, or other
28 submittals or evidence considered. An order
29 disapproving an application shall list the reasons for
30 disapproval. An order approving an application shall
31 include any reciprocity conditions or limitations
32 consistent with the superintendent's certification
33 under subsection 5.

34 7. Appeals from a decision of the superintendent
35 shall be pursuant to chapter 17A.

36 Sec. —. NEW SECTION. 525.6 RESTRICTIONS ON
37 ACQUISITIONS.

38 1. A regional bank or bank holding company may not
39 acquire an Iowa bank or Iowa bank holding company
40 under this chapter if, following the acquisition, the
41 acquired bank or the Iowa banks controlled by the
42 regional bank or bank holding company, and all Iowa
43 affiliates of the acquired bank or controlled banks,
44 would hold a percentage of the total deposits in all
45 Iowa banks larger than the percentage permitted under
46 subsection 2.

47 2. The percentage referred to in subsection 1 is:

48 a. Ten percent before July 1, 1989.

49 b. Eleven percent on or after July 1, 1989, and
50 before July 1, 1990.

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1 c. Twelve percent on or after July 1, 1990.

2 3. A regional bank or bank holding company shall
3 not acquire either of the following:

4 a. An Iowa bank under this chapter unless the Iowa
5 bank has been in existence and continuously operated
6 as a bank for five or more years.

7 b. An Iowa bank holding company under this chapter
8 unless each of the Iowa bank holding company's Iowa
9 bank subsidiaries has been in existence and
10 continuously operated as a bank for five or more
11 years.

12 4. However, for purposes of this section, a bank
13 shall be considered to have been in existence and
14 continuously operated as a bank for five or more years
15 if either of the following apply:

16 a. The bank is a new bank as a result of a
 17 consolidation of banks each of which had been in
 18 existence and continuously operated as a bank for five
 19 or more years before the consolidation.

20 b. The bank was organized solely for the purpose
 21 of facilitating the acquisition of another bank that
 22 had been in existence and continuously operated as a
 23 bank for five or more years before the acquisition.

24 5. This section does not apply to acquisitions of
 25 a troubled bank. A troubled bank is a bank which the
 26 superintendent reasonably believes will fail without
 27 assistance or an acquisition, or a bank which has
 28 failed.

29 Sec. ____ . NEW SECTION. 525.7 BASIC SERVICES
 30 TRANSACTION ACCOUNT.

31 A bank controlled by a regional bank or regional
 32 bank holding company must offer a basic services
 33 transaction account to eligible individuals. For
 34 purposes of this section:

35 1. "Basic services transaction account" means a
 36 transaction account that has no initial or periodic
 37 service fees, allows at least six checks per month to
 38 be drawn on the account without charge, and allows at
 39 least six free electronic funds transfer transactions
 40 per month; and for additional checks or electronic
 41 funds transfer transactions, service fees must not
 42 exceed the lowest fee for similar services charged by
 43 the bank for other than basic accounts.

44 2. "Eligible individual" means a person whose
 45 annual family income is less than the federal poverty
 46 income guidelines as published annually in the Federal
 47 Register.

48 Sec. ____ . NEW SECTION. 525.8 DEVELOPMENTAL
 49 LOANS.

50 A bank located in this state shall provide a level

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1 of developmental loans as defined by the
 2 superintendent by rule. "Developmental loans" include
 3 but are not limited to the following:

4 1. Loans for low and moderate income housing,
 5 loans to community development corporations, loans to
 6 targeted small businesses, student education loans,
 7 and alternative energy or energy conservation loans.

8 2. Loans within a distressed area or on an Indian
 9 reservation for a commercial nonreal estate purpose,
 10 home loans, home improvement loans, and operating
 11 loans to family farmers. The director shall annually
 12 designate distressed areas. A distressed area may be

13 made for a geographic region smaller than a county.
14 The determination of a distressed area should be made
15 on the area's unemployment rate, economic conditions,
16 and credit needs.

17 Sec. ____ . NEW SECTION. 525.9 LOCAL ADVISORY
18 BOARD.

19 A regional bank or bank holding company acquiring
20 an Iowa bank or Iowa bank holding company pursuant to
21 this division shall establish a five-person advisory
22 board of directors for each bank acquired if the bank
23 is not continued as a separately organized or
24 chartered bank with its own board of directors.
25 Members of the advisory board or a majority of the
26 members of the board of directors of a bank continued
27 as a separately organized or chartered bank with its
28 own board, shall be appointed from the basic service
29 area, as determined under section 525.24, of the
30 acquired bank. The advisory board or the board of
31 directors shall make recommendations to the bank or
32 bank holding company regarding policies to better
33 serve the acquired bank's basic service area.

34 Sec. ____ . NEW SECTION. 525.10 PROHIBITIONS.

35 A person who violates a provision of this division,
36 or a rule adopted under this division, is subject to a
37 civil penalty of not more than one thousand dollars
38 per day for each day the violation continues. The
39 superintendent shall report the violation and the
40 results of any investigation to the attorney general,
41 who may institute a civil action on behalf of the
42 state to enforce this division in the county in which
43 the violation occurs or Polk county.

44 Sec. ____ . NEW SECTION. 525.11 NONSEVERABILITY.

45 If it is ultimately determined that the reciprocity
46 limitation in section 525.4 is invalid, then all of
47 sections 525.4 through 525.10 are void and no
48 reciprocity is allowed. However, if sections 525.4
49 through 525.10 become void, a regional bank or bank
50 holding company which directly or indirectly owns

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1 voting shares, an interest in, or control of a bank
2 located in Iowa may maintain the interest and may
3 expand its holdings not to exceed the limitations
4 contained in section 524.1802.

5 Sec. ____ . NEW SECTION. 525.21 SHORT TITLE.

6 This division, sections 525.21 through 525.29, may
7 be cited as the "Iowa Community Reinvestment Act".

8 Sec. ____ . NEW SECTION. 525.22 DEFINITIONS.

9 As used in this division, unless the context

10 requires otherwise:

11 1. "Basic service area" means the area determined
12 as provided in section 525.24.

13 2. "Financial institution" means any of the
14 following:

15 a. A state bank organized in this state or another
16 state.

17 b. A national banking association.

18 c. A savings and loan association or other thrift
19 institution organized in this state or another state,
20 or under federal law.

21 d. A credit union organized in this state or
22 another state, or under federal law if a community
23 charter has been granted by the superintendent of
24 credit unions.

25 3. "Regulator" means one of the following:

26 a. The superintendent of the division of banking
27 of the department for banks organized or regulated
28 under chapter 524.

29 b. The superintendent of the division of savings
30 and loan associations of the department for savings
31 and loan associations organized or regulated under
32 chapter 534.

33 c. The superintendent of the division of credit
34 unions of the department for credit unions organized
35 or regulated under chapter 533.

36 Sec. ____ . **NEW SECTION. 525.23 COMMUNITY**
37 **REINVESTMENT RESPONSIBILITY.**

38 A financial institution shall meet the credit needs
39 and deposit needs of the community or communities in
40 which it is located, including low-income and
41 moderate-income neighborhoods, as determined under
42 section 525.25, and rural areas within the financial
43 institution's basic service area, consistent with safe
44 and sound operations of the financial institution.

45 Sec. ____ . **NEW SECTION. 525.24 ANNUAL COMMUNITY**
46 **REINVESTMENT DISCLOSURE REPORT AND PUBLIC NOTICE.**

47 A financial institution shall submit to its
48 regulator an annual statement in a form determined by
49 the regulator. The regulator shall develop procedures
50 to ensure that the financial institution's statement

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1 is available and accessible for examination by
2 citizens. The regulator shall adopt procedures for
3 receiving information related to a financial
4 institution's commitment to community reinvestment and
5 for receiving challenges from any person to a
6 financial institution's continued eligibility under

7 sections 453.6A and 525.27.

8 At least once a year the regulator shall review any
9 challenges that have been filed concerning a financial
10 institution's continued eligibility. The regulator
11 may hold a public hearing to consider the challenge.
12 In considering a challenge, the regulator shall review
13 documents filed with federal regulatory authorities
14 pursuant to the federal Community Reinvestment Act, 12
15 U.S.C. § 2901 et seq. and regulations adopted pursuant
16 to the Act, as amended to January 1, 1984, and
17 documents filed with the state, by financial
18 institutions and other persons, pursuant to sections
19 525.21 through 525.28.

20 1. The annual statement filed with the state shall
21 be called the "annual community reinvestment
22 disclosure report". The annual community reinvestment
23 disclosure report form adopted by the regulator shall
24 substitute for the written statement required by
25 section 453.6A. The report shall contain the bank's
26 statement describing the following activities for the
27 past year:

28 a. Activities conducted to determine the credit
29 needs of the community.

30 b. Marketing and special credit-related programs
31 to make citizens in the community aware of the credit
32 services offered.

33 c. Practices intended to discourage application
34 for types of credit set forth in the annual community
35 reinvestment disclosure report.

36 d. Geographic distribution of credit extensions,
37 credit applications, and credit denials.

38 e. Evidence of prohibited discriminatory or other
39 illegal credit practices.

40 f. Participation in local community development
41 and redevelopment projects.

42 g. Origination or purchase of residential mortgage
43 loans, housing rehabilitation loans, home improvement
44 loans, and business or farm loans within the
45 community.

46 h. Ability to meet various community credit needs
47 based on financial condition, size, legal impediments,
48 and local economic conditions.

49 The annual community reinvestment disclosure report
50 shall additionally describe the following:

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1 2. The credit needs of the community served by the
2 financial institution, and the method by which this
3 determination was made. The regulator may by rule
4 stipulate a method to determine the credit needs of a
5 community served by a financial institution.

6 3. The methods used to market to the community the
7 credit services offered by the financial institution.

8 4. A description of how services actually provided
9 by the financial institution satisfied the needs
10 described under subsection 2.

11 5. The financial institution's participation, if
12 eligible to participate, in local, state, and federal
13 business and economic development programs, small
14 business assistance programs, programs addressing the
15 financial needs of minorities, and programs that meet
16 the specific credit needs of rural communities,
17 including but not limited to the rural economic
18 development program and the rural agricultural
19 diversification linked-deposit program. The regulator
20 may specify by rule which programs must be included in
21 the report.

22 A financial institution shall delineate the local
23 community or communities that comprise its basic
24 service area. The basic service area so claimed is
25 subject to the approval of the regulator. The
26 regulator may order an expansion or contraction of a
27 financial institution's basic service area if the
28 regulator finds the claimed area does not correspond
29 to the territory in fact served by the institution.
30 The regulator shall adopt rules for determination of
31 the basic service area based on a financial
32 institution's facilities, business practices, and the
33 location, distribution, and concentration of the
34 institution's borrowers and depositors.

35 A financial institution shall provide a public
36 notice in the lobby of each of its facilities which
37 requests the public to submit comments to the
38 financial institution regarding its community lending
39 activities. Each institution shall maintain a file
40 open to public inspection which contains the five most
41 recent annual community reinvestment disclosure
42 reports, public comments received on its community
43 investment activities, and the institution's response
44 to those comments.

45 Sec. ____ . **NEW SECTION. 525.25 COMMUNITY**
46 **REINVESTMENT DISCLOSURE REQUIREMENTS.**

47 A financial institution with more than ten million
48 dollars of assets shall disclose as part of its annual
49 community reinvestment disclosure report the following
50 if and to the extent the financial institution is

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1 permitted to engage in the listed activity:

2 1. The number and aggregate dollar amount of
3 housing, commercial, small business, agricultural, and
4 consumer loans originated in the state in which the
5 financial institution's principal place of business is
6 located.

7 2. The number and aggregate dollar amount of
8 housing, commercial, small business, agricultural, and
9 consumer loans originated in this state.

10 3. The number and aggregate dollar amount of
11 housing, commercial, small business, agricultural, and
12 consumer loans originated within low-income and
13 moderate-income neighborhoods within the institution's
14 basic service area. The regulator may by rule or
15 decision determine the geographic boundaries of low-
16 income and moderate-income neighborhoods within the
17 state, or criteria for designating low-income and
18 moderate-income neighborhoods within a financial
19 institution's basic service area.

20 Sec. ____ . NEW SECTION. 525.26 COMMUNITY
21 REINVESTMENT RATING SYSTEM.

22 The regulator shall adopt rules, not later than
23 January 1, 1989, for a community reinvestment rating
24 system for financial institutions, to be based upon a
25 review of the information provided in a financial
26 institution's annual community reinvestment disclosure
27 report, and other information which the regulator
28 finds to be relevant. The system must at minimum
29 provide for an unacceptable community reinvestment
30 rating, a minimum acceptable community reinvestment
31 rating, and a top rating for exemplary community
32 reinvestment, and the information shall be public
33 information. The rating system may contain more steps
34 than an unacceptable rating, a minimum acceptable
35 rating, and an exemplary rating.

36 Sec. ____ . NEW SECTION. 525.27 ELIGIBILITY FOR
37 PARTICIPATION IN CERTAIN STATE PROGRAMS CONDITIONED ON
38 COMMUNITY REINVESTMENT GUIDELINES.

39 After July 1, 1989, unconditional eligibility for
40 financial institutions to participate in the following
41 programs is conditioned upon achieving a minimum
42 acceptable community reinvestment rating under section
43 525.26 and preference is given for financial
44 institutions achieving higher ratings, with the
45 highest preferences given to financial institutions
46 with an exemplary rating:

47 1. Deposit of public funds, including state
48 treasury funds and the funds of political

49 subdivisions.

50 2. State loan guarantee programs.

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1 3. State interest rate buy-down programs.
2 4. Other financial programs offered through the
3 use of state funds.
4 A financial institution not meeting a minimum
5 acceptable community reinvestment rating may receive
6 conditional approval for eligibility for such programs
7 provided that the financial institution develops a
8 proposal for improving its community reinvestment
9 rating to an acceptable level within a period of no
10 more than two years and the proposal is approved by
11 the regulator.

12 After July 1, 1989, eligibility for a financial
13 institution to extend its service territory, acquire
14 or merge with another financial institution, build or
15 acquire a new facility, transfer a home office, or
16 take other action requiring approval of the financial
17 institution's state regulator is conditioned upon
18 achieving at least a minimum acceptable community
19 reinvestment rating. The regulator may condition
20 approval or degree of approval on higher community
21 reinvestment ratings, and may grant approval for an
22 action of a financial institution receiving less than
23 an acceptable community reinvestment rating if the
24 regulator finds that the action is an essential part
25 of a proposal approved by the regulator for improving
26 the financial institution's community reinvestment
27 rating to an acceptable level within a period of no
28 more than two years.

29 Sec. ____ . NEW SECTION. 525.28 COMMUNITY
30 REINVESTMENT TASK FORCE ESTABLISHED.

31 A community reinvestment task force is established
32 to recommend a community reinvestment rating system to
33 the regulators which will encourage financial
34 institutions to invest in their communities and to
35 meet the requirements of this division. The task
36 force shall also recommend appropriate uses of a
37 rating system including incentives and disincentives
38 for various levels of performance. The community
39 reinvestment task force shall be composed of seven
40 individuals selected for their knowledge of the
41 financial needs of Iowa's business, farm, and consumer
42 communities, with none having a financial interest in
43 or position with a financial institution. The
44 majority and minority leaders in the senate and the
45 speaker and the minority leader in the house of

46 representatives shall each appoint one member and the
 47 governor shall appoint three members of the task
 48 force. The task force shall report its
 49 recommendations to the regulators not later than July
 50 1, 1988, and submit proposed rules to each division to

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1 implement the recommendations. The department and the
 2 legislative service bureau shall provide staff support
 3 to the task force.

4 Sec. ____ . Section 524.1805, Code 1987, is
 5 repealed.

6 Sec. ____ . The Code editor shall codify new
 7 sections 525.1 through 525.11 as division I of chapter
 8 525.

9 Sec. ____ . The Code editor shall codify new
 10 sections 525.21 through 525.28 as division II of
 11 chapter 525."

12 3. Title page, line 1, by inserting after the
 13 word "institutions" the following: "and imposing
 14 penalties".

15 4. By renumbering, relettering, or redesignating
 16 and correcting internal references as necessary.

MICHAEL E. GRONSTAL

S-3655

1 Amend the amendment, S-3632, to House File 499, as
 2 amended, passed, and reprinted by the House, as
 3 follows:

4 1. Page 1, by inserting after line 8 the
 5 following:

6 " ____ . Page 3, line 16, by striking the words "the
 7 minimum salary" and inserting the following: "teacher
 8 salaries".

9 ____ . Page 3, by inserting after line 20 the
 10 following:

11 "For the school year beginning July 1, 1987, the
 12 salary of each full-time teacher whose regular
 13 compensation is less than a minimum annual salary
 14 determined based upon the moneys allocated for phase I
 15 for that school year shall be increased by a uniform
 16 percent, not exceeding regular compensation equal to
 17 the minimum annual salary, in the manner provided in
 18 this section and section 294A.6."

19 ____ . Page 3, line 21, by striking the figure
 20 "1987" and inserting the following: "1988"."

- 21 2. Page 1, by striking lines 19 through 23 and
 22 inserting the following:
 23 “___ . Page 3, by striking lines 22 through 24 and
 24 inserting the following: “school years, school
 25 districts and area education agencies shall pay the
 26 minimum annual salary to full-time teachers as regular
 27 compensation.””
 28 3. Page 1, by inserting after line 31 the
 29 following:
 30 “___ . Page 3, line 30, by inserting after the
 31 word “supplements” the following: “to increase each
 32 eligible teacher’s compensation by ten percent not
 33 exceeding the minimum annual salary.”
 34 4. Page 1, by striking lines 32 through 34 and
 35 inserting the following:
 36 “___ . Page 3, by striking lines 32 and 33 and
 37 inserting the following: “total of the amount needed
 38 for the salary increase under this section plus the
 39 amount required to”.
 40 ___ . Page 4, line 5, by striking the words “shall
 41 be prorated”.”

EDGAR H. HOLDEN

S-3656

- 1 Amend House File 429 as amended, passed, and
 2 reprinted by the House as follows:
 3 1. Page 2, line 18, by striking the word “shall”
 4 and inserting the word “may”.

DONALD V. DOYLE

S-3657

- 1 Amend amendment, S-3493 to House File 499 as
 2 amended, passed and reprinted by the House as follows:
 3 1. Page 18, line 10, by striking the word “six hundred”
 4 and inserting the following: “three hundred one”.

RAY TAYLOR

S-3658

- 1 Amend House File 429, as amended, passed, and re-
2 printed by the House, as follows:
3 1. Page 1, line 7, by striking the word "may" and
4 inserting the word "shall".

DONALD V. DOYLE

S-3659

- 1 Amend House File 429 as amended, passed, and
2 reprinted by the House as follows:
3 1. Page 1, by striking lines 29 and 30 and
4 inserting the following: "321.372, subsection 3, is
5 presumed to be the driver of the vehicle. It is not
6 a".

DONALD V. DOYLE

S-3660

- 1 Amend amendment, S-3488, to House File 600 as
2 amended, passed and reprinted by the House as follows:
3 1. Page 1, by inserting after line 15 the
4 following:
5 "____. Page 3, by inserting after line 20 the
6 following:
7 "Sec. ____ . Section 47.2, Code 1987, is amended by
8 adding the following new subsection:
9 NEW SUBSECTION. 6. Notwithstanding subsection 2,
10 the county commissioner of elections shall conduct the
11 regular school election and regular city election in
12 the precincts in that county.""
13 2. Page 1, by inserting after line 26 the
14 following:
15 "____. Page 6, by inserting after line 20 the
16 following:
17 "Sec. ____ . Section 49.30, Code 1987, is amended by
18 adding the following new unnumbered paragraph:
19 NEW UNNUMBERED PARAGRAPH. However, at the regular
20 school election and the regular city election,
21 separate ballots may be provided for the school
22 election and the city election.""
23 3. Page 3, by striking line 20 and inserting the
24 following: "at the time of the canvass of the
25 election.

26 Sec. ____ . Section 52.24, Code 1987, is amended to
27 read to read as follows:

28 52.24 WHAT STATUTES APPLY --SEPARATE BALLOTS.

29 All of the provisions of the election law not
30 inconsistent with the provisions of this chapter shall
31 apply with full force to all counties adopting the use
32 of voting machines. Nothing in this chapter shall be
33 construed as prohibiting the use of a separate ballot
34 for public measures or the use of separate ballots for
35 the school election at the regular school and city
36 elections.”

37 4. Page 9, by inserting after line 29 the
38 following:

39 “ ____ . Page 16, by inserting after line 12 the
40 following:

41 “Sec. ____ . Section 277.3, Code 1987, is amended by
42 adding the following new unnumbered paragraphs:

43 NEW UNNUMBERED PARAGRAPH. Notwithstanding sections
44 49.57 and 52.10, at the regular school election the
45 ballots for the school election are not required to be
46 on white paper and the ballots for different school or
47 director districts may be different colors.

48 NEW UNNUMBERED PARAGRAPH. Notwithstanding section
49 49.73, at the regular school and regular city election
50 the polls shall open at the same time throughout the

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1 school district and the hours may be shortened only in
2 a school district which does not include a city with a
3 population greater than thirty-five hundred.”

4 5. Page 9, line 37, by striking the words
5 “unnumbered paragraph 1.”.

6 6. Page 9, line 45, by inserting after the word
7 “and” the words “certify them to the board of
8 supervisors for the county commissioner of elections
9 under section 47.2, for special elections of the
10 district by the second Friday following the regular
11 school election who shall.”.

12 7. Page 10, by inserting after line 7 the
13 following:

14 “The abstracts of the votes cast for members of the
15 board of directors of any merged area, and of the
16 votes cast on any public question submitted to the
17 voters of any merged area, shall be promptly certified
18 by the commissioner to the county commissioner of
19 elections who is responsible under section 47.2 for
20 conducting the special elections held for that merged
21 area.”

22 8. Page 13, line 34, by inserting after the word

23 "conducting" the word "special".

24 9. Page 13, line 47, by inserting after the word

25 "conducting" the word "special".

26 10. Page 13, line 49, by striking the words "last

27 Monday" and inserting the words "last Monday second

28 Friday".

29 11. Page 14, by inserting after line 34 the

30 following:

31 "____. Page 17, by inserting after line 3 the

32 following:

33 "Sec. ____ . Section 376.1, Code 1987, is amended by

34 adding the following new unnumbered paragraph:

35 NEW UNNUMBERED PARAGRAPH. If the city is located

36 in more than one county, at the regular city election

37 the counties' boards of supervisors shall canvass the

38 results on the Monday following the election and

39 certify them to the county commissioner responsible

40 under section 47.2 for special elections who shall

41 certify them to the mayor and the council.""

42 12. Page 14, line 39, by inserting after the word

43 "areas" the words "and area education agencies".

44 13. Page 16, by inserting after line 1 the

45 following:

46 "3. The term of office of each director of an area

47 education agency board of directors elected in the

48 years 1985 or 1986 and of any person elected to fill a

49 vacancy in such an office shall be extended until the

50 organization meeting in December of 1989. The term of

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1 office of each director of an area education agency
 2 board of directors elected in the year 1987 and of any
 3 person elected to fill a vacancy in such an office
 4 shall be extended until the organization meeting in
 5 December of 1991. The board of directors of each area
 6 education agency shall determine by resolution prior
 7 to July 1, 1989 which of the director positions to be
 8 elected at the 1989 director district conventions
 9 shall be elected to two-year terms and which shall be
 10 elected to four-year terms."

11 14. Page 16, by striking lines 3 through 5 and

12 inserting the following: "sections 39.24, 47.2,

13 49.30, 52.24, 273.8, 274.7, 275.25, 275.36, 275.37,

14 275.38, 275.41, 277.1, 277.3, 277.20, 277.23, 277.25,

15 277.28, 279.1, 280A.11, 280A.12, 280A.13, 280A.15,

16 280A.22, and 376.1".

17 15. Page 16, line 8, by inserting after the word

18 "areas" the words "and area education agencies".

S-3661

1 Amend the amendment, S-3632, to House File 499, as
2 amended, passed, and reprinted by the House, as
3 follows:
4 1. Page 1, by inserting after line 18 the
5 following:
6 "It is the intent of the general assembly that the
7 moneys appropriated for the fiscal year beginning July
8 1, 1988 and succeeding fiscal years shall be increased
9 so that the amounts allocated to phases II and III for
10 those fiscal years are double the amounts allocated
11 for the fiscal year beginning July 1, 1987."

EDGAR H. HOLDEN

S-3662

1 Amend House File 429, as amended, passed, and re-
2 printed by the House, as follows:
3 1. Page 2, by striking lines 17 and 18 and in-
4 serting the following: "violation as provided in this
5 section the charge shall be dismissed."

DONALD V. DOYLE

S-3663

1 Amend House File 429 as amended, passed, and
2 reprinted by the House as follows:
3 1. Page 1, by striking lines 8 through 10 and
4 inserting the following: "four hours after the
5 violation occurred to the sheriff of the county or the
6 chief of police of the city in whose jurisdiction the
7 violation occurred. The report shall state the time".

DONALD V. DOYLE

S-3664

1 Amend amendment, S-3493, to House File 499 as
2 amended, passed and reprinted by the House as follows:
3 1. Page 11, line 32, by inserting after the word
4 "teacher." the following: "Teachers and boards of
5 school districts are encouraged to seek funding from

6 other sources to pay the costs of sabbaticals for
7 teachers.”

8 2. Page 11, by inserting after line 35 the
9 following:

10 “A teacher granted a sabbatical under this section
11 shall agree either to return to the school district
12 granting the leave for a period of not less than two
13 years or to repay to the department of education the
14 amount of the sabbatical grant received during the
15 leave.”

EDGAR H. HOLDEN

S-3665

1 Amend House File 429, as amended, passed, and re-
2 printed by the House, as follows:

3 1. Page 1, line 6, by inserting after the word
4 “occurred.” the following: “The department of public
5 safety shall adopt rules, pursuant to chapter 17A,
6 regarding preparation of reports of violations of
7 section 321.372, subsection 3 by school bus drivers.”

DONALD V. DOYLE

S-3666

1 Amend House File 429, as amended, passed, and re-
2 printed by the House, as follows:

3 1. Page 1, line 13, by inserting before the word
4 “vehicle” the words “driver and”.

DONALD V. DOYLE

S-3667

1 Amend House File 429 as amended, passed, and
2 reprinted by the House as follows:

3 1. Page 2, line 23, by striking the word and
4 figures “or 321.264, or 321.372,” and inserting the
5 following: “321.264, ~~or 321.372,~~ or 321.372A.”

DONALD V. DOYLE

S-3668

1 Amend amendment, S-3493, to House File 499 as
2 amended, passed, and reprinted by the House as
3 follows:
4 1. Page 32, by inserting after line 15 the
5 following:
6 " ____ . Page 32, by inserting after line 28 the
7 following:
8 Sec. ____ . NEW SECTION. 298.14 PUBLICATION LEVY.
9 The board of directors of a school district may
10 submit to the voters at a regular school election a
11 proposition to impose a property tax to pay the costs
12 of publication of the proceedings of each regular,
13 adjourned, or special meeting of the board required
14 under section 279.35. If the proposition is approved
15 by a majority of those electors voting on the
16 proposition at the election, the property tax may be
17 imposed for a period of five years following its
18 approval. Notwithstanding section 279.36, costs of
19 publication paid from revenues received from the
20 property tax levied under this section shall be paid
21 at the legal publication fee provided by statute."

LINN FUHRMAN

S-3669

1 Amend House File 429 as amended, passed and
2 reprinted by the House as follows:
3 1. Page 1, by striking lines 14 through 27 and
4 inserting the following:
5 "The report shall be deemed to be a criminal
6 complaint by the school bus driver and shall be filed
7 before a magistrate and the criminal action shall
8 proceed as provided under section 804.1."

DONALD V. DOYLE

S-3670

1 Amend House File 429 as amended, passed and
2 reprinted by the House as follows:
3 1. Page 1, line 6, by striking the words "The
4 school bus driver or a" and inserting the following:
5 "School districts shall provide a training course for
6 their school bus drivers in the identification of

7 motor vehicles and drivers of motor vehicles. Each
8 school bus driver shall be required to successfully
9 complete the training course. The course shall have a
10 minimum of fifteen hours of instruction and shall be
11 approved by the department of public safety.
12 The school bus driver or a”.

DONALD V. DOYLE

S-3671

1 Amend the amendment, S-3556, to House File 580, as
2 amended, passed, and reprinted by the House as
3 follows:

4 1. Page 1, line 9, by striking the word
5 “Employment” and inserting the following: “An
6 employer’s employment”.

7 2. Page 1, by inserting after line 11 the
8 following:

9 “a. As used in this subsection, “employee” means a
10 natural person who is employed in this state for wages
11 by an employer, if the person works for the customary
12 scheduled full-time hours prevailing in the
13 establishment in which the person is employed.

14 However, “employee” does not include a person who
15 holds a temporary or seasonal position.”

16 3. Page 2, by inserting after line 19, the
17 following:

18 “f. This subsection shall not apply to an employer
19 who employs for wages twenty-five or fewer natural
20 persons in this state.”

21 4. By renumbering as necessary.

JIM LIND

S-3672

1 Amend House File 580 as amended, passed, and
2 reprinted by the House as follows:

3 1. Page 1, line 9, by inserting after the word
4 “resale.” the following: “However, the person must
5 work for the customary scheduled full-time hours
6 prevailing in the establishment in which the person is
7 employed. A person is not an employee if the person
8 holds a temporary or seasonal position in the
9 establishment.”

JIM LIND

S-3673

- 1 Amend amendment, S-3632, to House File 499, as
2 amended, passed, and reprinted by the House, as
3 follows:
- 4 1. Page 1, by striking lines 14 through 18 and
5 inserting the following: "the minimum salary of
6 eighteen thousand dollars under phase I is funded
7 first and the remainder of the funds appropriated to
8 the educational excellence fund are divided so that
9 forty-three percent are distributed for phase II and
10 fifty-seven percent are distributed for phase III."
 - 11 2. Page 1, by striking lines 19 through 23.
 - 12 3. Page 1, by striking lines 27 through 29.
 - 13 4. Page 1, by striking lines 32 through 34.

BEVERLY A. HANNON
LEONARD L. BOSWELL

S-3674

- 1 Amend amendment S-3613 to House File 499 as
2 amended, passed and reprinted by the House as follows:
- 3 1. Page 1, line 12, by striking the word "pupil"
4 and inserting in lieu thereof the following: "ten
5 pupils".

BEVERLY A. HANNON

S-3675

- 1 Amend amendment, H-3493, to House File 499, as
2 amended, passed and reprinted by the House as follows:
- 3 1. Page 4, by striking lines 30 through 45.
 - 4 2. By striking page 14, line 37, through page 15,
5 line 6.
 - 6 3. Page 15, by striking lines 17 through 20.
 - 7 4. By striking page 15, line 44 through page 16,
8 line 10.
 - 9 5. By striking page 16, line 27, through page 17,
10 line 2.
 - 11 6. Page 20, by striking lines 4 through 25.
 - 12 7. By striking page 20, line 45 through page 21,
13 line 33.
 - 14 8. By striking page 21, line 39 through page 22,
15 line 2.
 - 16 9. Page 22, by striking lines 7 through 41.

- 17 10. Page 24, by striking lines 14 through 31.
18 11. By striking page 24, line 49 through page 32,
19 line 34.
20 12. By striking page 33, line 50 through page 34,
21 line 38.
22 13. By striking page 36, line 10 through page 37,
23 line 49.
24 14. By striking page 38, line 49 through page 39,
25 line 2.
26 15. Page 39, by striking lines 8 through 11.

RAY TAYLOR
EUGENE FRAISE
HURLEY HALL
DALE TIEDEN
C. JOSEPH COLEMAN

S-3676

- 1 Amend amendment, S-3632, to House File 499, as
2 amended, passed, and reprinted by the House, as
3 follows:
4 1. Page 1, by inserting after line 2 the
5 following:
6 " ____ . Page 1, line 27, by inserting after the
7 word "position." the following: "However, a teacher
8 employed by an area education agency is not a teacher
9 for purposes of phase III under division IV of this
10 chapter."
11 2. Page 2, line 30, by striking the words "and
12 area education agencies".
13 3. Page 3, lines 1 and 2, by striking the words
14 "and area education agencies".
15 4. Page 3, line 5, by striking the words "and
16 area education agencies".
17 5. Page 3, by inserting after line 8 the
18 following:
19 " ____ . Page 8, lines 34 and 35, by striking the
20 words "and area education agency that meet the
21 requirements of this section are" and inserting the
22 following: "that meets the requirements of this
23 section is"."
24 6. Page 3, by striking lines 15 through 25 and
25 inserting the following: "school district. Annually
26 the department shall determine a phase III per pupil
27 amount for school districts by dividing the total
28 certified enrollment in the state into the amount of
29 the phase III allocation to determine a phase III per
30 pupil amount. The total amount paid for".

- 31 7. Page 3, by striking lines 29 through 34 and
 32 inserting the following: "the district's certified
 33 enrollment."
 34 8. Page 3, by inserting after line 43 the
 35 following:
 36 "____. Page 10, by striking lines 31 through 34
 37 and inserting the following: "center. If the".
 38 ____ . Page 11, line 1, by striking the words "or
 39 specific discipline".
 40 ____ . Page 11, lines 3 and 4, by striking the
 41 words "or specific discipline".
 42 ____ . Page 11, line 5, by striking the words ", or
 43 specific discipline".
 44 ____ . Page 11, lines 13 and 14, by striking the
 45 words "or area education agency".
 46 ____ . Page 11, by striking lines 26 through 31 and
 47 inserting the following: "school week, or school
 48 year."
 49 ____ . Page 12, by striking lines 11 through 26."
 50 9. Page 3, by striking lines 46 through 48 and

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- 1 inserting the following:
 2 "____. Page 12, by striking lines 33 through 35
 3 and inserting the following: "proposal. If the".
 4 ____ . Page 13, line 1, by striking the words "or
 5 area education agency".
 6 ____ . Page 13, lines 5 and 6, by striking the
 7 words "or area education agency".
 8 10. Page 3, by striking lines 49 and 50 and
 9 inserting the following:
 10 "____. Page 13, by striking lines 7 through 9 and
 11 inserting the following: "submitted to the board of
 12 directors of the school district for".
 13 11. Page 4, by inserting after line 2 the
 14 following:
 15 "____. Page 13, line 10, by striking the words "or
 16 area education agency".
 17 ____ . Page 13, line 15, by striking the words "or
 18 area education agency".
 19 ____ . Page 13, lines 17 and 18, by striking the
 20 words "or area education agency".
 21 ____ . Page 13, line 26, by striking the words "or
 22 area education agency".
 23 ____ . Page 14, line 1, by striking the words "and
 24 area education agencies".
 25 ____ . Page 14, line 7, by striking the words "or
 26 area education agency".
 27 12. Page 4, lines 12 and 13, by striking the

28 words "or area education agency".
29 13. Page 4, by inserting after line 13 the
30 following:
31 " ____ . Page 14, line 12, by striking the words
32 "and area education agency"."
33 14. Page 4, by inserting after line 16 the
34 following:
35 " ____ . Page 14, line 23, by striking the words
36 "and area education agencies"."

WALLY HORN

S-3677

1 Amend the House amendment, S-3643, to Senate File
2 106, as amended, passed, and reprinted by the Senate,
3 as follows:
4 1. Page 1, by inserting after line 2 the
5 following:
6 " ____ . Page 1, by inserting before line 1 the
7 following:
8 "Section 1. Section 273.3, subsection 12, Code
9 1987, is amended to read as follows:
10 12. Employ personnel to carry out the functions of
11 the area education agency which shall include the
12 employment of an administrator who shall possess a
13 certificate issued under section 260.9. The
14 administrator shall be employed pursuant to section
15 279.20 and sections 279.23, 279.23A, 279.24 and
16 279.25. The salary for an area education agency
17 administrator shall be established by the board based
18 upon the previous experience and education of the
19 administrator. The provisions of section 279.13 shall
20 apply to the area education agency board and to all
21 teachers employed by the area education agency. The
22 provisions of sections 279.23, 279.23A, 279.24 and
23 279.25 shall apply to the area education board and to
24 all administrators employed by the area education
25 agency.""

EDGAR H. HOLDEN

S-3678

1 Amend amendment, S-3632, to House File 499, as
2 amended, passed, and reprinted by the House, as
3 follows:
4 1. Page 3, line 23, by inserting after the word

5 "upon" the following: "one-half".

6 2. Page 3, line 25, by striking the word "The"
7 and inserting the following: "One-half the".

8 3. Page 3, line 29, by striking the word "The"
9 and inserting the following: "One-half the".

10 4. Page 3, by inserting after line 34 the
11 following:

12 "In addition, annually the department shall
13 determine a phase III per teacher amount for school
14 districts and a phase III per teacher amount for area
15 education agencies based upon one-half the phase III
16 allocation for each and determined by dividing one-
17 half the phase III allocation for school districts by
18 the number of full-time equivalent teachers employed
19 by school districts and one-half the phase III
20 allocation for area education agencies by the number
21 of full-time equivalent teachers employed by area
22 education agencies.

23 One-half the total amount paid for phase III for a
24 school year for each school district that has an
25 approved plan is equal to the phase III per teacher
26 amount for school districts multiplied by the number
27 of full-time equivalent teachers employed by that
28 school district. One-half the total amount paid for
29 phase III for a school year for each area agency that
30 has an approved plan is equal to the phase III per
31 teacher amount for area education agencies multiplied
32 by the number of full-time equivalent teachers
33 employed by that area education agency."

JOE WELSH

S-3679

1 Amend Senate File 285 as follows:

2 1. By striking everything after the enacting
3 clause and inserting the following:

4 "Section 1. **NEW SECTION. 84.31 RECEIVER FOR**
5 **MINERAL INTERESTS OWNED BY NONRESIDENT OR ABSENTEE.**

6 1. The purpose of this section is to encourage the
7 exploration and development of mineral resources.

8 2. In the following actions, a district court may
9 appoint a receiver for the mineral interest or
10 leasehold interest under a mineral lease owned by a
11 defendant who meets the requirements of subsection 3.

12 a. An action that is brought by a person claiming
13 or owning an undivided mineral interest in land in
14 this state or an undivided leasehold interest under a
15 mineral lease of land in this state and that has one

16 or more defendants who have, claim, or own an
17 undivided mineral interest in the same property.
18 b. An action that is brought by a person claiming
19 or owning an undivided leasehold interest under a
20 mineral lease of land in this state and that has one
21 or more defendants who have, claim, or own an
22 undivided leasehold interest under a mineral lease of
23 the same property.

24 3. The defendant for whom the receiver is sought
25 must meet both of the following requirements:

26 a. Is a person whose residence or identity is
27 unknown or who is a nonresident of the state.
28 b. Has not paid taxes on the interest or rendered
29 it for taxes during the five-year period immediately
30 preceding the filing of the action.

31 4. The plaintiff in the action must allege by
32 verified petition and prove both of the following:

33 a. That the plaintiff has made a diligent but
34 unsuccessful effort to locate the defendant.
35 b. That the plaintiff will suffer substantial
36 damage or injury unless the receiver is appointed.

37 5. In an action under subsection 2, paragraph "a":

38 a. The plaintiff, in the verified petition, shall
39 name the last known owner or the last record owner of
40 the interest as defendant.

41 b. The court may appoint as receiver any resident
42 of the county in which the land is located.

43 c. The receiver is not required to post bond.

44 6. A receivership created under this section
45 continues as long as the defendant or the defendant's
46 heirs, assigns, or personal representatives fail to
47 appear in court in person or by agent or attorney to
48 claim the defendant's interest.

49 7. If ordered by the court, the receiver shall
50 immediately:

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1 a. Execute and deliver to a lessee or successive
2 lessees mineral leases on the outstanding undivided
3 mineral interest.

4 b. Execute and deliver to a lessee or successive
5 lessees an assignment of the outstanding undivided
6 leasehold interest.

7 c. Enter into agreements or take other actions
8 with respect to the mineral interest or leasehold
9 interest as authorized by this chapter.

10 8. Money consideration paid for the execution of a
11 lease, assignment, or other agreement by the receiver
12 shall be paid to the clerk of the district court in

13 the county in which the case is pending before the
14 receiver executes the instrument. The court shall
15 apply the money to the costs accruing in the case and
16 shall hold any balance for the use and benefit of the
17 nonresident or person of unknown identity or residence
18 who owns the mineral or leasehold interest. Payments
19 made at a later time under the lease, assignment, or
20 other agreement shall also be paid to the clerk of the
21 district court and held for the use and benefit of the
22 owner of the mineral or leasehold interest. Money
23 held for the use and benefit of the owner of the
24 mineral or leasehold interest is property held by a
25 fiduciary subject to section 556.7.

26 9. This section is cumulative of other laws
27 relating to removal of a cloud from title or
28 appointment of a receiver.

29 10. As used in this section:

30 a. "Leasehold interest" includes ownership created
31 under a mineral lease or carved out of a leasehold
32 estate granted under a mineral lease, including
33 production payments, overriding royalty interests, and
34 working interests.

35 b. "Lessee" includes an assignee under an
36 assignment of a mineral lease.

37 c. "Mineral lease" includes any lease of oil, gas,
38 or other minerals that contains provisions necessary
39 or incident to the orderly exploration, development,
40 and recovery of oil, gas, or other minerals."

41 2. Title page, by striking the words "the lapse
42 of stale".

EDGAR H. HOLDEN

HOUSE AMENDMENT TO
SENATE FILE 373

S-3680

1 Amend Senate File 373, as amended, passed, and
2 reprinted by the Senate, as follows:

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

5 "Sec. ____ . Section 15.106, subsection 2, Code
6 1987, is amended to read as follows:

7 2. Employ personnel as necessary to carry out the
8 duties and responsibilities of the department,
9 consistent with the merit system provisions of chapter

10 19A for nonprofessional employees. Professional staff
11 of the department are exempt from the merit system
12 provisions of chapter 19A.

13 Sec. ____ . Section 18.8, unnumbered paragraph 6,
14 Code 1987, is amended to read as follows:

15 The director shall appoint a superintendent of
16 buildings and grounds, who shall serve at the pleasure
17 of the director and shall not be governed by the merit
18 system provisions of chapter 19A.

19 Sec. ____ . Section 18.74, Code 1987, is amended to
20 read as follows:

21 18.74 APPOINTMENT.

22 The director of the department of general services
23 shall appoint a person to administer the provisions of
24 this division. This person shall be known as the
25 superintendent of printing and shall serve at the
26 pleasure of the director without being subject to the
27 merit system provisions of chapter 19A.

28 Sec. ____ . Section 18.115, unnumbered paragraph 1,
29 Code 1987, is amended to read as follows:

30 In order to carry out the powers vested in the
31 director by this chapter, the director of the
32 department of general services shall appoint a state
33 vehicle dispatcher and such other employees as may be
34 necessary to carry out the provisions of this chapter.
35 The state vehicle dispatcher shall serve at the
36 pleasure of the director and shall not be governed by
37 the merit system provisions of chapter 19A. Subject
38 to the approval of the director, the state vehicle
39 dispatcher shall have the following duties:

40 Sec. ____ . Section 18.163, Code 1987, is amended to
41 read as follows:

42 18.163 PERSONNEL.

43 The director of the department shall employ a risk
44 manager and such other permanent full-time personnel
45 as shall be necessary to administer this chapter. All
46 permanent full-time personnel other than the risk
47 manager shall be subject to the merit system
48 provisions of chapter 19A. The director is authorized
49 to hire as independent contractors such other persons
50 as may be necessary to assist the risk manager in

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1 establishing standards and procedures under sections
2 18.160 to 18.169.”

3 2. Page 1, by inserting after line 19 the
4 following:

5 “Sec. ____ . Section 56.9, subsection 4, Code 1987,
6 is amended to read as follows:

7 4. The commission shall employ a full-time
8 executive secretary who shall be the chief
9 administrative officer and such personnel as are
10 necessary to carry out the duties of the commission.
11 Notwithstanding the provisions of section 19A.3, all
12 of its employees, except the executive secretary,
13 shall be employed subject to the merit system
14 provisions of chapter 19A.

15 Sec. ____ . Section 80B.5, Code 1987, is amended to
16 read as follows:

17 80B.5 ADMINISTRATION.

18 The administration of the Iowa law enforcement
19 academy and council Act ~~shall be is~~ vested in the
20 office of the governor. A director of the academy ~~and~~
21 ~~such staff as may be necessary for it to function~~
22 ~~shall be employed pursuant to the Iowa merit system~~
23 appointed by and serve at the pleasure of the
24 governor, at an annual salary fixed by the general
25 assembly."

26 3. Page 3, by inserting after line 26 the
27 following:

28 "Sec. ____ . Section 99E.3, subsection 3, Code 1987,
29 is amended to read as follows:

30 3. The commissioner may employ, with the approval
31 of the director, clerks, stenographers, inspectors,
32 agents, and other employees pursuant to the merit
33 system provisions of chapter 19A as necessary to carry
34 out this chapter, except as provided in section
35 99E.14; ~~subsection 2.~~

36 Sec. ____ . Section 99E.14, unnumbered paragraph 1,
37 Code 1987, is amended to read as follows:

38 The commissioner shall designate three
39 administrative positions within the division which
40 require specific areas of expertise relating to the
41 operation of the lottery. These three administrative
42 positions are exempt from the merit system provisions
43 of chapter 19A. The commissioner shall designate one
44 of these three administrators to serve as acting
45 commissioner in the commissioner's absence.

46 Sec. ____ . Section 103A.6, Code 1987, is amended to
47 read as follows:

48 103A.6 MERIT SYSTEM.

49 Employees of the commissioner shall, where required
50 by federal statutes, be covered by the merit system

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1 provisions of chapter 19A.

2 Sec. ____ . Section 118.2, Code 1987, is amended to
3 read as follows:

4 118.2 OFFICERS.

5 During the month of July of each year the board
6 shall elect from its members a president and vice
7 president. The duties of the officers shall be such
8 as are usually performed by such officers. At least
9 one meeting of the board, except as provided in
10 section 118.13, shall be held at the seat of
11 government. The board may employ a secretary whose
12 salary shall be established by the governor with the
13 approval of the executive council pursuant to section
14 19A.9, subsection 2; under the pay plan for exempt
15 positions in the executive branch of government.

16 Sec. ____ . Section 123.20, subsection 4, Code 1987,
17 is amended to read as follows:

18 4. To appoint clerks, agents, or other employees
19 required for carrying out the provisions of this
20 chapter; to dismiss employees for cause; to assign
21 employees to bureaus as created by the administrator
22 within the division; and to designate their title,
23 duties, and powers. All employees of the division are
24 subject to the merit system provisions of chapter 19A
25 unless exempt under section 19A.3.

26 Sec. ____ . Section 135.2, unnumbered paragraph 1,
27 Code 1987, is amended to read as follows:

28 The governor shall appoint the director of the
29 department, subject to confirmation by the senate.
30 The director shall serve at the pleasure of the
31 governor. The director is exempt from the merit
32 system provisions of chapter 19A. The governor shall
33 set the salary of the director within the range
34 established by the general assembly.

35 Sec. ____ . Section 135B.5, unnumbered paragraph 1,
36 Code 1987, is amended to read as follows:

37 Upon receipt of an application for license and the
38 license fee, the department of inspections and appeals
39 shall issue a license if the applicant and hospital
40 facilities comply with the provisions of this chapter
41 and the regulations of rules adopted for
42 administration of this chapter by the said department
43 of inspections and appeals. Each such license, unless
44 sooner suspended or revoked, shall be is renewable
45 annually upon payment of ten dollars and upon filing
46 by the licensee, and approval by the department of
47 inspections and appeals, of an annual report upon such
48 uniform dates and containing such information in such
49 a form as the state department of health inspections
50 and appeals, with the advice of the hospital licensing

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1 board, ~~shall prescribe~~ prescribes by ~~regulation rule.~~
2 Licenses issued hereunder shall be either general or
3 restricted in form. ~~In those instances where~~ If an
4 applicant for a hospital license was licensed as a
5 hospital on December 31, 1960, or had an application
6 for a hospital license pending on April 1, 1961, and
7 the facilities of ~~such the~~ applicant are suitable or
8 adequate for only certain types of hospital care or
9 treatment, the specific types of care or treatment for
10 which ~~such the~~ hospital is properly equipped shall be
11 set forth on the face of the license and the lawful
12 operation of the hospital ~~shall be thereby is~~
13 restricted to the types of care and treatment so
14 specified. Each license shall be issued only for the
15 premises and persons or governmental units named in
16 the application and ~~shall is~~ not be transferable or
17 assignable except with the written approval of the
18 department of inspections and appeals. Licenses shall
19 be posted in a conspicuous place on the licensed
20 premises as prescribed by regulation rules of the said
21 department.

22 Sec. ____ . Section 135B.6, unnumbered paragraph 3,
23 Code 1987, is amended to read as follows:

24 The procedure governing hearings authorized by this
25 section shall be in accordance with rules ~~promulgated~~
26 adopted by ~~said the~~ department with the advice of the
27 hospital licensing board of inspections and appeals.

28 A full and complete record shall be kept of all
29 proceedings, and all testimony shall be reported but
30 need not be transcribed unless judicial review is
31 sought pursuant to section 135B.14. ~~A copy or One or~~
32 more copies of the transcript may be obtained by an
33 interested party on payment of the cost of preparing
34 ~~such copy or the~~ copies. Witnesses may be subpoenaed
35 by either party and shall be allowed fees at a rate
36 prescribed by the ~~aforesaid~~ rules.

37 Sec. ____ . Section 135B.7, unnumbered paragraph 1,
38 Code 1987, is amended to read as follows:

39 The ~~state~~ department of health inspections and
40 appeals, with the advice of the hospital licensing
41 board, shall adopt and enforce rules ~~and containing~~
42 standards for the different types of hospitals to be
43 licensed under this chapter, to further the purposes
44 of the chapter. Rules ~~or standards~~ shall not be
45 adopted or enforced which would have the effect of
46 denying a license to a hospital or other institution
47 required to be licensed, solely by reason of the
48 school or system of practice employed or permitted to

49 be employed by physicians in the hospital if the
50 school or system of practice is recognized by the laws

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1 of this state.

2 Sec. ____ . Section 135B.9, Code 1987, is amended to
3 read as follows:

4 135B.9 INSPECTIONS AND CONSULTATIONS.

5 The department of inspections and appeals shall
6 make or cause to be made ~~such~~ inspections as it ~~may~~
7 ~~deem~~ deems necessary. The ~~state~~ department of ~~health~~
8 ~~shall inspections and appeals~~, with the advice of the
9 hospital licensing board, shall prescribe by
10 ~~regulations rule~~ that ~~any~~ a licensee or applicant for
11 license desiring to make specified types of alteration
12 or addition to its facilities or to construct new
13 facilities shall, before commencing ~~such the~~
14 alteration, addition, or new construction, submit
15 plans and specifications ~~therefor for it~~ to the
16 department of inspections and appeals for preliminary
17 inspection and approval or recommendations with
18 respect to compliance with the ~~regulations rules~~ and
19 standards ~~herein~~ authorized.

20 Sec. ____ . Section 135B.11, subsection 1, Code
21 1987, is amended to read as follows:

22 1. To consult and advise with the department of
23 ~~health inspections and appeals~~ in matters of policy
24 affecting administration of this chapter, and in the
25 development of rules, ~~regulations~~ and standards
26 ~~provided for hereunder pursuant to this chapter~~.

27 Sec. ____ . Section 135C.16, subsection 1, Code
28 1987, is amended to read as follows:

29 1. In addition to the inspections required by
30 sections 135C.9 and 135C.38 the department shall make
31 or cause to be made such further unannounced
32 inspections as it may deem necessary to adequately
33 enforce this chapter, including at least one general
34 inspection in each calendar year of every licensed
35 health care facility in the state made without
36 providing advance notice of any kind to the facility
37 being inspected. The inspector shall show
38 identification to the person in charge of the facility
39 and state that an inspection is to be made before
40 beginning the inspection. Any employee of the
41 department who gives unauthorized advance notice of an
42 inspection made or planned to be made under this
43 subsection or section 135C.38 shall be disciplined as
44 determined by the director, except that if the
45 employee is employed pursuant to the merit system

46 provisions of chapter 19A the discipline shall not
 47 exceed that authorized pursuant to that chapter.
 48 Sec. ____ . Section 135C.19, subsection 3,
 49 unnumbered paragraph 2, Code 1987, is amended to read
 50 as follows:

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1 If the facility cited subsequently advises the
 2 department of human services that the violation has
 3 been corrected to the satisfaction of the department
 4 of health inspections and appeals, the department of
 5 human services must maintain this advisory in the same
 6 file with the copy of the citation. The department of
 7 human services shall not disseminate to the public any
 8 information regarding citations issued by the
 9 department of health inspections and appeals, but
 10 shall forward or refer such inquiries to the
 11 department of health inspections and appeals.

12 Sec. ____ . Section 144.5, subsections 3 and 6, Code
 13 1987, are amended to read as follows:

14 3. Direct, supervise, and control ~~the activities~~
 15 ~~of local registrars and deputy local registrars; and~~
 16 the activities of clerks of the district court related
 17 to the operation of the vital statistics system and
 18 provide registrars with necessary postage.

19 6. Delegate functions and duties vested in the
 20 state registrar to officers, employees of the
 21 department, and to the ~~local~~ county registrars as the
 22 state registrar deems necessary or expedient.

23 Sec. ____ . Section 144.9, unnumbered paragraph 1
 24 and subsection 1, Code 1987, are amended to read as
 25 follows:

26 The clerk of the district court ~~shall be~~ is the
 27 county registrar and with respect to the county
 28 ~~registrar's registration district~~ shall:

29 1. Administer and enforce ~~the provisions of this~~
 30 chapter and the rules issued by the department; ~~and~~
 31 ~~exercise general supervision over the local and deputy~~
 32 ~~local registrars in the county registrar's district.~~

33 Sec. ____ . Section 144.12, Code 1987, is amended to
 34 read as follows:

35 144.12 FORMS UNIFORM.

36 In order to promote and maintain uniformity in the
 37 system of vital statistics, the forms of certificates,
 38 reports, and other returns; shall include as a minimum
 39 the items recommended by the federal agency
 40 responsible for national vital statistics subject to
 41 approval and modification by the department. Forms
 42 shall be furnished by the department. The forms or

43 other recording methods used by county ~~and local~~
44 registrars to record copies of records made under this
45 chapter shall be prescribed by the department.
46 Sec. ____ . Section 144.13, subsections 1 and 2,
47 Code 1987, are amended to read as follows:
48 1. A certificate of birth for each live birth
49 which occurs in this state shall be filed with the
50 ~~local county~~ registrar of the ~~district county~~ in which

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1 the birth occurs within five days after the birth and
2 shall be registered by the registrar if it has been
3 completed and filed in accordance with this chapter;
4 ~~provided that, However,~~ when a birth occurs in a
5 moving conveyance, a birth certificate shall be filed
6 in the ~~district county~~ in which the child was first
7 removed from the conveyance.

8 2. When a birth occurs in an institution, the
9 person in charge of the institution or the person's
10 designated representative shall obtain the personal
11 data, prepare the certificate, secure the signatures
12 required by the certificate and file the certificate
13 with the ~~local county~~ registrar. The physician in
14 attendance shall certify to the facts of birth and
15 provide the medical information required by the
16 certificate within three days after the birth.

17 Sec. ____ . Section 144.13A, Code 1987, is amended
18 to read as follows:

19 144.13A REGISTRATION FEE.

20 The ~~local county~~ registrar and state registrar
21 shall charge the parent a ten dollar fee for the
22 registration of a certificate of birth. If the person
23 responsible for the filing of the certificate of birth
24 under section 144.13 is not the parent, the person
25 shall collect the fee from the parent. The fee shall
26 be remitted to the appropriate registrar. If the
27 expenses of the birth are reimbursed under the medical
28 assistance program established by chapter 249A or paid
29 for under the statewide indigent patient care program
30 established by chapter 255, or if the parent is
31 indigent and unable to pay the expenses of the birth
32 and no other means of payment is available to the
33 parent, the registration fee is waived. If the person
34 responsible for the filing of the certificate is not
35 the parent, the person is discharged from the duty to
36 collect and remit the fee under this section if the
37 person has made a good faith effort to collect the fee
38 from the parent. The fees collected by the ~~local~~
39 ~~county~~ registrar and state registrar shall be remitted

40 to the treasurer of state for deposit in the general
 41 fund of the state. It is the intent of the general
 42 assembly that the funds generated from the
 43 registration fees be appropriated and used for primary
 44 and secondary child abuse prevention programs.
 45 Sec. ____ . Section 144.14, unnumbered paragraph 1,
 46 Code 1987, is amended to read as follows:
 47 Whoever assumes the custody of a living infant of
 48 unknown parentage shall report on a form and in the
 49 manner prescribed by the state registrar within five
 50 days to the ~~local~~ county registrar of the ~~district~~

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1 county in which the child was found, the following
 2 information:
 3 Sec. ____ . Section 144.17, subsection 2, Code 1987,
 4 is amended to read as follows:
 5 2. That no record of birth of such person can be
 6 found in the office of the state or ~~local~~ county
 7 custodian of birth records.
 8 Sec. ____ . Section 144.26, unnumbered paragraphs 1
 9 and 2, Code 1987, are amended to read as follows:
 10 A death certificate for each death which occurs in
 11 this state shall be filed with the ~~local~~ county
 12 registrar of the ~~district~~ county in which the death
 13 occurred within three days after the death and prior
 14 to final disposition, and shall be registered by the
 15 registrar if it has been completed and filed in
 16 accordance with this chapter. All information
 17 including the certifying physician's name shall be
 18 typewritten.
 19 If the place of death is unknown, a death
 20 certificate shall be filed in the ~~registration~~
 21 ~~district~~ county in which a dead body is found within
 22 three days after the body is found. If death occurs
 23 in a moving conveyance, a death certificate shall be
 24 filed in the ~~registration~~ ~~district~~ county in which the
 25 dead body was first removed from the conveyance.
 26 Sec. ____ . Section 144.29, Code 1987, is amended to
 27 read as follows:
 28 144.29 FETAL DEATHS.
 29 A fetal death certificate for each fetal death
 30 which occurs in this state after a gestation period of
 31 twenty completed weeks or more shall be filed with the
 32 ~~local~~ county registrar of the ~~district~~ county in which
 33 the delivery of the dead fetus occurred within three
 34 days after delivery and prior to final disposition of
 35 the fetus ~~and~~ . The certificate shall be registered
 36 if it has been completed and filed in accordance with

37 this chapter.

38 If the place of delivery of a dead fetus is
39 unknown, a fetal death certificate shall be filed in
40 the ~~registration district county~~ in which a dead fetus
41 was found within three days after the fetus is found.
42 If a fetal death occurs in a moving conveyance, a
43 fetal death certificate shall be filed in the
44 ~~registration district county~~ in which the fetus was
45 first removed from the conveyance.

46 Sec. ____ . Section 144.32, Code 1987, is amended to
47 read as follows:

48 144.32 BURLIAL-TRANSIT PERMIT.

49 The funeral director who first assumes custody of a
50 dead body or fetus shall obtain a burial-transit

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1 permit prior to final disposition of the body or fetus
2 and within seventy-two hours after death. When a
3 person other than a funeral director assumes custody
4 of a dead body or fetus, the person ~~shall be is~~
5 responsible for securing the permit required in this
6 section. A burial-transit permit shall be issued by
7 the ~~local county~~ registrar of the ~~district county~~
8 where the certificate of death or fetal death was
9 filed in accordance with the ~~requirements of sections~~
10 144.26 to 144.31.

11 Sec. ____ . Section 144.43, unnumbered paragraph 2,
12 Code 1987, is amended to read as follows:

13 However, the following vital statistics may be
14 inspected and copied as of right under chapter 22 when
15 they are in the custody of a county ~~or of a local~~
16 registrar:

17 Sec. ____ . Section 147.102, Code 1987, is amended
18 to read as follows:

19 147.102 PHYSICIANS AND SURGEONS, PSYCHOLOGISTS,
20 CHIROPRACTORS, DENTISTS, AND OSTEOPATHS.

21 Notwithstanding the provisions of this title, every
22 application for a license to practice medicine and
23 surgery, psychology, chiropractic, dentistry,
24 osteopathy, or osteopathic medicine and surgery, shall
25 be made directly to the secretary of the examining
26 board of such profession, and every reciprocal
27 agreement for the recognition of any such license
28 issued in another state shall be negotiated by the
29 examining board for such profession, and all
30 examination, license, and renewal fees received from
31 such persons licensed to practice any of such
32 professions shall be paid to and collected by the
33 secretary of the examining board of such profession,

34 who shall transmit the fees to the treasurer of state
35 who shall deposit the fees in the general fund of the
36 state. The secretary is exempt from the merit system
37 provisions of chapter 19A and the salary of the
38 secretary shall be established by the governor with
39 the approval of the executive council pursuant to
40 section 19A.9, subsection 2; under the pay plan for
41 exempt positions in the executive branch of
42 government.

43 Sec. ____ . Section 152.2, Code 1987, is amended to
44 read as follows:

45 152.2 EXECUTIVE DIRECTOR -- ASSISTANTS.

46 The board shall appoint a full-time executive
47 director. The executive director shall be a
48 registered nurse and shall not be a member of the
49 board. The governor, with the approval of the
50 executive council executive director is exempt from

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1 the merit system provisions of chapter 19A and the
2 salary of the executive director shall be established
3 pursuant to section 19A.9, subsection 2; under the pay
4 plan for exempt positions in the executive branch of
5 government; shall set the salary of the executive
6 director.

7 Sec. ____ . Section 152.3, subsection 6, Code 1987,
8 is amended to read as follows:

9 6. To appoint such assistants to the director and
10 persons as may be necessary to administer the
11 provisions of this Act. Any appointments shall be
12 merit appointments made pursuant to chapter ~~19~~ 19A.

13 Sec. ____ . Section 159.6, subsections 7, 11, and
14 12, Code 1987, are amended by striking the
15 subsections.

16 Sec. ____ . Section 169.5, subsection 9, paragraph
17 d, Code 1987, is amended by striking the paragraph.

18 Sec. ____ . Section 170.5, unnumbered paragraph 1,
19 Code 1987, is amended to read as follows:

20 The department of inspections and appeals, or a
21 municipal corporation pursuant to section 170.55,
22 shall collect the following fees for licenses:

23 Sec. ____ . Section 170.5, unnumbered paragraph 5,
24 Code 1987, is amended to read as follows:

25 After collection, the fees collected by the
26 department shall be deposited in the general fund of
27 the state and the fees collected by a municipal
28 corporation shall be retained by the corporation for

29 its own use.

30 Sec. ____ . Section 175.7, subsection 2, Code 1987,

31 is amended to read as follows:

32 2. The executive director shall advise the
33 authority on matters relating to agricultural land and
34 property and agricultural finance, and carry out all
35 directives from the authority, and shall hire and
36 supervise the authority's staff pursuant to its
37 directions and under the merit system provisions of
38 chapter 19A, except that principal administrative
39 assistants with responsibilities in beginning farm
40 loan programs, accounting, mortgage loan processing,
41 and investment portfolio management are exempt from
42 ~~that chapter~~ the merit system.

43 Sec. ____ . Section 175A.5, subsection 2, Code 1987,

44 is amended to read as follows:

45 2. The executive director is a nonvoting ex
46 officio member of the board, and shall advise the
47 authority on matters relating to finance, carry out
48 all directives from the authority, and hire and
49 supervise the authority's staff pursuant to its
50 directions and under the merit system provisions of

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1 chapter 19A, except that principal administrative
2 assistants with responsibilities in operating loan
3 programs, accounting, and processing of applications
4 for interest reduction are exempt from ~~that chapter~~
5 the merit system.

6 Sec. ____ . Section 220.2, subsection 1, unnumbered
7 paragraph 2, Code 1987, is amended to read as follows:

8 A title guaranty division is created within the
9 authority. The powers of the division as relating to
10 the issuance of title guaranties shall be vested in
11 and exercised by a division board of five members
12 appointed by the governor subject to confirmation by
13 the senate. The membership of the board shall include
14 an attorney, an abstractor, a real estate broker, a
15 representative of a mortgage-lender and a
16 representative of the housing development industry.
17 The executive director of the authority shall appoint
18 a director of the title guaranty division who shall be
19 an attorney and shall serve as an ex officio member of
20 the board. The appointment of and compensation for
21 the division director shall be exempt from the merit
22 system provisions of chapter 19A.

23 Sec. ____ . Section 220.6, subsection 2, Code 1987,

24 is amended to read as follows:

25 2. The executive director shall advise the

26 authority on matters relating to housing and housing
 27 finance, carry out all directives from the authority,
 28 and hire and supervise the authority's staff pursuant
 29 to its directions and under the merit system
 30 provisions of chapter 19A, except that principal
 31 administrative assistants with responsibilities in
 32 housing development, accounting, mortgage loan
 33 processing, and investment portfolio management shall
 34 be exempt from the merit system.

35 Sec. ____ . Section 227.2, subsection 1, unnumbered
 36 paragraph 1, Code 1987, is amended to read as follows:

37 The director of the department of inspections and
 38 appeals shall make, or cause to be made, at least one
 39 licensure inspection each year of every county care
 40 facility. Either the director of the division or the
 41 director of the department of inspections and appeals,
 42 in co-operation with each other, upon receipt of a
 43 complaint or for good cause, may make, or cause to be
 44 made, a review of a county care facility or of any
 45 other private or county institution where mentally ill
 46 or mentally retarded persons reside. A licensure
 47 inspection or a review shall be made by a competent
 48 and disinterested person who is acquainted with and
 49 interested in the care of mentally ill and mentally
 50 retarded persons. The objective of a licensure

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1 inspection or a review shall be an evaluation of the
 2 programming and treatment provided by the facility.
 3 After each licensure inspection of a county care
 4 facility, the person who made the inspection shall
 5 consult with the county authorities on plans and
 6 practices that will improve the care given patients
 7 and shall make recommendations to the director of the
 8 division and the director of public health the
 9 department of inspections and appeals for co-
 10 ordinating and improving the relationships between the
 11 administrators of county care facilities, the
 12 director, the director of public health the department
 13 of inspections and appeals, the superintendents of
 14 state mental health institutes and hospital-schools,
 15 community mental health centers, and other co-
 16 operating agencies, to cause improved and more
 17 satisfactory care of patients. A written report of
 18 each licensure inspection of a county care facility
 19 under this section shall be filed with the director
 20 and the director of public health the department of
 21 inspections and appeals and shall include:

22 Sec. ____ . Section 227.2, subsection 1, paragraph

23 g, Code 1987, is amended to read as follows:

24 g. Any failure to comply with standards adopted
25 under section 227.4 for care of mentally ill and
26 mentally retarded persons in county care facilities,
27 which is not covered in information submitted pursuant
28 to paragraphs "a" to "f", and any other matters which
29 the ~~commissioner~~ director of public health the
30 department of inspections and appeals, in consultation
31 with the director, may require.

32 Sec. ____ . Section 227.4, Code 1987, is amended to
33 read as follows:

34 227.4 STANDARDS FOR CARE OF MENTALLY ILL AND
35 MENTALLY RETARDED PERSONS IN COUNTY CARE FACILITIES.

36 The director, in co-operation with the ~~state~~
37 department of ~~health~~ inspections and appeals, shall
38 recommend, and the mental health and mental
39 retardation commission shall adopt standards for the
40 care of and services to mentally ill and mentally
41 retarded persons residing in county care facilities.
42 The standards shall be enforced by the department of
43 inspections and appeals as a part of the licensure
44 inspection conducted pursuant to chapter 135C. The
45 objective of the standards is to ensure that mentally
46 ill and mentally retarded residents of county care
47 facilities are not only adequately fed, clothed, and
48 housed, but are also offered reasonable opportunities
49 for productive work and recreational activities suited
50 to their physical and mental abilities and offering

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1 both a constructive outlet for their energies and, if
2 possible, therapeutic benefit. When recommending
3 standards under this section, the director shall
4 designate an advisory committee representing
5 administrators of county care facilities, county co-
6 ordinating boards, and county care facility care
7 review committees to assist in the establishment of
8 standards.

9 Sec. ____ . Section 256.9, subsection 4, Code 1987,
10 is amended to read as follows:

11 4. Employ personnel and assign duties and
12 responsibilities of the department. The director
13 shall appoint a deputy director and division
14 administrators deemed necessary. They shall be
15 appointed on the basis of their professional
16 qualifications, administration, and background.
17 Members of the professional staff are not subject to
18 the merit system provisions of chapter 19A and shall
19 ~~be employed pursuant~~ subject to section 256.10."

20 4. Page 6, by inserting after line 27 the
 21 following:
 22 "Sec. ____ . Section 307.48, unnumbered paragraph 1,
 23 Code 1987, is amended to read as follows:
 24 An employee under the supervision of the
 25 department's administrator of highways and subject to
 26 the merit provisions of chapter 19A who is hired on or
 27 after July 1, 1971, is not entitled to longevity pay.
 28 However, this section does not apply to an employee
 29 under the supervision of the department's
 30 administrator of highways and subject to the merit
 31 system provisions of chapter 19A who was employed
 32 prior to July 1, 1971, and whose employment continued
 33 after June 30, 1971. An employee under the
 34 supervision of the department's administrator of
 35 highways and subject to the merit system provisions of
 36 chapter 19A whose employment is terminated on or after
 37 July 1, 1971, if reemployed under the supervision of
 38 the department's administrator of highways, forfeits
 39 any right the employee may have had to longevity pay.
 40 Sec. ____ . Section 313.4, subsection 3, Code 1987,
 41 is amended by striking the subsection."
 42 5. Page 7, by inserting before line 18 the
 43 following:
 44 "Sec. ____ . Section 322A.6, unnumbered paragraph 2,
 45 Code 1987, is amended to read as follows:
 46 An applicant seeking permission to enter into a
 47 franchise for additional representation of the same
 48 line-make in a community shall deposit with the
 49 department at the time the application is filed, an
 50 amount of money to be determined by the department of

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1 inspections and appeals to secure the payment of pay
 2 the costs and expenses of the hearing. The applicant
 3 shall pay the costs of the hearing.
 4 Sec. ____ . Section 325.11, Code 1987, is amended to
 5 read as follows:
 6 325.11 RULES OF PROCEDURE.
 7 The department shall adopt rules governing for the
 8 procedure to be followed in the filing of applications
 9 and in the department of inspections and appeals shall
 10 adopt rules for the conduct of hearings.
 11 Sec. ____ . Section 325.13, subsection 5, Code 1987,
 12 is amended to read as follows:
 13 5. Upon receipt of any protests complying with
 14 subsection 3, the department shall request the
 15 department of inspections and appeals to set the

16 matter for hearing not less than ten days following
17 the expiration of the time in which protests may be
18 made ~~and~~. The department of inspections and appeals
19 shall give notice to all persons who have filed
20 protests of the time and place of the hearing.

21 Sec. ____ . Section 325.17, Code 1987, is amended to
22 read as follows:

23 325.17 TESTIMONY RECEIVABLE UNCONTESTED CASE
24 PROCEDURE.

25 The If no protest is filed, the department shall
26 consider the application and any objections filed
27 thereto ~~and may hear testimony to aid it relevant~~
28 evidence in determining the propriety of granting the
29 application.

30 Sec. ____ . Section 325.19, Code 1987, is amended to
31 read as follows:

32 325.19 EXPENSE OF HEARING.

33 The applicant shall pay all the costs ~~and expenses~~
34 of the hearing ~~and necessary preliminary investigation~~
35 ~~in connection therewith~~ before the application shall
36 ~~be is~~ granted. The department of inspections and
37 appeals shall establish appropriate fees which shall
38 be paid to the department ~~at the time the application~~
39 ~~is filed of~~ inspections and appeals.

40 Sec. ____ . Section 325.21, Code 1987, is amended to
41 read as follows:

42 325.21 JUDICIAL REVIEW.

43 Decisions of the department of inspections and
44 appeals are subject to review by the department of
45 transportation. Judicial review of the decisions and
46 actions of the department of transportation may be
47 sought in accordance with ~~the terms of the Iowa~~
48 ~~administrative procedure Act chapter 17A.~~ Such The
49 petitioners must file with the clerk of the district
50 court a bond for costs in the sum of not less than

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1 five hundred dollars.

2 Sec. ____ . Section 325.25, unnumbered paragraph 1,
3 Code 1987, is amended to read as follows:

4 A certificate of convenience and necessity shall
5 not be sold, transferred, leased, or assigned, nor
6 shall any contract or agreement with reference to or
7 affecting any certificate be made without the written
8 approval of the department. The department may
9 request the department of inspections and appeals to
10 hold a hearing at its discretion and, The department
11 of transportation shall approve the sale, transfer,
12 lease, or assignment upon a finding that there has

13 been continuous service under the certificate for at
 14 least ninety days prior to the transfer, and that the
 15 transferee is fit, willing, and able to perform the
 16 operations authorized by the certificate, and that the
 17 transfer is consistent with the public interest.
 18 Pending determination of an application filed with the
 19 department for approval of a sale, transfer, lease, or
 20 assignment, the department may grant temporary
 21 approval of the proposed operation upon a finding of
 22 good cause.

23 Sec. ____ . Section 325.26, subsection 2, paragraphs
 24 a and b, Code 1987, is amended to read as follows:

25 a. To cover the assured's legal liability as a
 26 motor carrier for bodily injury or death resulting
 27 therefrom, as a result of any one accident or other
 28 cause, one hundred thousand dollars for any recovery
 29 by one person and, subject to the limit for one
 30 person, three hundred thousand dollars for more than
 31 one person. However, the minimum limits of liability
 32 for motor carriers of hazardous materials subject to
 33 federal minimum limits of liability are those
 34 specified in rules adopted by the department pursuant
 35 to chapter 17A. The rules must be consistent with the
 36 coverage specified in 49 C.F.R. sec. 387.3 and sec.
 37 387.9 as published in the federal register on June 11,
 38 1981, part 387.

39 b. To cover the assured's legal liability as a
 40 motor carrier for damage to or destruction of any
 41 property other than that of or in charge of the
 42 assured, as a result of any one accident or other
 43 cause, ten thousand dollars. However, the minimum
 44 limits of liability for motor carriers of hazardous
 45 materials subject to federal minimum limits of
 46 liability are those specified in rules adopted by the
 47 department pursuant to chapter 17A. The rules must be
 48 consistent with the coverage specified in 49 C.F.R.
 49 sec. 387.3 and sec. 387.9 as published in the federal
 50 register on June 11, 1981, part 387.

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1 Sec. ____ . Section 325.31, Code 1987, is amended to
 2 read as follows:

3 325.31 DISTINCTIVE MARKINGS ON VEHICLE.

4 ~~There shall be attached to each~~ Each motor vehicle
 5 must display distinctive markings or tags as
 6 prescribed by the department.

7 Sec. ____ . Section 327.15, subsection 1 and 2, Code
 8 1987, is amended to read as follows:

9 1. To cover the assured's legal liability as a

10 truck operator or contract carrier for bodily injury
11 or death resulting therefrom as a result of any one
12 accident or other cause, one hundred thousand dollars
13 for any recovery by one person, and subject to the
14 limit for one person, three hundred thousand dollars
15 for more than one person. However, the minimum limits
16 of liability for truck operators and contract carriers
17 of hazardous materials subject to federal minimum
18 limits of liability are those specified in rules
19 adopted by the department pursuant to chapter 17A.
20 The rules must be consistent with the coverage
21 specified in 49 C.F.R. sec. 387.3 and sec. 387.9 as
22 published in the federal register on June 11, 1981,
23 part 387.

24 2. To cover the assured's legal liability as a
25 truck operator or contract carrier for damage to or
26 destruction of any property other than that of or in
27 charge of the assured, as a result of any one accident
28 or other cause, ten thousand dollars. However, the
29 minimum limits of liability for truck operators and
30 contract carriers of hazardous materials subject to
31 federal minimum limits of liability are those
32 specified in rules adopted by the department pursuant
33 to chapter 17A. The rules must be consistent with the
34 coverage specified in 49 C.F.R. sec. 387.3 and sec.
35 387.9 as published in the federal register on June 11,
36 1981, part 387.

37 Sec. ____ . Section 327.16, Code 1987, is amended to
38 read as follows:

39 327.16 REVOCATION OF PERMIT.

40 For just cause, after due hearing conducted by the
41 department of inspections and appeals, the department
42 of transportation may at any time alter, amend, or
43 revoke any permit issued. If the holder of the permit
44 or the holder's agent persists in a violation of any
45 prescribed safety regulation prescribed by the
46 department rule, the department may recommend
47 revocation of said ~~revoke the~~ permit and such
48 violation shall be grounds for such revocation.

49 Sec. ____ . Section 327.19, Code 1987, is amended to
50 read as follows:

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1 327.19 REQUIRED MARKING.

2 ~~There shall be attached to each~~ Each motor truck
3 ~~such~~ must display distinctive markings or tags as
4 ~~shall be~~ prescribed by the department.

5 Sec. ____ . Section 327A.4, Code 1987, is amended to
6 read as follows:

7 327A.4 DISPOSAL OF CERTIFICATE.

8 ~~Whenever any~~ If a person shall file files with the
9 department an application for authority to sell,
10 transfer, lease or assign a certificate of convenience
11 and necessity issued under ~~the provisions of this~~
12 chapter, the department shall request the department
13 of inspections and appeals to fix a date for hearing
14 thereon and the department of transportation shall
15 cause a notice addressed to the citizens of each
16 county through or in which the proposed service will
17 be rendered to be published in ~~some a~~ newspaper of
18 general circulation in each such county, once each
19 week for two consecutive weeks, and shall notify each
20 liquid transport carrier holding a certificate, issued
21 by the department, to transport over, in, or through
22 the area described in the application, by mailing
23 notice of the hearing to each such carrier at least
24 ten days before the date fixed for hearing, and ~~the~~
25 provisions of chapter 325; inclusive of and this
26 chapter shall, insofar as appropriate be, are
27 applicable to the said hearing.

28 Sec. ____ . Section 327A.5, subsections 1 and 2,
29 Code 1987, are amended to read as follows:

30 1. To cover the assured's legal liability as a
31 liquid transport carrier for bodily injury or death
32 resulting therefrom as a result of any one accident or
33 other cause, one hundred thousand dollars for any
34 recovery by one person, and subject to the limit for
35 one person, three hundred thousand dollars; for more
36 than one person. However, the minimum limits of
37 liability for liquid transport carriers of hazardous
38 materials subject to federal minimum limits of
39 liability are those specified in rules adopted by the
40 department pursuant to chapter 17A. The rules must be
41 consistent with the coverage specified in 49 C.F.R.
42 sec. 387.3 and sec. 387.9 as published in the federal
43 register on June 11, 1981, part 387.

44 2. To cover the assured's legal liability as a
45 liquid transport carrier for damages to or destruction
46 of any property other than that of or in charge of the
47 assured, as a result of any one accident or other
48 cause, one hundred thousand dollars. However, the
49 minimum limits of liability for liquid transport
50 carriers of hazardous materials subject to federal

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1 minimum limits of liability are those specified in
2 rules adopted by the department pursuant to chapter
3 17A. The rules must be consistent with the coverage
4 specified in 49 C.F.R. sec. 387.3 and sec. 387.9 as
5 published in the federal register on June 11, 1981,
6 part 387.

7 Sec. ____ . Section 327A.8, unnumbered paragraphs 1
8 and 2, Code 1987, are amended to read as follows:

9 ~~There shall be attached to each~~ Each tank vehicle
10 used for the intrastate transportation of liquid; must
11 display distinctive markings or tags as prescribed by
12 the department.

13 ~~There shall be attached to each~~ Each tank vehicle
14 used for the intrastate transportation of any
15 flammable liquid must display distinctive markings or
16 tags on each side and rear in letters a minimum of
17 four inches high and a minimum width of five-eighths
18 of an inch.

19 Sec. ____ . Section 327A.14, Code 1987, is amended
20 to read as follows:

21 327A.14 PRIOR SERVICE -- RIGHTS TRANSFERRED OR
22 ASSIGNED.

23 ~~Any~~ A liquid transport carrier actively and
24 continuously engaged in business as such between the
25 first day of December, 1956, and the fourteenth day of
26 January, 1957, shall be issued a certificate of
27 convenience and necessity covering all points in this
28 state to all other points in this state, and all
29 routes and areas in this state, provided that
30 application ~~therefor shall be~~ is made within sixty
31 days after May 17, 1957. No rights so granted may be
32 sold, leased, transferred or assigned to any person
33 engaged directly or indirectly in the transportation
34 for hire of liquid products in bulk or freight in
35 interstate commerce or in intrastate commerce, in this
36 or any other state, or the District of Columbia, or to
37 any person engaged in the leasing of equipment for
38 such purposes, except ~~such~~ rights as ~~which~~ are
39 actively being exercised at the time of ~~the~~ sale,
40 lease, transfer or assignment; ~~provided;~~ however,
41 rights so granted may be sold, leased, transferred or
42 assigned to any person who has not engaged directly or
43 indirectly in the transportation for hire of liquid
44 products in bulk or freight in interstate or
45 intrastate commerce prior to the date of ~~such~~
46 transfer, or to any person who has not prior to such
47 date engaged in the leasing of equipment for such
48 purpose, and ~~on hearing~~ it shall not be necessary for
49 the department of ~~inspections and appeals~~ to find that
50 such sale, lease, transfer or assignment is necessary

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1 in the public interest. Before any rights may be
2 sold, leased, transferred or assigned, application
3 therefor shall be filed with the department of
4 transportation, which shall ~~fix~~ request the department
5 of inspections and appeals to set a date for hearing
6 thereon on the application, and the provisions of
7 section 327A.4 ~~shall be is~~ applicable thereto. Rights
8 actively being exercised may be sold, leased,
9 transferred or assigned to any person engaged in the
10 transportation for hire of liquid products in bulk or
11 freight under the conditions ~~hereinafter~~ set forth in
12 this section:

13 1. ~~Whenever~~ When an application for a sale, lease,
14 transfer, assignment, consolidation, merger, or
15 acquisition of control is filed with the department,
16 if ~~on~~ after a hearing by the department of inspections
17 and appeals, the department of transportation finds
18 that ~~(a)~~ the proposed purchaser, lessee, transferee or
19 assignee is fit, willing and able, ~~and (b)~~ that the
20 proposed seller, lessor, transferor or assignor has
21 not abandoned, suspended or discontinued operations,
22 ~~and (c)~~ that the transaction proposed will be
23 consistent with the public interest, and that the
24 conditions of this section have been or will be
25 fulfilled, the department of transportation may enter
26 an order approving and authorizing ~~such~~ the sale,
27 lease, transfer, assignment, consolidation, merger or
28 acquisition of control, upon ~~such~~ terms and conditions
29 ~~as it shall find~~ finds to be just and reasonable and
30 with such modifications as it may prescribe.

31 2. Except as otherwise provided in subsection 1,
32 it ~~shall be is~~ unlawful for ~~any a~~ person to accomplish
33 or effectuate, or to participate in accomplishing or
34 effectuating, the control or management in a common
35 interest of any two or more persons engaged in the
36 transportation for hire of liquid products in bulk or
37 freight or of one or more persons so engaged, however
38 such result is attained, whether directly or
39 indirectly, by use of common directors, officers or
40 stockholders, a holding or investment company or
41 companies, a voting trust or trusts, or in any other
42 manner ~~whatsoever~~.

43 3. The department is ~~hereby~~ authorized may, upon
44 complaint, or upon its own initiative without
45 complaint, ~~but after notice, and hearing, to~~
46 investigate and determine whether ~~any a~~ person is
47 violating ~~the provisions~~ of this section. If the
48 department finds upon investigation that ~~any a~~ person

49 is violating the provisions of this section, it shall,
50 by order after a hearing conducted by the department

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1 of inspections and appeals, require such the person to
2 take such action consistent with the provisions of
3 this chapter as may be necessary, in the opinion of
4 the department, to prevent continued violation of such
5 provisions this section.

6 Sec. ____ . Section 327C.8, Code 1987, is amended to
7 read as follows:

8 327C.8 OBJECTIONS -- HEARING.

9 Any A person directly affected by the proposed
10 discontinuance of any an agency, may file written
11 objections with the department, stating the grounds
12 for such the objections, within fifteen days from the
13 time of the publication of the notice as provided in
14 section 327C.7. Upon the filing of such objections
15 the department shall request the department of
16 inspections and appeals shall fix the time and place
17 for to hold a hearing, which shall be held within
18 sixty days from the filing of such the objections.
19 Written notice of the time and place of such the
20 hearing shall be mailed by the department of
21 inspections and appeals to the railroad corporation
22 and the person filing objections at least ten days
23 prior to the date fixed for such the hearing.

24 Sec. ____ . Section 327C.12, Code 1987, is amended
25 to read as follows:

26 327C.12 AID FROM COURTS.

27 The department or the department of inspections and
28 appeals may invoke the aid of any court of record in
29 the state in requiring the attendance and testimony of
30 witnesses and the production of books, papers, tariff
31 schedules, agreements, and other documents. Any A
32 court having jurisdiction of the inquiry shall, in
33 case of the refusal of any if a person refuses to obey
34 a subpoena or other process, shall issue an order
35 requiring any of the officers, agents, or employees of
36 any a carrier or other person to appear before the
37 either department and produce all books and papers
38 required by such the order and testify in relation to
39 any matter under investigation.

40 Sec. ____ . Section 327C.17, Code 1987, is amended
41 to read as follows:

42 327C.17 WHEN ORDER EFFECTIVE -- VIOLATION.

43 If any a railroad fails, neglects, or refuses to

44 comply with ~~any~~ a rule or order made by the department
 45 of transportation or the department of inspections and
 46 appeals within the time specified, it ~~shall is~~, for
 47 each day of ~~such~~ failure, be subject to a schedule
 48 "two" penalty.
 49 Sec. ____ . Section 327C.19, Code 1987, is amended
 50 to read as follows:

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1 327C.19 JUDICIAL REVIEW.

2 Decisions of the department of inspections and
 3 appeals are subject to review by the department of
 4 transportation. Judicial review of the actions of the
 5 department may be sought in accordance with the terms
 6 of the Iowa administrative procedure Act chapter 17A.

7 Sec. ____ . Section 327C.20, Code 1987, is amended
 8 to read as follows:

9 327C.20 REMITTING PENALTY.

10 If a common carrier fails in a judicial review
 11 proceeding to secure a vacation of the order objected
 12 to, it may apply to the court in which the review
 13 proceeding is finally adjudicated for an order
 14 remitting the penalty which has accrued during the
 15 review proceeding. Upon a satisfactory showing that
 16 the petition for judicial review was filed in good
 17 faith and not for the purpose of delay, and that there
 18 were reasonable grounds to believe that the order was
 19 unreasonable or unjust or that the power of the
 20 department of transportation or the department of
 21 inspections and appeals to make the ~~same~~ order was
 22 doubtful, ~~such~~ the court may remit the penalty that
 23 has accrued during the review proceeding.

24 Sec. ____ . Section 327C.25, Code 1987, is amended
 25 to read as follows:

26 327C.25 COMPLAINTS.

27 Any person; ~~city or county~~ may file with the
 28 department a petition setting forth any particular in
 29 which ~~any~~ a common carrier has violated the law to
 30 which it is subject and the amount of damages
 31 sustained by reason ~~thereof~~ of the violation. The
 32 department shall furnish a copy of the complaint to
 33 the carrier against which a complaint is filed; a copy
 34 thereof, and a reasonable time. The department shall
 35 be fixed by request the department of inspections and
 36 appeals within to schedule a hearing in which ~~such~~ the
 37 carrier shall answer the petition or satisfy the
 38 ~~demand therein made~~ demands of the complaint. If ~~such~~
 39 the carrier fails to satisfy the complaint within the
 40 time fixed or there ~~appears~~ appear to be reasonable

41 grounds for investigating the matters set forth in
42 ~~said the~~ petition, the department of inspections and
43 appeals shall hear and determine the questions
44 involved and make ~~such~~ orders as it ~~shall find to be~~
45 finds proper. ~~When~~ If the department has reason to
46 believe that ~~any a~~ carrier is violating any of the
47 laws to which it is subject, ~~it the~~ department may
48 institute an investigation and ~~cause~~ request the
49 department of inspections and appeals to conduct a
50 hearing to be held before the department of

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1 ~~inspections and appeals~~ in relation to ~~such the~~
2 matters in all respects as fully as if a petition had
3 been filed.
4 Sec. ____ . Section 327C.26, Code 1987, is amended
5 to read as follows:
6 327C.26 INVESTIGATION -- REPORT.
7 When a hearing has been held before the department
8 of inspections and appeals after notice, it shall make
9 a report in writing setting forth the findings of fact
10 and its conclusions together with its recommendations
11 ~~or orders~~ as to what reparation, if any, the offending
12 carrier ~~shall~~ should make to any party who has
13 suffered damage. ~~Such The~~ finding of fact ~~shall~~
14 ~~thereafter in all legal proceedings be is~~ prima-facie
15 evidence in all legal proceedings thereafter of every
16 fact found. All reports of hearings and
17 investigations made by ~~the department of~~
18 ~~transportation and~~ the department of inspections and
19 appeals shall be entered of record and a copy
20 furnished to the carrier against which the complaint
21 was filed, to the party complaining, and to any other
22 person having a direct interest in the matter. A
23 reasonable fee not to exceed the actual duplication
24 costs may be charged for the copies.

25 Sec. ____ . Section 327C.28, Code 1987, is amended
26 to read as follows:
27 327C.28 VIOLATION OF ORDER -- 10600 PETITION --
28 NOTICE.
29 When any person violates or fails to obey ~~any a~~
30 lawful order or requirement of the department of
31 transportation or the department of inspections and
32 appeals, the department of transportation or the
33 department of inspections and appeals shall apply by
34 petition in the name of the state, against ~~such the~~
35 person, to the district court, alleging ~~such the~~
36 violation or failure to obey; ~~the~~ The court shall

37 hear and determine the matter set forth in the
 38 petition on reasonable notice to the person, to be
 39 fixed by the court and to be served in the same manner
 40 as original notices for the commencement of ~~action~~
 41 actions.

42 Sec. ____ . Section 327C.29, Code 1987, is amended
 43 to read as follows:

44 **327C.29 INTERESTED PARTY MAY BEGIN PROCEEDINGS.**

45 ~~Any A person or city or county~~ interested in the
 46 ~~matter of enforcing any an~~ order or requirement of the
 47 department of transportation or the department of
 48 inspections and appeals, may file a petition against
 49 ~~such the~~ person, alleging the failure to comply with
 50 ~~such the~~ order or requirement and praying summary

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1 relief to the same extent and in the same manner as
 2 the department of transportation or the department of
 3 inspections and appeals may do under section 327C.28,
 4 and the proceedings after the filing of ~~such the~~
 5 petition shall be the same as in section 327C.28.

6 Sec. ____ . Section 327D.53, Code 1987, is amended
 7 to read as follows:

8 **327D.53 DIVISION OF JOINT RATES.**

9 Before the promulgation of such rates, the
 10 department shall notify the railroad corporations
 11 interested in the schedule of joint rates fixed, and
 12 give them a reasonable time to agree upon a division
 13 of the charges provided. If ~~such the~~ corporations
 14 fail to agree upon a division, and to notify the
 15 department ~~thereof of their agreement~~, the department
 16 shall, after a hearing of ~~the corporations interested~~
 17 conducted by the department of inspections and
 18 appeals, decide the ~~same rates~~, taking into
 19 consideration the value of terminal facilities and all
 20 the circumstances of the haul, and the division so
 21 determined by it ~~shall is~~, in all controversies or
 22 actions between the railroad corporations interested,
 23 ~~be~~ prima-facie evidence of a just and reasonable
 24 division ~~thereof~~.

25 Sec. ____ . Section 327D.83, Code 1987, is amended
 26 to read as follows:

27 **327D.83 POWER TO REVISE RATES.**

28 ~~Whenever~~ When there ~~shall be is~~ filed with the
 29 department ~~any a~~ schedule stating a rate, the
 30 department may, either upon complaint or upon its own
 31 motion, ~~immediately, and, if it so orders, without~~
 32 ~~answer or formal pleadings by the interested common~~
 33 ~~carrier, enter upon request the department of~~

34 inspections and appeals to conduct a hearing
35 concerning the propriety of ~~such the~~ rate.
36 Sec. ____ . Section 327D.85, Code 1987, is amended
37 to read as follows:
38 327D.85 DECISION.
39 ~~On such~~ At the hearing the department of
40 inspections and appeals shall ~~establish propose~~ the
41 rates, in whole or in part, or others in lieu thereof,
42 ~~which it shall find to be just and reasonable. The~~
43 action of the department of inspections and appeals is
44 subject to review by the department of transportation.
45 The department's decision is the final agency action.
46 Sec. ____ . Section 327D.89, Code 1987, is amended
47 to read as follows:
48 327D.89 COMPLAINT OF VIOLATION.
49 When ~~any a~~ person, city or county shall make
50 ~~complaint complains~~ to the department that the rate

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1 charged or published by ~~any a~~ railway corporation, or
2 the maximum rate fixed by law, is unreasonably high or
3 discriminating, the department may investigate the
4 matter, and; ~~hold request the department of~~
5 inspections and appeals to conduct a hearing; giving.
6 The department of inspections and appeals shall give
7 the parties notice of the time and place of the
8 hearing.
9 Sec. ____ . Section 327G.12, Code 1987, is amended
10 to read as follows:
11 327G.12 OVERHEAD, UNDERGROUND, OR MORE THAN ONE
12 CROSSING.
13 ~~Such~~ The owner of land may serve upon ~~such the~~
14 railroad corporation a request in writing for more
15 than one such private crossing, or for an overhead or
16 underground crossing, accompanied by a plat of the
17 owner's land designating ~~thereon~~ the location and
18 character of crossing desired. If the railroad
19 corporation refuses or neglects to comply within
20 thirty days of ~~such the~~ written request, the owner of
21 the land may make written application to the
22 department to ~~hear and~~ determine the owner's rights in
23 ~~said respect~~. The department of inspections and
24 appeals, after notice to the railroad corporation,
25 shall hear ~~said the~~ application and all objections
26 ~~thereto to the application~~, and make ~~such an~~ order as
27 ~~shall be which is~~ reasonable and just, and if it
28 requires the railroad company to construct any
29 crossing or roadway, fix the time for compliance with
30 the order ~~and apportion the costs as appropriate. The~~

31 matter of costs shall be in the discretion of the
 32 department of inspections and appeals The order of the
 33 department of inspections and appeals is subject to
 34 the review of the department of transportation. The
 35 department's decision is the final agency action.
 36 Sec. ____ . Section 327G.16, Code 1987, is amended
 37 to read as follows:
 38 327G.16 DISAGREEMENT -- APPLICATION -- NOTICE.
 39 If the persons specified in section 327G.15 cannot
 40 reach an agreement, either party may make written
 41 application to the authority department requesting
 42 resolution of the disagreement. The authority
 43 department shall ~~fix~~ request the department of
 44 inspections and appeals to set a date for hearing and,
 45 The department of inspections and appeals shall give
 46 the other party ten days' written notice by mail of
 47 the hearing date. The authority shall promulgate
 48 rules subject to department approval for processing
 49 applications which are filed with the authority prior
 50 to a written disagreement. The authority may set a

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1 hearing date after the disagreement has been filed.
 2 Sec. ____ . Section 327G.17, Code 1987, is amended
 3 to read as follows:
 4 327G.17 HEARING -- ORDER.
 5 The department of inspections and appeals shall
 6 hear the evidence of each party to the controversy and
 7 shall make an order, which may include, pursuant to
 8 the provisions of chapters 471 and 472, authority to
 9 condemn, resolving the controversy including what
 10 portion of the expense shall be paid by each party to
 11 ~~such~~ the controversy. In determining what portion of
 12 the expense shall be paid by each party the department
 13 of inspections and appeals may consider the ratio of
 14 the benefits accruing to the railroad or the
 15 governmental unit or both as it bears to the general
 16 public use and benefit and ~~such benefits may in the~~
 17 ~~case of construction be consistent with the standards~~
 18 ~~adopted for similar purposes by the federal highway~~
 19 ~~administration under the federal aid highway Act of~~
 20 ~~1973 as amended to July 1, 1976, [28 U.S.C. § 101 et~~
 21 ~~seq.].~~
 22 The order of the department of inspections and
 23 appeals is subject to review by the department of
 24 transportation. The department's decision is the
 25 final agency action.
 26 Sec. ____ . Section 327G.62, Code 1987, is amended

27 to read as follows:

28 327G.62 CONTROVERSIES.

29 When a disagreement arises between a railroad
30 corporation, its grantee, or its successor in
31 interest, and the owner, lessee, or licensee of a
32 building or other improvement, including trackage,
33 used for receiving, storing, transporting, or
34 manufacturing an article of commerce transported or to
35 be transported, situated on a present or former
36 railroad right-of-way or any land owned or controlled
37 by the railroad corporation, its grantee, or its
38 successor in interest, as to the terms and conditions
39 on which the article is to be continued or removed,
40 the railway corporation, its grantee, or its successor
41 in interest, or the owner, lessee, or licensee may
42 make written application to the department and the
43 department shall notify the department of inspections
44 and appeals which shall hear and determine the
45 controversy and make an order ~~as~~ which is just and
46 equitable between the parties, which order ~~shall be~~
47 ~~enforced in the same manner as other orders of is~~
48 subject to review by the department of transportation.
49 The department's decision is the final agency action.

50 Sec. ____ . Section 331.502, subsection 12, Code

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1 1987, is amended by striking the subsection.”

2 6. Page 9, by inserting after line 34 the

3 following:

4 “Sec. ____ . Section 455A.4, subsection 1, paragraph
5 e, Code 1987, is amended to read as follows:

6 e. Employ personnel as necessary to carry out the
7 functions vested in the department consistent with
8 chapter 19A ~~unless the positions are exempt from that~~
9 ~~chapter.~~

10 Sec. ____ . Section 474.1, unnumbered paragraph 2,
11 Code 1987, is amended to read as follows:

12 The utilities board shall organize by appointing an
13 executive secretary, who shall take the same oath as
14 the members. The executive secretary is exempt from
15 the merit system provisions of chapter 19A and the
16 board shall set the salary of the executive secretary
17 within the limits of the pay plan ~~for exempt positions~~
18 provided for in section 19A.9, subsection 2, unless
19 otherwise provided by the general assembly. The board
20 may employ additional personnel as it finds necessary.
21 Subject to confirmation by the senate, the governor
22 shall appoint a member as the chairperson of the
23 board. The chairperson shall be the administrator of

24 the utilities division. The appointment as
 25 chairperson shall be for a two-year term which begins
 26 and ends as provided in section 69.19.

27 Sec. ____ . Section 474.10, Code 1987, is amended to
 28 read as follows:

29 474.10 GENERAL COUNSEL.

30 The board shall employ a competent attorney to
 31 serve as its general counsel, and assistants to the
 32 general counsel as it finds necessary for the full and
 33 efficient discharge of its duties. The general
 34 counsel is the attorney for, and legal advisor of, the
 35 board and is exempt from the merit system provisions
 36 of chapter 19A. Assistants to the general counsel are
 37 subject to the merit system provisions of chapter 19A.
 38 The general counsel or an assistant to the general
 39 counsel shall provide the necessary legal advice to
 40 the board in all matters and represent the board in
 41 all actions instituted in a state or federal court
 42 challenging the validity of any rule or order of the
 43 board. The existence of a fact which disqualifies a
 44 person from election or from acting as utilities board
 45 member disqualifies the person from employment as
 46 general counsel or assistant general counsel. The
 47 general counsel shall devote full time to the duties
 48 of the office. During employment the counsel shall
 49 not be a member of a political committee, contribute
 50 to a political campaign fund other than through the

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1 income tax checkoff for contributions to the Iowa
 2 election campaign fund and the presidential election
 3 campaign fund, participate in a political campaign, or
 4 be a candidate for a political office.

5 Sec. ____ . Section 535A.5, subsections 1 and 2,
 6 Code 1987, are amended to read as follows:

7 1. The superintendent of banking or the
 8 superintendent's designee shall ~~be responsible for~~
 9 ~~enforcing those enforce the~~ sections in regard to ~~all~~
 10 banks, persons licensed under chapter 536A, and
 11 mortgage banking companies.

12 2. The superintendent of savings and loan
 13 associations shall ~~be responsible for enforcing those~~
 14 ~~enforce the~~ sections in regard to ~~all~~ savings and loan
 15 associations pursuant to chapter 534 ~~and all persons~~
 16 ~~licensed under chapter 536A.~~"

17 7. Page 10, by inserting after line 13 the
 18 following:

19 "Sec. ____ . Section 601K.2, unnumbered paragraph 2,
 20 Code 1987, is amended to read as follows:

21 The governor shall appoint the administrators of
22 each of the divisions subject to confirmation by the
23 senate. Each administrator shall serve at the
24 pleasure of the governor and is exempt from the merit
25 system provisions of chapter 19A. The governor shall
26 set the salary of the division directors within the
27 ranges set by the general assembly.

28 Sec. ____ . Section 601K.36, Code 1987, is amended
29 to read as follows:

30 601K.36 ADMINISTRATOR.

31 The administrator shall serve as executive officer
32 of the commission and be exempt from the merit system
33 provisions of chapter 19A. The administrator shall be
34 responsible to the commission and, pursuant to section
35 601K.2, with the approval of the commission shall
36 employ and supervise the commission's staff and be
37 responsible for implementing policy set by the
38 commission. The administrator shall carry out
39 programs and policies as determined by the
40 commission."

41 8. Page 10, by inserting after line 29 the
42 following:

43 "Sec. ____ . Section 622B.1, subsection 2, Code
44 1987, is amended to read as follows:

45 2. The supreme court, after consultation with the
46 Iowa department of ~~public health~~ human rights, shall
47 adopt rules governing the qualifications and
48 compensation of interpreters appearing in a proceeding
49 before a court, grand jury or administrative agency
50 under this chapter. However, an administrative agency

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1 which is subject to chapter 17A may adopt rules
2 differing from those of the supreme court governing
3 the qualifications and compensation of interpreters
4 appearing in proceedings before that agency.

5 Sec. ____ . Section 622B.4, Code 1987, is amended to
6 read as follows:

7 622B.4 LIST.

8 The ~~service program for the division of deaf~~
9 services of the Iowa department of ~~public health~~ human
10 rights shall prepare and continually update a listing
11 of qualified and available interpreters. The courts
12 and administrative agencies shall maintain a directory
13 of qualified interpreters for hearing impaired persons
14 as furnished by the Iowa department of ~~public health~~
15 human rights. The ~~service program for the division of~~
16 deaf services shall maintain information on the
17 qualifications of interpreters, which information is

18 confidential except to a court, administrative agency,
19 or interested parties to an action using the services
20 of such an interpreter.

21 Sec. ____ . Section 625.29, subsection 1, paragraph
22 g, Code 1987, is amended to read as follows:

23 g. The proceeding involved the Iowa merit
24 employment commission department of personnel under
25 chapter 19A."

26 9. Page 11, by inserting after line 5 the
27 following:

28 "Sec. ____ . Section 804.31, unnumbered paragraph 1,
29 Code 1987, is amended to read as follows:

30 When a person is detained for questioning or
31 arrested for an alleged violation of a law or
32 ordinance and there is reason to believe that the
33 person is hearing impaired, the peace officer making
34 the arrest or taking the person into custody or any
35 other officer detaining the person shall determine if
36 the person is a hearing impaired person as defined in
37 section 622B.1. If the officer so determines, the
38 officer, at the earliest possible time and prior to
39 commencing any custodial interrogation of the person,
40 shall procure a qualified interpreter in accordance
41 with section 622B.2 and the rules adopted by the
42 supreme court under section 622B.1 unless the hearing
43 impaired person knowingly, voluntarily, and
44 intelligently waives the right to an interpreter in
45 writing by executing a form prescribed by the Iowa
46 department of ~~public health~~ human rights and the Iowa
47 county attorneys association. The interpreter shall
48 interpret the officer's warnings of constitutional
49 rights and protections and all other warnings,
50 statements, and questions spoken or written by any
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1 officer, attorney, or other person present and all
2 statements and questions communicated in sign language
3 by the hearing impaired person.

4 Sec. ____ . Sections 144.6 through 144.8, 144.10,
5 and 144.11, Code 1987, are repealed."

6 10. By numbering and renumbering sections as
7 necessary.

HOUSE AMENDMENT TO
SENATE FILE 481

S-3681

1 Amend Senate File 481, as amended, passed, and re-
2 printed by the Senate, as follows:

3 1. By striking everything after the enacting
4 clause and inserting the following:
5 "Section 1. Section 422.3, subsection 5, Code
6 1987, is amended by striking the subsection and
7 inserting in lieu thereof the following:
8 5. "Internal Revenue Code" means the Internal
9 Revenue Code of 1954, prior to the date of its
10 redesignation as the Internal Revenue Code of 1986 by
11 the Tax Reform Act of 1986, or means the Internal
12 Revenue Code of 1986 as amended to and including
13 January 1, 1987, whichever is applicable.
14 Sec. 2. Section 422.4, subsection 17, Code 1987,
15 is amended to read as follows:
16 17. a. "Annual inflation factor" means an index,
17 ~~expressed as a percentage, determined by the~~
18 ~~department each year to reflect the purchasing power~~
19 ~~of the dollar as a result of inflation during the~~
20 ~~preceding calendar year. For the 1981 and subsequent~~
21 ~~calendar years, "annual inflation factor" means an~~
22 ~~index, expressed as a percentage, determined by the~~
23 ~~department by October 15 of the calendar year~~
24 ~~preceding the calendar year for which the factor is~~
25 ~~determined to reflect the purchasing power of the~~
26 ~~dollar as a result of inflation during the fiscal year~~
27 ~~ending in the calendar year preceding the calendar~~
28 ~~year for which the factor is determined. In~~
29 ~~determining the annual inflation factor, the~~
30 ~~department shall use the annual percent change, but~~
31 ~~not less than zero percent, in the implicit price~~
32 ~~deflator for the gross national product computed for~~
33 ~~the whole calendar year or for the second quarter of~~
34 ~~the calendar year; in the case of the annual inflation~~
35 ~~factor for the 1981 and subsequent calendar years, by~~
36 ~~the bureau of economic analysis of the United States~~
37 ~~department of commerce and shall add two-fourths for~~
38 ~~the 1980 and subsequent calendar years of that percent~~
39 ~~change to one hundred percent. The annual inflation~~
40 ~~factor for the 1979 calendar year is one hundred two~~
41 ~~point three percent. The annual inflation factor and~~
42 ~~the cumulative inflation factor shall each be~~
43 ~~expressed as a percentage rounded to the nearest one-~~
44 ~~tenth of one percent. The annual inflation factor~~
45 ~~shall not be less than one hundred percent.~~
46 b. "Cumulative inflation factor" means the product
47 of the annual inflation factor for the ~~1978~~ 1987

48 calendar year and all annual inflation factors for
49 subsequent calendar years as determined pursuant to
50 this subsection. The cumulative inflation factor

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1 applies to all tax years beginning on or after January
2 1 of the calendar year for which the latest annual
3 inflation factor has been determined.

4 c. The annual inflation factor for the 1978 1987
5 calendar year is one hundred percent.

6 d. Notwithstanding the computation of the annual
7 inflation factor under paragraph "a" of this
8 subsection, the annual inflation factor is one hundred
9 percent for any calendar year in which the unobligated
10 state general fund balance on June 30 as certified by
11 the director of revenue and finance by September 10 of
12 the fiscal year beginning in that calendar year is
13 less than sixty million dollars. However, for the
14 1981 and subsequent calendar years, the annual
15 inflation factor is one hundred percent for any
16 calendar year if the unobligated state general fund
17 balance on June 30 of the calendar year preceding the
18 calendar year for which the factor is determined, as
19 certified by the director of revenue and finance by
20 October 10, is less than sixty million dollars.

21 Sec. 3. Section 422.5, subsection 1, paragraphs a
22 through m, Code 1987, are amended by striking the
23 paragraphs and inserting in lieu thereof the
24 following:

25 a. On all taxable income from zero through four
26 thousand dollars, four percent.

27 b. On all taxable income exceeding four thousand
28 dollars but not exceeding fifteen thousand dollars,
29 six percent.

30 c. On all taxable income exceeding fifteen
31 thousand dollars, nine percent.

32 Sec. 4. Section 422.5, subsection 1, paragraph n,
33 Code 1987, is amended to read as follows:

34 n d. The tax imposed upon the taxable income of a
35 nonresident shall be computed by reducing the amount
36 determined pursuant to paragraphs "a" through "m" "c"
37 by the amounts of nonrefundable credits under this
38 division and by multiplying this resulting amount by a
39 fraction of which the nonresident's net income
40 allocated to Iowa, as determined in section 422.8,
41 subsection 2, is the numerator and the nonresident's
42 total net income computed under section 422.7 is the
43 denominator. This provision also applies to
44 individuals who are residents of Iowa for less than

45 the entire tax year.

46 Sec. 5. Section 422.5, subsection 1, paragraph o,
47 unnumbered paragraph 1, Code 1987, is amended to read
48 as follows:

49 There is imposed upon every resident and
50 nonresident of this state, including estates and

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1 trusts, the greater of the tax determined in
2 paragraphs "a" through "n" "d" or the state
3 alternative minimum tax equal to nine percent of the
4 state alternative minimum taxable income of the
5 taxpayer as computed under this paragraph.

6 Sec. 6. Section 422.5, subsections 6 and 7, Code
7 1987, are amended to read as follows:

8 6. A person who is disabled, is sixty-two years of
9 age or older or is the surviving spouse of an
10 individual or survivor having an insurable interest in
11 an individual who would have qualified for the
12 exemption under this paragraph for this tax year and
13 receives one or more annuities from the United States
14 civil service retirement and disability trust fund,
15 and whose net income, as defined in section 422.7, is
16 sufficient to require that the tax be imposed upon it
17 under this section, may determine final taxable income
18 for purposes of imposition of the tax by excluding the
19 amount of annuities received from the United States
20 civil service retirement and disability trust fund,
21 which are not already excluded in determining net
22 income, as defined in section 422.7, up to a maximum
23 each tax year of five thousand ~~five hundred six~~
24 hundred twenty-seven dollars for a person who files a
25 separate state income tax return and eight thousand
26 one hundred eighty-four dollars total for a husband
27 and wife who file a joint state income tax return.
28 However, a surviving spouse who is not disabled or
29 sixty-two years of age or older can only exclude the
30 amount of annuities received as a result of the death
31 of the other spouse. The amount of the exemption
32 shall be reduced by the amount of any social security
33 benefits received. For the purpose of this section,
34 the amount of annuities received from the United
35 States civil service retirement and disability trust
36 fund taxable under the Internal Revenue Code of 1954
37 shall be included in net income for purposes of
38 determining eligibility under the five thousand dollar
39 or less exclusion.

40 7. Upon determination of the latest cumulative
41 inflation factor, the director shall multiply each

42 dollar amount set forth in subsection 1, paragraphs
43 "a" through "m" "c" of this section, and each dollar
44 amount specified in this section as the maximum amount
45 of annuities received which may be excluded in
46 determining final taxable income, by this cumulative
47 inflation factor, shall round off the resulting
48 product to the nearest one dollar, and shall
49 incorporate the result into the income tax forms and
50 instructions for each tax year.

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1 Sec. 7. Section 422.8, subsection 2, Code 1987, is
2 amended to read as follows:
3 2. Nonresident's net income allocated to Iowa is
4 the net income, or portion thereof, which is derived
5 from a business, trade, profession, or occupation
6 carried on within this state or income from any
7 property, trust, estate, or other source within Iowa.
8 If any business, trade, profession, or occupation is
9 carried on partly within and partly without the state,
10 only the portion of the net income which is fairly and
11 equitably attributable to that part of the business,
12 trade, profession, or occupation carried on within the
13 state is allocated to Iowa for purposes of section
14 422.5, subsection 1, paragraph "n" "d" and section
15 422.13 and income from any property, trust, estate, or
16 other source partly within and partly without the
17 state is allocated to Iowa in the same manner, except
18 that annuities, interest on bank deposits and
19 interest-bearing obligations, and dividends are
20 allocated to Iowa only to the extent to which they are
21 derived from a business, trade, profession, or
22 occupation carried on within the state. However,
23 income received by an individual who is a resident of
24 another state is not allocated to Iowa if the income
25 is subject to an income tax imposed by the state where
26 the individual resides, and if the state of residence
27 allows a similar exclusion for income received in that
28 state by residents of Iowa. In order to implement the
29 exclusions, the director shall designate by rule the
30 states which allow a similar exclusion for income
31 received by residents of Iowa, and may enter into
32 agreements with other states to provide that similar
33 exclusions will be allowed, and to provide suitable
34 withholding requirements in each state.
35 Sec. 8. Section 422.9, subsection 1, unnumbered
36 paragraph 1, Code 1987, is amended by striking the
37 paragraph and inserting in lieu thereof the following:
38 For a single person who is not a head of household,

39 a married couple filing jointly, a surviving spouse, a
40 qualifying widow, a head of household, or a married
41 person filing separately an optional standard
42 deduction equal to the amount of the standard
43 deduction determined under section 63(c) of the
44 Internal Revenue Code for that filing status.

45 Sec. 9. Section 422.9, subsection 2, paragraph b,
46 Code 1987, is amended by striking the paragraph and
47 inserting in lieu thereof the following:

48 b. For tax years beginning on or after January 1,
49 1987 but before January 1, 1988, add the amount of
50 federal income tax paid during the tax year for the

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1 previous tax year, except for federal income tax paid
2 in estimated tax payments, to the extent that the
3 federal income tax paid was not the result of an
4 adjustment to the return for the previous tax year.
5 For tax years beginning on or after January 1, 1987,
6 add the amount of federal income tax paid during the
7 tax year which is the result of an adjustment to a
8 federal return for a tax year beginning prior to
9 January 1, 1987. Subtract the amount of federal
10 income tax refund received during the tax year to the
11 extent that the federal income tax that was refunded
12 had been deducted on a return for a prior tax year.
13 Married persons who have filed a joint federal income
14 tax return and who file separately shall divide the
15 federal income tax paid or the federal income tax
16 refund between them in the ratio of the federal
17 adjusted gross income of each spouse to the adjusted
18 gross income of both spouses for the tax year which
19 resulted in the income tax payment or the income tax
20 refund.

21 Sec. 10. Section 422.9, Code 1987, is amended by
22 adding after subsection 2 the following new subsection
23 and renumbering the other subsections:

24 **NEW SUBSECTION.** 3. In addition to the amount
25 deducted under subsection 1 or 2, the taxpayer may
26 deduct the amount of the applicable personal
27 exemptions allowed under section 151 or 642(b) of the
28 Internal Revenue Code. In the case of married
29 taxpayers electing separate filing on a combined
30 return for state income tax purposes, the married
31 taxpayers shall equally divide amongst them the amount
32 of the exemption for dependents allowed under section
33 151 of the Internal Revenue Code.

34 Sec. 11. Section 422.12, subsection 1, Code 1987,
35 is amended by striking the subsection.

36 Sec. 12. Section 422.21, unnumbered paragraph 4,
37 Code 1987, is amended to read as follows:

38 The director shall determine for the ~~1979~~ 1988 and
39 subsequent calendar years the annual and cumulative
40 inflation factors for those calendar years to be
41 applied to tax years beginning on or after January 1
42 of that calendar year. The director shall compute the
43 new dollar amounts as specified therein to be adjusted
44 in section 422.5 by the latest cumulative inflation
45 factor and round off the result to the nearest one
46 dollar. The annual and cumulative inflation factors
47 determined by the director are not rules as defined in
48 section 17A.2, subsection 7.

49 Sec. 13. Section 442.7, subsection 1, paragraph a,
50 Code 1987, is amended by adding the following new

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1 unnumbered paragraph:

2 NEW UNNUMBERED PARAGRAPH. However, the computation
3 in determining the state percent of growth shall not
4 include revenues generated as a result of state tax
5 increases or increased revenues resulting from reduced
6 federal taxes.

7 Sec. 14. Sections 1 through 12 of this Act are
8 retroactive to January 1, 1987 for tax years beginning
9 on or after that date.

10 Sec. 15. This Act, being deemed of immediate
11 importance is effective upon enactment."

12 2. Title page, line 2, by striking the word
13 "withholding,".

14 3. Title page, by striking lines 4 though 6 and
15 inserting the following: "adjusting the allowable
16 growth under the school".

S-3682

1 Amend House File 429 as amended, passed and
2 reprinted by the House as follows:

3 1. Page 2, by inserting after line 14 the
4 following:

5 "When a vehicle involved in a violation of section
6 321.372, subsection 3, is owned by and titled to a
7 corporation, partnership, business, or governmental
8 body, the court may require the president of the
9 corporation, partner, owner of the business, or top
10 official of the governmental body to determine who was
11 driving the vehicle."

DONALD V. DOYLE

S-3683

1 Amend House File 395 as amended, passed, and
2 reprinted by the House as follows:
3 1. Page 20, by inserting after line 26 the
4 following:
5 "Sec. ____ . NEW SECTION. 109.124 PROHIBITION OF
6 REGULATION BY POLITICAL SUBDIVISIONS.
7 A political subdivision of the state shall not
8 enact an ordinance regulating the ownership,
9 possession, legal transfer, lawful transportation,
10 registration, or licensing of firearms when the
11 ownership, possession, transfer, or transportation is
12 otherwise lawful under the laws of this state. An
13 ordinance existing on or after the effective date of
14 this section is void."

HURLEY W. HALL

S-3684

1 Amend House File 244 as passed by the House as
2 follows:
3 1. Page 1, line 15 by inserting after the word
4 "subcontractor" the following: ", provided the
5 subcontractor has presented the general contractor
6 with a written notice listing all subcontractors and
7 material suppliers and properly executed lien waivers
8 from each subcontractor and material supplier listed".
9 2. Page 1, line 20 by inserting after the word
10 "work" the following: ", provided the subcontractor
11 has presented the general contractor with a written
12 notice listing all subcontractors and material
13 suppliers and properly executed lien waivers from each
14 subcontractor and material supplier listed".
15 3. Page 1, line 22 by inserting after the word
16 "work," the following: "provided that the
17 subcontractor has presented the general contractor
18 with a written notice listing all subcontractors and
19 material suppliers and properly executed lien waivers
20 from each subcontractor and material supplier
21 listed".

JOHN JENSEN

S-3685

1 Amend House File 469 as amended, passed and
2 reprinted by the House as follows:
3 1. Page 1, by inserting before line 1 the
4 following:
5 "Section 1. Section 730.4, Code 1987, is amended
6 by striking the section and inserting in lieu thereof
7 the following:
8 730.4 POLYGRAPH EXAMINATION BY EMPLOYER PROHIBITED
9 -- EXCEPTION -- REMEDIES -- PENALTY.
10 1. As used in this section, "polygraph
11 examination" means any procedure which involves the
12 use of instrumentation or a mechanical or electrical
13 device to enable or assist the detection of deception,
14 the verification of truthfulness, or the rendering of
15 a diagnostic opinion regarding either of these, and
16 includes a lie detector or similar test.
17 2. An employer shall not as a condition of
18 employment, promotion, or change in status of
19 employment, as an express or implied condition of a
20 benefit or privilege of employment, or as a
21 preemployment condition, do any of the following:
22 a. Request or require that an employee or
23 applicant for employment take or submit to a polygraph
24 examination.
25 b. Administer, cause to be administered, threaten
26 to administer, or attempt to administer a polygraph
27 examination to an employee or applicant for
28 employment.
29 c. Request or require that an employee or
30 applicant for employment give an express or implied
31 waiver with respect to a practice prohibited by this
32 section.
33 3. Subsection 2 does not apply to the state or a
34 political subdivision of the state when in the process
35 of selecting a candidate for employment as a peace
36 officer.
37 4. This section may be enforced through a civil
38 action under section 730.6.
39 5. An employee shall not be discharged,
40 disciplined, or discriminated against in any manner
41 for filing a complaint or testifying in any proceeding
42 or action involving violations of this section. An
43 employee discharged, disciplined, or otherwise
44 discriminated against in violation of this section
45 shall be compensated by the employer the amount of any
46 loss of wages and benefits arising out of the
47 discrimination and shall be restored to the employee's

48 previous position of employment.

49 6. A person who violates this section is guilty of
50 a serious misdemeanor."

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1 2. By striking page 1, line 1 through page 4,

2 line 26 and inserting the following:

3 "Sec. 2. NEW SECTION. 730.5 DRUG TESTING BY

4 EMPLOYER PROHIBITED -- EXCEPTIONS -- REMEDIES --

5 PENALTY.

6 1. As used in this section, "drug test" means any

7 blood, urine, saliva, chemical, or skin tissue test

8 conducted for the purpose of detecting the presence of

9 a chemical substance in an individual.

10 2. An employer shall not request, require,

11 conduct, or cause to be conducted random or blanket

12 drug testing of employees.

13 3. An employer shall not as a condition of

14 employment, promotion, or change in status of

15 employment, as an express or implied condition of a

16 benefit or privilege of employment, or as a pre-

17 employment condition, do any of the following:

18 a. Request or require that an employee or

19 applicant for employment take, submit to, or undergo a

20 drug test.

21 b. Conduct, cause to be conducted, threaten to

22 conduct, or attempt to conduct a drug test to detect

23 the presence of a chemical substance in an employee or

24 applicant for employment.

25 c. Request or require that an employee or

26 applicant for employment give an express or implied

27 waiver with respect to a practice prohibited by this

28 section.

29 4. Subsection 3 does not prohibit an employer from

30 requiring a specific employee to submit to a drug test

31 if all of the following requirements are met:

32 a. The employer has a reasonable suspicion that

33 the employee's faculties are impaired on the job and

34 that the impairment is attributable in whole or in

35 part to the presence of a chemical substance in the

36 body.

37 b. The employee is in a position where the

38 impairment presents a clear and present danger to the

39 physical safety of the employee, another employee or a

40 member of the public.

41 c. The employer provides the employee, at the

42 employer's expense, the opportunity to have the sample

43 tested or evaluated by an independent laboratory or

44 testing facility and provides the employee with a

45 reasonable opportunity to rebut or explain the
46 results.

47 5. In conducting a test designed to identify the
48 presence of chemical substances in the body, and not
49 prohibited by this section, the employer shall ensure
50 to the extent feasible that the test only measure and

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1 that its records only show or make use of information
2 regarding chemical substances in the body which are
3 likely to affect the ability of the employee to
4 perform safely the employee's duties while on the job.

5 6. This section does not:

6 a. Restrict an employer's ability to prohibit the
7 use of intoxicating substances during work hours or to
8 discipline employees for being under the influence of
9 intoxicating substances during work hours.

10 b. Prevent an employer from conducting medical
11 screening, with the express written consent of the
12 employees, to monitor exposure to toxic or other
13 unhealthy substances in the workplace or in the
14 performance of their job responsibilities. Any such
15 screening or test shall be limited to the specific
16 substances expressly identified in the employee
17 consent form.

18 7. This section may be enforced through a civil
19 action under section 730.6. In an action brought
20 under this subsection alleging that an employer has
21 required or requested a drug test in violation of this
22 section, the employer has the burden of proving that
23 the requirements of this section were met.

24 8. An employee shall not be discharged,
25 disciplined, or discriminated against in any manner
26 for filing a complaint or testifying in any proceeding
27 or action involving violations of this section. An
28 employee discharged, disciplined, or otherwise
29 discriminated against in violation of this section
30 shall be compensated by the employer in the amount of
31 any loss of wages and benefits arising out of the
32 discrimination and shall be restored to the employee's
33 previous position of employment.

34 9. A person who violates this section is guilty of
35 a serious misdemeanor."

36 3. Page 4, by inserting after line 26 the
37 following:

38 "Sec. 3. r decision, judicial decision, or standard
43 of professional conduct or ethics.

46 b. 43 will as found in a statute, ordinance, administrative
44 regulation or decision, judicial decision, or standard

45 of professional conduct or ethics.

46 b. "Act against public policy" includes, but is
47 not limited to, the following:

48 (1) An act intended to induce or compel an

49 employee to violate public policy.

50 (2) An act intended to deprive an employee of a

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1 right or benefit conferred by public policy.

2 (3) An act intended to induce or compel an
3 employee to refuse to perform an obligation created by
4 public policy.

5 (4) An act committed in reckless disregard of the
6 probability of violating a public policy designed for
7 the protection of the employee.

8 2. A person who has been injured as a result of an
9 act against public policy may, within two years from
10 the date of the act, bring an action for damages sus-
11 tained, and this action may be joined with any other
12 action, except an administrative proceeding, which
13 arises from the employment or act against public
14 policy.

15 a. A person who violates this section or who aids
16 in the violation of this section is liable to an
17 aggrieved employee or applicant for employment for
18 affirmative relief including reinstatement or hiring,
19 with or without back pay, or any other equitable
20 relief as the court deems appropriate including
21 attorney fees and court costs.

22 b. When a person commits, is committing, or
23 proposes to commit, an act in violation of this
24 section, an injunction may be granted through an
25 action in district court to prohibit the person from
26 continuing such acts. The action for injunctive
27 relief may be brought by an aggrieved employee or
28 applicant for employment, the county attorney, or the
29 attorney general."

30 4. Title page, by striking lines 1 through 3, and
31 inserting the following: "An Act relating to
32 employment practices and employee rights, by providing
33 civil damages for employees injured as a result of
34 employer acts which violate public policy or result in
35 the wrongful discharge of an employee and restricting
36 the use of polygraph examinations and drug tests,
37 providing remedies, and providing penalties."

TOM MANN, Jr.

HOUSE AMENDMENT TO
SENATE CONCURRENT RESOLUTION 11

S-3686

- 1 Amend Senate Concurrent Resolution 11, as passed by
- 2 the Senate, as follows:
- 3 1. Page 1, lines 19 and 20, by striking the words
- 4 "ten kilowatts to one hundred watts" and inserting the
- 5 following: "one one-hundredths kilowatts to one-tenth
- 6 kilowatts".

S-3687

- 1 Amend House File 649 as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 1, line 23, by inserting after the word
- 4 "marriage." the following: "An exemption for the
- 5 debtor's interest in a wedding ring does not apply if
- 6 the debtor is divorced and is not married at the time
- 7 the exemption is claimed. An exemption for the
- 8 debtor's interest in an engagement ring does not apply
- 9 if the debtor is not married within six months after
- 10 the date the exemption is claimed."

JIM LIND

S-3688

- 1 Amend the amendment, S-3534, to House File 500 as
- 2 amended, passed, and reprinted by the House, as
- 3 follows:
- 4 1. Page 1, by striking lines 36 through 38.

DON E. GETTINGS

S-3689

- 1 Amend House File 310 as amended, passed, and
- 2 reprinted by the House as follows:
- 3 1. Page 1, line 21, by inserting after the word
- 4 "services." the following:
- 5 "A person seeking and undergoing acquired immune
- 6 deficiency syndrome screening and testing procedures
- 7 shall not be reported or have the person's identity
- 8 revealed in any way without the express written

9 consent of the person.”
10 2. Page 1, line 26, by inserting after the word
11 “positive” the following: “or negative”.

BEVERLY A. HANNON

S-3690

1 Amend House File 345 as amended, passed and
2 reprinted by the House as follows:

DIVISION S—3690A

3 1. Page 2, line 5, by inserting after the figure
4 “455.45.” the following: “If the benefits are
5 reclassified, the landowner may pay the assessment and
6 subsequently file an appeal as provided in section
7 455.92.”
8 2. Page 2, line 8, by striking the words “first
9 class” and inserting the following: “certified”.

DIVISION S—3690B

10 3. Page 2, by inserting after line 11 the
11 following:
12 “Sec. 2. Section 455.64, Code 1987, is amended by
13 adding the following new unnumbered paragraph:
14 NEW UNNUMBERED PARAGRAPH. However, this section
15 does not prohibit a landowner from filing an appeal
16 following the payment of the drainage or levee tax
17 assessment, regardless of whether objection to the
18 payment is waived, if the board or any of its members
19 has made material misrepresentations concerning the
20 assessment or matters related to it and the
21 misrepresentation shall cause the assessment to be
22 voidable to the landowners relying upon it in an
23 appeal.
24 Sec. 3. Section 455.94, Code 1987, is amended to
25 read as follows:
26 455.94 TIME AND MANNER.
27 All appeals shall be taken within ~~twenty~~ ninety
28 days after the date of final action or order of the
29 board from which such appeal is taken by filing with
30 the auditor a notice of appeal, designating the court
31 to which the appeal is taken and the order or action
32 appealed from, and stating that the appeal will come
33 on for hearing thirty days following perfection of the
34 appeal with allowances of additional time for good

35 cause shown. This notice shall be accompanied by an
36 appeal bond with sureties to be approved by the
37 auditor conditioned to pay all costs adjudged against
38 the appellant and to abide the orders of the court.”

RAY TAYLOR

S-3691

1 Amend House File 595 as amended, passed and
2 reprinted by the House as follows:
3 1. Page 3, by inserting after line 33 the
4 following:
5 “9. A person who owns a vessel which is not
6 required to have a certificate of title may apply for
7 and receive a certificate of title for the vessel and
8 the vessel shall subsequently be subject to the
9 requirements of this Act as though the vessel was
10 required to be titled.”
11 2. Page 5, by striking lines 13 through 15 and
12 inserting the following: “navigation shall submit an
13 affidavit which describes the vessel or device to the
14 department. In cooperation with the county recorder,
15 the department shall assign a hull identification”.
16 3. Page 5, by striking lines 24 and 25.
17 4. Page 7, by inserting after line 20 the
18 following:
19 “Sec. 13. This Act takes effect January 1, 1988.”
20 5. Title page, line 2, by inserting after the
21 word “vessels” the following: “and providing an
22 effective date”.

BEVERLY HANNON

S-3692

1 Amend House File 310 as amended, passed and
2 reprinted by the House as follows:
3 1. Page 1, line 17, by inserting after the word
4 “at” the following: “high”.
5 2. Page 1, line 18, by inserting after the word
6 “syndrome.” the following: “For the purposes of this
7 section, “persons at high risk” means homosexuals,
8 bisexuals, and intravenous drug users.”
9 3. Page 1, line 20, by striking the word
10 “hygienic” and inserting the following: “clinical”.
11 4. Page 1, line 27, by inserting after the word

12 "results" the following: ", and for diagnosed
13 acquired immune deficiency syndrome cases".

BEVERLY HANNON

S-3693

1 Amend House File 167 as passed by the House as
2 follows:
3 1. Page 1, line 18, by striking the word "ten"
4 and inserting the word "eight".
5 2. Page 1, line 19, by striking the word "twenty"
6 and inserting the words "twenty fifteen".
7 3. Page 1, line 21, by striking the word "twenty"
8 and inserting the word "fifteen".
9 4. Page 1, line 22, by striking the word "forty"
10 and inserting the words "forty thirty".

C. JOSEPH COLEMAN

S-3694

1 Amend House File 167 as passed by the House as
2 follows:
3 1. Page 3, by inserting after line 19 the
4 following:
5 "Sec. ____ . Section 321.198, unnumbered paragraph
6 2, Code 1987, is amended to read as follows:
7 The department is ~~hereby~~ authorized to renew any
8 ~~operator's~~ motor vehicle license falling within the
9 provisions and limitations of the preceding paragraph,
10 without examination, upon application and payment of
11 fee made within six months following separation from
12 the military service."

C. JOSEPH COLEMAN

S-3695

1 Amend House amendment, S-3647, to Senate File 399
2 as amended, passed and reprinted by the Senate as
3 follows:
4 1. Page 1, by inserting after line 5 the
5 following:
6 "____ . Page 2, line 8, by striking the words "the
7 operator's" and inserting the words "a motor
8 vehicle."

C. JOSEPH COLEMAN

S-3696

1 Amend House File 429 as amended, passed and
2 reprinted by the House as follows:
3 1. Page 1, line 30, by inserting before the word
4 "It" the following: "If the vehicle is registered for
5 more than one owner, it shall be the first owner
6 listed in the registration who shall be liable for the
7 violation and presumed to be the driver of the
8 vehicle."

DONALD V. DOYLE

S-3697

1 Amend amendment S-3535 to House File 210, as
2 amended, passed, and reprinted by the House, as
3 follows:
4 1. Page 1, by striking lines 5 through 8 and
5 inserting in lieu thereof the following:
6 "— . Page 1, by striking lines 5 through 7 and
7 inserting the following: "intermediate care facility,
8 or skilled nursing facility, or county care facility
9 when the intermediate care facility, or skilled
10 nursing facility, or county care facility has a
11 program which has".

EMIL J. HUSAK

S-3698

1 Amend House File 631 as amended, passed, and
2 reprinted by the House as follows:
3 1. Page 1, by inserting after line 32 the
4 following:
5 "9. "Federal number" means a maximum contaminant
6 level, national primary drinking water regulation,
7 interim final drinking water regulation, health
8 advisory, suggested no adverse response level, or
9 groundwater residue guidance level as established by
10 the United States environmental protection agency."
11 2. Page 2, line 30, by striking the words "if
12 necessary".
13 3. Page 3, line 23, by inserting after the word
14 "producer" and following: ", or commercial

15 applicator, or fertilizer dealer or distributor”.

16 4. Page 3, line 30, by inserting after the word
17 “producer” the following: “, commercial applicator,
18 or fertilizer dealer or distributor”.

19 5. Page 3, line 32, by inserting after the word
20 “producer” the following: “, commercial applicator,
21 or pesticide dealer”.

22 6. Page 4, line 4, by inserting after the word
23 “producer” the following: “, commercial applicator,
24 or pesticide dealer”.

25 7. Page 4, by inserting after line 4 the fol-
26 lowing:

27 “A person registering a fertilizer or pesticide in
28 this state is liable for the costs of active cleanup,
29 or for any damages associated with or resulting from
30 the detection in the groundwater of any quantity of
31 nitrates or of pesticides provided that a causal link
32 has been established between the application of the
33 pesticide or fertilizer and the resultant detection or
34 damage, that application has been in compliance with
35 label instructions, and that the directions for use
36 have been determined to be incorrect.”

37 8. Page 4, line 9, by striking the word
38 “nondegradation” and inserting the following:
39 “protection”.

40 9. Page 6, by striking line 13 and inserting the
41 following:

42 “2. In establishing groundwater standards, the
43 commission shall adopt federal numbers if they exist.
44 If no federal number exists for a particular substance
45 on or before July 1, 1988, the commission may adopt
46 groundwater standards based upon criteria other than a
47 federal number if”.

48 10. Page 6, line 15, by inserting after the word
49 “programs.” the following: “Notwithstanding any other
50 bases for the adoption of standards, the standards

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1 adopted may comply with the findings of the national
2 science foundation and the state hygienic laboratory
3 relative to groundwater protection.”

4 11. Page 6, lines 30 and 31, by striking the
5 words “at least as stringent as provided in the rules
6 of the department” and inserting the following: “no
7 more stringent than provided in this chapter”.

8 12. Page 7, by inserting after line 8 the fol-
9 lowing:

10 “If moneys are not appropriated from an account
11 within the groundwater protection fund for programs or

12 duties established pursuant to this chapter or for the
 13 used oil collection pilot project, moneys may be
 14 appropriated for the programs, duties, or project by
 15 the general assembly from the unexpended balance in
 16 the groundwater protection fund, from any departmental
 17 fund of the responsible department, from moneys
 18 deposited in the general fund of the state, or from
 19 moneys deposited in the petroleum overcharge fund.

20 A recipient of moneys appropriated from an account
 21 within the groundwater protection fund, from a
 22 departmental fund, from the general fund of the state,
 23 or from the petroleum overcharge fund for the purposes
 24 of this chapter or for the purposes of other
 25 groundwater protection programs, shall submit to the
 26 legislative council on or before July 1, 1987 for the
 27 fiscal year beginning on that date, and on or before
 28 September 1 for the fiscal year beginning the next
 29 July 1 and for each subsequent fiscal year a budget
 30 proposal in a form prescribed by the legislative
 31 fiscal bureau."

32 13. Page 7, by inserting after line 34 the
 33 following:

34 "(d) Of the total amount collected annually,
 35 pursuant to this subparagraph, eight thousand dollars
 36 is appropriated to the Iowa department of public
 37 health for carrying out the departmental duties under
 38 section 135.11, subsections 20 and 21, and section
 39 139.35."

40 14. Page 8, line 24, by inserting after the word
 41 "alternatives." the following: "Not more than ten
 42 cents of the additional thirty-five cents per ton per
 43 year shall be used for the administration of the
 44 demonstration projects."

45 15. Page 8, line 31, by striking the word "one"
 46 and inserting the following: "any".

47 16. Page 8, by striking lines 32 through 34 and
 48 inserting the following:

49 "(a) Development and implementation of an approved
 50 comprehensive plan."

Page 3

1 17. Page 9, by striking line 24 and inserting the
 2 following:

3 "(1) Nine thousand dollars is appropriated to the
 4 Iowa department of public health for carrying out the
 5 departmental duties under section 135.11, subsections
 6 20 and 21, and section 139.35.

7 (2) Of the remaining moneys in the account:

8 (a) Thirty-six and six-tenths percent is".

9 18. Page 9, line 26, by inserting after the word
10 "University" the following: "of science and
11 technology".

12 19. By striking page 9, line 27 through page 10,
13 line 6 and inserting the following:

14 "(b) One and two-tenths percent is appropriated
15 annually to the department of natural resources for
16 the purpose of administering grants to counties and
17 conducting oversight of county-based programs relative
18 to the testing of private water supply wells and the
19 proper closure of private abandoned wells. Not more
20 than twenty-four and four-tenths percent of the moneys
21 in the account is appropriated annually to the
22 department of natural resources for grants to counties
23 for the purpose of conducting programs of private,
24 rural water supply testing, not more than seven and
25 three-tenths percent of the moneys in the account is
26 appropriated annually to the state hygienic laboratory
27 to assist in well testing, and not more than twelve
28 and eight-tenths percent of the moneys in the account
29 is appropriated annually to the department of natural
30 resources for grants to counties for the purpose of
31 conducting programs for properly closing abandoned,
32 rural water supply wells. One and ninety-five one-
33 hundredths percent of the moneys in the account are
34 appropriated to the department of natural resources
35 for the well-permitting program."

36 20. Page 10, by striking lines 7 through 12 and
37 inserting the following:

38 "The department may allocate a sum not to exceed
39 seventy-nine thousand dollars of the moneys
40 appropriated under this subparagraph for the period
41 beginning July 1, 1987, and ending June 30, 1988 for
42 the preparation of a detailed report and plan for the
43 establishment on July 1, 1988 of the center for health
44 effects of environmental contamination. The plan for
45 establishing the center shall be presented to the
46 general assembly on or before January 15, 1988. The
47 report shall include the assemblage of all existing
48 data relating to Iowa drinking water supplies,
49 including characteristics of source, treatment,
50 presence of contaminants, precise location, and usage

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1 patterns to facilitate data retrieval and use in
2 research; and detailed organizational plans, research
3 objectives, and budget projections for the anticipated
4 functions of the center in subsequent years. The
5 department may allocate annually a sum not to exceed

6 ten percent of the moneys appropriated under this
7 subparagraph to the center, beginning July 1, 1988.”

8 21. Page 10, by striking lines 13 through 21 and
9 inserting the following:

10 “(c) Thirteen and three-tenths percent of the
11 moneys in the account is appropriated annually to the
12 department of agriculture and land stewardship for
13 financial incentive programs related to agricultural
14 drainage wells and sinkholes for studies and
15 administrative costs relating to sinkholes and
16 agricultural drainage wells programs, and not more
17 than two and forty-five hundredths percent of the
18 moneys in the account is appropriated for the
19 demonstration project regarding agricultural drainage
20 wells.”

21 22. Page 10, line 24, by inserting after the word
22 “account.” the following: “Two thousand dollars is
23 appropriated annually to the Iowa department of public
24 health to carry out departmental duties under section
25 135.11, subsections 20 and 21, and section 139.35, and
26 eight thousand dollars is appropriated to the
27 department of transportation for the period of October
28 1, 1987 through June 30, 1989 for the purpose of
29 conducting the used oil collection pilot project.”

30 23. Page 10, line 24, by inserting after the word
31 “The” the following: “remainder of the”.

32 24. Page 10, by inserting after line 30, the
33 following:

34 “(1) One thousand dollars is appropriated annually
35 to the Iowa department of public health to carry out
36 departmental duties under section 135.11, subsections
37 20 and 21, and section 139.35.”

38 25. Page 10, by striking line 31 and inserting
39 the following:

40 “(2) Ninety-five percent or not more than five
41 hundred thousand dollars of the moneys deposited”.

42 26. Page 11, line 23, by striking the word “more”
43 and inserting the following: “as”.

44 27. Page 11, line 24, by striking the word “less”
45 and inserting the following: “more”.

46 28. Page 14, by inserting after line 32 the
47 following:

48 “____. The physician or other health practitioner
49 attending a person infected with a reportable
50 poisoning or a reportable illness from a toxic agent,

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1 including methemoglobinemia, shall immediately report
2 the case to the Iowa department of public health. The
3 Iowa department of public health shall publish and
4 distribute instructions concerning the method of
5 reporting. Reports shall be made in accordance with
6 rules adopted by the Iowa department of public
7 health."

8 29. By striking page 20, line 15 through page 21,
9 line 32, and inserting the following:

10 No person shall A commercial or public applicator
11 shall not apply any pesticide and a person shall not
12 apply any restricted use pesticide without first
13 complying with the certification requirements of this
14 chapter and such other restrictions as determined by
15 the secretary or being under the direct supervision of
16 a certified applicator.

17 The secretary shall adopt, by rule, requirements
18 for the examination, re-examination and certification
19 of applicants and set a fee of not more than ten
20 dollars for the certification program of commercial
21 applicators and not more than five dollars for the
22 certification program of private applicators.

23 The secretary may adopt rules for the training of
24 applicators in co-operation with the co-operative
25 extension service at Iowa State University of science
26 and technology.

27 The secretary shall not require applicants for
28 certification as private applicators to take and pass
29 a written test, if the applicant instead shows proof
30 that the applicant has attended an informational
31 course of instruction approved by the secretary. The
32 secretary shall provide for temporary certification
33 for emergency purchases of restricted use products by
34 requiring the purchaser to sign an affidavit, at the
35 point of purchase, that the purchaser has read and
36 understands the information on the label of the
37 restricted use product being purchased.

38 Commercial and public applicators shall choose
39 between one-year certification for which the
40 applicator shall pay a twenty-five dollar fee or
41 three-year certification for which the applicator
42 shall pay a seventy-five dollar fee. Public
43 applicators who are employed by a state agency shall
44 be exempt from the twenty-five and seventy-five dollar
45 certification fees and instead be subject to a five-
46 dollar annual certification fee or a fifteen dollar
47 fee for a three-year certification. The commercial or
48 public applicator shall be tested prior to
49 certification annually, if the applicator chooses a
50 one-year certification or each three years if the

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1 applicator chooses three-year certification. A
2 private applicator shall be tested prior to initial
3 certification. The test shall include, but is not
4 limited to, the area of safe handling of agricultural
5 chemicals and the effects of these chemicals on
6 groundwater. A person employed by a farmer not solely
7 as a pesticide applicator who applies restricted use
8 pesticides as an incidental part of the person's
9 general duties or a person who applies restricted use
10 pesticides as an incidental part of a custom farming
11 operation is required to meet the certification
12 requirements of a private applicator.

13 Beginning July 1, 1988, all private applicators
14 with a certification expiring December 31, 1988, with
15 their surname beginning with a letter from A through M
16 shall renew their certification by taking and passing
17 an approved test and shall be issued a certification
18 for a four-year period for a fee of six dollars and
19 sixty-seven cents. All other private applicators
20 whose certification expires on December 31, 1988,
21 1989, or 1990, shall renew their certification by
22 taking and passing an exam and shall be issued
23 certification for a three-year period for a fee of
24 five dollars."

25 30. Page 22, line 20, by inserting after the word
26 "certified" the following: "commercial applicators".

27 31. By striking page 23, line 11 through page 24,
28 line 6, and inserting the following:

29 "2. Application for a license shall be accompanied
30 by a twenty-five dollar A pesticide dealer shall pay
31 an annual license fee for the primary business
32 location and an additional five dollar annual license
33 fee for each other location or outlet within the
34 state, and shall be on a form prescribed by the
35 secretary and shall include the full name of the
36 person applying for such license of one-tenth of one
37 percent of the gross retail sales of all pesticides
38 sold by the pesticide dealer in the previous year.
39 The annual license fee shall be paid to the department
40 of agriculture and land stewardship, beginning July 1,
41 1988, and July 1 of each year thereafter."

42 32. Page 25, line 33, by inserting after the word
43 "year." the following: "Pesticides distributed for
44 resale shall be reported listing the amount and type
45 of all pesticides and the names of the purchasers."

46 33. Page 25, line 34, by inserting after the word
47 "on" the following: "or before".

48 34. Page 26, line 18, by striking the words
49 "pesticide advisory council" and inserting the
50 following: "advisory committee created pursuant to

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1 section 206.23".

2 35. Page 27, by inserting after line 10 the
3 following:

4 "Sec. — . NEW SECTION. 263.14 CENTER FOR HEALTH
5 EFFECTS OF ENVIRONMENTAL CONTAMINATION.

6 1. The state board of regents may establish and
7 maintain at Iowa City as an integral part of the State
8 University of Iowa the center for health effects of
9 environmental contamination, having as its object the
10 determination of the levels of environmental
11 contamination which can be specifically associated
12 with human health effects.

13 2. a. The center shall be a cooperative effort of
14 representatives of the following organizations:

15 (1) The State University of Iowa department of
16 preventative medicine and environmental health.

17 (2) The State University of Iowa department of
18 pediatrics of the college of medicine.

19 (3) The state hygienic laboratory.

20 (4) The institute of agricultural medicine.

21 (5) The Iowa cancer center.

22 (6) The department of civil and environmental
23 engineering.

24 (7) Appropriate clinical and basic science
25 departments.

26 (8) The college of law.

27 (9) The college of liberal arts and sciences.

28 b. The active participation of the Iowa department
29 of public health and the department of natural
30 resources, as well as the national career institute,
31 the agency for toxic substances and disease
32 registries, the national center for disease control,
33 the United States environmental protection agency, and
34 the United States geological survey, shall also be
35 sought and encouraged.

36 3. The center may:

37 a. Assemble all pertinent laboratory data on the
38 presence and concentration of contaminants in soil,
39 air, water, and food, and develop a data retrieval
40 system to allow the findings to be easily accessed by
41 exposed populations.

42 b. Make use of data from the existing cancer and
43 birth defect statewide recording systems and develop
44 similar recording systems for specific organ diseases

45 which are suspected to be caused by exposure to
46 environmental toxins.
47 c. Develop registries of persons known to be
48 exposed to environmental hazards so that the health
49 status of these persons may be examined over time.
50 d. Develop highly sensitive biomedical assays

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1 which may be used in exposed persons to determine
2 early evidence of adverse health effects.
3 e. Perform epidemiologic studies to relate
4 occurrence of a disease to contaminant exposure and to
5 ensure that other factors known to cause the disease
6 in question can be ruled out.
7 f. Foster relationships and ensure the exchange of
8 information with other teaching institutions or
9 laboratories in the state which are concerned with the
10 many forms of environmental contamination.
11 g. Implement programs of professional education
12 and training of medical students, physicians, nurses,
13 scientists, and technicians in the causes and
14 prevention of environmentally induced disease.
15 h. Implement public education programs to inform
16 persons of research results and the significance of
17 the studies.
18 i. Respond as requested to any branch of
19 government for consultation in the drafting of laws
20 and regulations to reduce contamination of the
21 environment.
22 4. An advisory committee consisting of one
23 representative of each of the organizations enumerated
24 in subsection 2, paragraph "a", a representative of
25 the Iowa department of public health, and a
26 representative of the department of natural resources
27 is established. The advisory committee shall:
28 a. Employ, as a state employee, a full-time
29 director to operate the center. The director shall
30 coordinate the efforts of the heads of each of the
31 major divisions of laboratory analysis, epidemiology
32 and biostatistics, biomedical assays, and exposure
33 modeling and shall also coordinate the efforts of
34 professional and support staff in the operation of the
35 center.
36 b. Submit an annual report of the activities of
37 the center to the legislative council of the general
38 assembly by January 15 of each year.
39 5. The center shall maintain the confidentiality
40 of any information obtained from existing registries
41 and from participants in research programs. Specific

42 research projects involving human subjects shall be
43 approved by the State University of Iowa institutional
44 review board.

45 6. The center may solicit, accept, and administer
46 moneys appropriated to the center by a public or
47 private agency."

48 36. Page 27, line 29, by inserting after the word
49 "University" the following: "of science and
50 technology".

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1 37. Page 28, line 6, by inserting after the word
2 "University" the following: "of science and
3 technology".

4 38. Page 28, line 8, by inserting before the word
5 "University" the word "State".

6 39. Page 29, by inserting after line 33 the
7 following:

8 "Sec. ____ . PESTICIDE DEALER EXEMPTION. The
9 secretary may adopt rules to provide for license and
10 certification fee adjustments that may be necessary to
11 provide an equitable transition from fees required
12 prior to July 1, 1988."

13 40. Page 30, line 1, by striking the figure
14 "159.20" and inserting the following: "159.28".

15 42. Page 30, line 4, by striking the words "soil
16 district" and inserting the following: "district
17 soil".

18 43. Page 30, by inserting after line 15 the
19 following:

20 "2. The department of agriculture and land
21 stewardship shall:

22 a. Establish a pilot demonstration project to
23 identify the environmental, economic, and social
24 problems presented by continued use or closure of
25 agricultural drainage wells, and shall monitor
26 possible contamination caused by agricultural
27 practices relative to agricultural drainage wells in
28 the Gilmore City area.

29 b. Develop alternative management practices based
30 upon the findings of the demonstration project
31 established pursuant to paragraph "a" to reduce any
32 infiltration of synthetic organic compounds in the
33 groundwater of the area.

34 c. Implement the Gilmore City demonstration
35 project on July 1, 1987, and include in the report to
36 be filed pursuant to subsection 1, discoveries,
37 findings, and recommendations emanating from the
38 demonstration project."

39 44. Page 30, line 23, by striking the words
40 "Financial incentive moneys" and inserting the
41 following: "Moneys".
42 45. Page 30, line 25, by striking the word
43 "wells." and inserting the following: "wells based
44 upon criteria which include, but are not limited to,
45 the following:
46 a. The degree of the owner's or operator's
47 compliance with departmental requirements concerning
48 agricultural drainage wells.
49 b. The degree of contamination caused by a
50 particular agricultural drainage well.

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1 c. The degree of transferability of the findings
2 of a specific agricultural drainage well alternative
3 project to other agricultural drainage well sites."
4 46. Page 30, line 28, by striking the words
5 "financial incentive" and inserting the following:
6 "agriculture management account".
7 47. Page 30, line 31, by inserting after the word
8 "resources" the following: "or fails to report the
9 existence of the agricultural drainage well to the
10 department".
11 48. Page 31, by inserting after line 14 the
12 following:
13 "j. The environmental protection division of the
14 department of natural resources.
15 k. The division of laboratories of the department
16 of agriculture and land stewardship."
17 49. Page 31, line 16, by inserting after the word
18 "chairperson." the following: "The department of
19 agriculture and land stewardship shall provide
20 administrative support to the consortium."
21 50. By striking page 31, line 17 through page 32,
22 line 5, and inserting the following:
23 "6. The consortium shall make recommendations
24 regarding agricultural practices relative to
25 groundwater protection and may receive, accept, and
26 administer any moneys appropriated or granted to the
27 consortium by any public or private agency."
28 51. Page 32, line 13, by inserting after the word
29 "plugged." the following: "In the case of property
30 owned by a state agency, a person shall not drill for
31 or construct a new water well without first
32 registering with the department the existence of any
33 abandoned wells on the property. The department shall
34 develop a prioritized closure program and time frame
35 for the completion of the program, and shall adopt

36 rules to implement the program.”

37 52. By striking page 32, line 34 through page 33,
38 line 4, and inserting the following: “remains
39 unplugged or improperly plugged. The department of
40 natural resources shall provide grants pursuant to
41 section 455E.11, subsection 2, paragraph “b”,
42 subparagraph (2), to counties for the purpose of
43 conducting programs for the proper closure of
44 abandoned wells.”

45 53. Page 33, line 5, by striking the figure
46 “455B.190A” and inserting the following: “159.29”.

47 54. Page 33, line 14, by striking the words “for
48 cost sharing of” and inserting the following: “moneys
49 for the”.

50 55. Page 33, by striking lines 17 and 18 and

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1 inserting the following: “moneys appropriated to the
2 department from the agriculture management account.
3 The rules shall allow the”.

4 56. Page 33, line 27, by inserting after the word
5 “measures.” the following: “Land acquired as con-
6 servation easements shall be managed by the department
7 of natural resources.”

8 57. Page 34, line 23, by striking the figure
9 “159.20” and inserting the following: “159.28”.

10 58. Page 35, by striking lines 15 through 23.

11 59. Page 37, by striking lines 30 and 31.

12 60. Page 40, line 31, by inserting after the word
13 “project” the following: “required pursuant to
14 section 455B.302”.

15 61. Page 41, line 4, by striking the words
16 “landfill shall ~~address~~” and inserting the following:
17 “landfill shall address disposal project shall
18 incorporate and reflect the waste management hierarchy
19 of the state solid waste management policy and shall”.

20 62. Page 41, by striking lines 6 through 16 and
21 inserting the following:

22 “a. The extent to which solid waste is or can be
23 recycled.

24 b. The economic and technical feasibility of using
25 other existing sanitary disposal project facilities in
26 lieu of initiating or continuing the sanitary landfill
27 for which the permit is being sought.

28 c. The expected environmental impact of
29 alternative solid waste disposal methods, including
30 the use of sanitary landfills.

31 d. A specific plan and schedule for implementing
32 technically and economically feasible solid waste

33 disposal methods that will result in minimal
34 environmental impact.”
35 63. Page 41, by striking lines 17 through 23.
36 64. Page 42, by striking lines 3 through 5 and
37 inserting the following: “costs of control and
38 treatment.”
39 65. Page 42, line 7, by striking the word
40 “landfill” and inserting the following: “disposal”.
41 66. Page 45, line 11, by striking the word and
42 figure “subsection 2” and inserting the following:
43 “subsections 2 and 3”.
44 67. Page 45, by inserting after line 21 the
45 following:
46 3. Solid waste disposal facilities with special
47 provisions which limit the site to the disposal of
48 construction and demolition waste and solid waste
49 materials approved by the department for lining or
50 capping or for construction berms, dikes or roads in a

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1 sanitary disposal project or sanitary landfill or
2 which limit the site to the disposal of excess fly ash
3 and other materials, determined by the department not
4 to present a threat to the public health or safety,
5 used in the reclamation of strip mined land are exempt
6 from the tonnage fees imposed under this section.”
7 68. Page 46, by striking lines 34 and 35 and
8 inserting the following: “policy and hierarchy
9 established in section 455B.301A. Grants shall be
10 awarded only for an amount determined by the
11 department to be reasonable and necessary to conduct
12 the work as set forth in the grant application,
13 Grants may be awarded at a maximum cost-share level of
14 ninety percent with a preference given for regional or
15 shared projects.”
16 69. Page 48, by inserting after line 19 the fol-
17 lowing:
18 “3. “Division” means the environmental protection
19 division of the department of natural resources.”
20 70. Page 50, by inserting after line 28 the fol-
21 lowing:
22 “Sec. ____ . NEW SECTION. 455F.6A DUTIES OF THE
23 DIVISION.
24 The division shall:
25 1. Identify no more than fifty commonly used
26 household products which, due to level of toxicity,
27 extent of use, nondegradability, or other relevant
28 characteristic, constitute the greatest danger of
29 contamination of the groundwater when placed in a

30 landfill.
31 2. Submit recommendations to the general assembly
32 regarding the products specified in subsection 1 which
33 include but are not limited to the following:
34 a. Education of consumers regarding the danger in-
35 curred in disposal of the products, the proper
36 disposal of the products, and the use of alternative
37 products which do not present as great a disposal
38 danger as the products specified.
39 b. Dissemination of information regarding the
40 products specified.
41 c. Special labeling or stamping of the products.
42 d. A means for proper disposal of the products.
43 e. Proposed legislative action regarding
44 implementation of recommendations concerning the
45 products.”
46 71. Page 58, line 11, by inserting after the
47 figure “5.” the following: “A person who conveys or
48 deposits a regulated substance shall request the owner
49 or operator of the underground storage tank in which
50 the regulated substance is deposited to provide proof

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1 of registration prior to deposit of the regulated
2 substance in the underground storage tank. If an
3 owner or operator does not provide proof of
4 registration, the person conveying or depositing the
5 regulated substance may deposit the regulated
6 substance in the unregistered tank provided that the
7 deposit is allowed only in the single instance that
8 the person reports the unregistered tank to the
9 department of natural resources, and that the person
10 provides the owner or operator with an underground
11 storage tank registration form and informs the owner
12 or operator of the underground storage tank
13 registration requirements. The owner or operator is
14 allowed fifteen days following the report to the
15 department of the owner’s or operator’s unregistered
16 tank to comply with the registration requirements. If
17 an owner or operator fails to register the reported
18 underground storage tank during the fifteen-day
19 period, the owner or operator shall pay a fee of
20 twenty-five dollars upon registration of the tank.”
21 72. By renumbering, relettering, or redesignating
22 and correcting internal references as necessary.

COMMITTEE ON ENVIRONMENT
AND ENERGY UTILITIES
PATRICK J. DELUHERY, Chairperson

S-3699

- 1 Amend House File 429 as amended, passed and
 2 reprinted by the House as follows:
 3 1. Page 2, by inserting after line 30 the
 4 following:
 5 "Sec. ____ . NEW SECTION. 321.484A TESTIMONY NOT
 6 COMPELLED.
 7 Persons shall not be compelled in any criminal case
 8 under this chapter to be witnesses against
 9 themselves."

DONALD V. DOYLE

S-3700

- 1 Amend House File 429 as amended, passed and
 2 reprinted by the House as follows:
 3 1. Page 1, by striking lines 14 through 30 and
 4 inserting the following:
 5 "The owner of a vehicle involved in a violation of
 6 section 321.372, subsection 3, is subject to a civil
 7 penalty of twenty-five dollars which may be imposed by
 8 the department. It is not a".
 9 2. Page 1, line 31, by inserting after the word
 10 "defense" the following: "against imposition of the
 11 civil penalty".
 12 3. Page 2, by striking lines 15 through 18.

DONALD V. DOYLE

S-3701

- 1 Amend House File 649 as amended, passed and
 2 reprinted by the House as follows:
 3 1. Page 2, by inserting after line 32 the
 4 following:
 5 "Sec. ____ . This Act shall not apply to contracts
 6 of insurance entered into prior to the effective date
 7 of this Act."

JOHN W. JENSEN
 RICHARD VANDE HOEF
 KENNETH SCOTT
 ALVIN V. MILLER
 BERL E. PRIEBE
 JACK W. HESTER

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CHARLES P. MILLER
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CHARLES BRUNER
JIM LIND
C. JOSEPH COLEMAN
JOY C. CORNING
TOM MANN, Jr.
LYNN FUHRMAN

S-3702

1 Amend House File 377 as amended, passed, and
2 reprinted by the House as follows:

DIVISION S—3702A

3 1. Page 4, line 7, by inserting after the word
4 "campaign." the words "The statement of an unopposed
5 candidate nominated at the primary election is not
6 required to be filed until an opponent is nominated
7 and shall be filed by the time required for the
8 opponent's statement."
9 2. Page 7, line 4, by striking the words "one
10 hundred" and inserting the word "fifty".
11 3. Page 7, line 9, by striking the word "twenty"
12 and inserting the word "forty".
13 4. Page 7, line 11, by striking the word "two
14 thousand" and inserting the words "one thousand five
15 hundred".

16 5. Page 7, line 12, by striking the words "five
17 hundred".

18 6. Page 7, by striking lines 25 through 31.

DIVISION S—3702B

19 7. Page 9, by striking line 14 through page 11,
20 line 15.

CHARLES BRUNER
RICHARD F. DRAKE

S-3703

1 Amend the Committee Amendment, S-3514, to House
2 File 591, as amended, passed, and reprinted by the
3 House, as follows:

4 1. Page 1, line 6, by inserting after the word
5 "chapter," the following: "for violation of a
6 temporary or permanent protective order or order to
7 vacate the homestead under chapter 598."

8 2. Page 1, by striking lines 11 and 12 and
9 inserting the following:

10 "____. By striking page 1, line 35 through page 2,
11 line 26, and inserting the following: "any civil or
12 criminal an order or approved court-approved consent
13 agreement issued pursuant to entered under this
14 chapter, a temporary or permanent protective order or
15 order to vacate the homestead under chapter 598, or
16 any order that establishes conditions of release or is
17 a protective order or sentencing order in a criminal
18 prosecution arising from a domestic abuse assault. If
19 a peace officer has probable cause to believe that a
20 person has violated any civil or criminal an order or
21 approved consent agreement entered under this chapter,
22 a temporary or permanent protective order or order to
23 vacate the homestead under chapter 598, or any order
24 establishing conditions of release or a protective or
25 sentencing order in a criminal prosecution arising
26 from a domestic abuse assault, the peace officer shall
27 take the person into custody and shall take the person
28 without unnecessary delay before the nearest or most
29 accessible magistrate in the judicial district in
30 which the person was taken into custody. The
31 magistrate shall make an initial preliminary
32 determination whether there is probable cause to
33 believe that an order or consent agreement existed and
34 that the person taken into custody has violated its
35 terms. The magistrate's decision shall be entered in

36 the record.

37 If the magistrate finds probable cause, the
38 magistrate shall order the person to appear before the
39 court which issued the original order or approved the
40 consent agreement, whichever was allegedly violated,
41 at which a specified time the court shall determine
42 whether the person has committed contempt pursuant to
43 section 236.8 not less than three days nor more than
44 ten days after the initial appearance under this
45 section. The magistrate shall cause the original
46 court to be notified of the contents of the
47 magistrate's order.

48 PARAGRAPH DIVIDED. A peace officer shall not be
49 held civilly.”

50 3. By striking page 1, line 49 through page 2

Page 2

1 line 7.

2 4. Page 2, by striking lines 18 through 24 and
3 inserting the following:

4 “___ . Page 4, by striking lines 26 through 31.”

5 5. Page 2, by striking lines 25 through 37.

6 6. Page 2, by inserting before line 46 the
7 following:

8 “___ . Title page, line 2, by striking the words
9 “issued and enforced” and inserting the following:

10 “issued or enforced”.”

TOM MANN, JR.

S-3704

1 Amend the Senate amendment, S-3685, to House File
2 469 as amended, passed, and reprinted by the House as
3 follows:

4 1. By striking page 2, line 3 through page 3,
5 line 35, and inserting the following:

6 “Sec. 2. **NEW SECTION. 730.5 DRUG TESTING OF**
7 **EMPLOYEES OR APPLICANTS REGULATED.**

8 1. As used in this section, “drug test” means any
9 blood, urine, saliva, chemical, or skin tissue test
10 conducted for the purpose of detecting the presence of
11 a chemical substance in an individual.

12 2. Except as provided in subsection 7, an employer
13 shall not require or request employees or applicants
14 for employment to submit to a drug test as a condition
15 of employment, preemployment, promotion, or change in
16 status of employment. An employer shall not request,

17 require, or conduct random or blanket drug testing of
18 employees. However, this section does not apply to
19 preemployment drug tests authorized for peace officers
20 or correctional officers of the state, or to drug
21 tests required under federal statutes, or to drug
22 tests conducted pursuant to a nuclear regulatory
23 commission policy statement, or to drug tests
24 conducted to determine if an employee is ineligible to
25 receive workers' compensation under section 85.16,
26 subsection 2.

27 3. This section does not prohibit an employer from
28 requiring a specific employee to submit to a drug test
29 if all of the following conditions are met:

30 a. The employer has probable cause to believe that
31 an employee's faculties are impaired on the job.

32 b. The employee is in a position where such
33 impairment restricts the ability of the employee to
34 meet the performance standards imposed by the
35 employer, or presents a danger to the safety of the
36 employee, another employee, a member of the public, or
37 the property of the employer, or when impairment due
38 to intoxication is a violation of a known rule of the
39 employer.

40 c. The test sample withdrawn from the employee is
41 analyzed by a laboratory or testing facility that has
42 been approved under rules adopted by the department of
43 public health or is duly licensed or approved under
44 applicable state laws where the laboratory or testing
45 facility is located.

46 d. If a test is conducted and the results indicate
47 that the employee is under the influence of alcohol or
48 a controlled substance or indicate the presence of
49 alcohol or a controlled substance, a second test using
50 an alternative method of analysis shall be conducted.

Page 2

1 When possible and practical, the second test shall use
2 a portion of the same test sample withdrawn from the
3 employee for use in the first test.

4 e. An employee shall be accorded a reasonable
5 opportunity to rebut or explain the results of a drug
6 test.

7 f. The employer shall provide substance abuse
8 evaluation, and treatment if recommended by the
9 evaluation, with costs apportioned as provided under
10 the employee benefit plan or at employer expense, if
11 there is no employee benefit plan, for those employees
12 whose drug test indicates the presence of alcohol or a
13 controlled substance. If an employee whose drug test

14 indicates the presence of alcohol or a controlled
15 substance undergoes substance abuse evaluation which
16 indicates an addiction for which substance abuse
17 treatment is recommended, and if the employee
18 successfully completes substance abuse treatment, if
19 recommended by the evaluation, the employer shall take
20 no disciplinary action against the employee. However,
21 if an employee fails to undergo substance abuse
22 evaluation when required under the results of a drug
23 test, or fails to successfully complete substance
24 abuse treatment when recommended by an evaluation, the
25 employee may be disciplined up to and including
26 discharge. The substance abuse evaluation and
27 treatment provided by the employer shall take place
28 under a program approved by the department of public
29 health or accredited by the joint commission on
30 accreditation of hospitals.

31 4. In conducting those tests designed to identify
32 the presence of chemical substances in the body, the
33 employer shall ensure to the extent feasible that the
34 tests only measure and that the records of the tests
35 only show or make use of information regarding
36 chemical substances in the body which are likely to
37 affect the ability of the employee to perform safely
38 the employee's duties while on the job or to meet
39 performance standards imposed by the employer.

40 5. This section does not restrict an employer's
41 ability to prohibit the use of alcohol or controlled
42 substances during work hours or to discipline
43 employees for being under the influence of alcohol or
44 controlled substances during work hours.

45 6. This section does not prevent an employer from
46 conducting medical screening in order to monitor
47 exposure to toxic or other unhealthy substances
48 encountered in the workplace or in the performance of
49 their job responsibilities. Any such screening must
50 be limited to the specific substances required to be

Page 3

1 monitored.

2 7. A drug test conducted as a part of a physical
3 examination performed as a part of a preemployment
4 physical or a physical in connection with a promotion
5 or a change of status in employment or as a part of a
6 regularly scheduled physical is only permissible under
7 the following circumstances:

8 a. For a preemployment physical, the employer
9 shall notify the job applicant of the requirement for
10 a drug test at the time of the interview and hiring.

11 b. For a regularly scheduled physical, the
12 employer shall give notice that a drug test will be
13 part of the physical at least fifteen days prior to
14 the date the physical is scheduled.

15 Drug testing conducted under this subsection shall
16 conform to the requirements of subsection 3,
17 paragraphs "c", "d", "e", and "f"; however, paragraph
18 "f" shall not apply to drug tests conducted as a part
19 of a preemployment physical.

20 8. An employer shall protect the confidentiality
21 of the results of any drug test conducted on an
22 employee. The results of the test may be recorded in
23 the employee's medical and personnel records; however,
24 if an employee whose test indicated the employee was
25 under the influence of alcohol or a controlled
26 substance or indicated the presence of a controlled
27 substance has undergone substance abuse evaluation
28 and, when treatment is indicated under the substance
29 abuse evaluation, successfully completed treatment for
30 substance abuse, the employee's personnel records
31 shall be expunged of any reference to the test or its
32 results when the employee leaves employment.

33 9. This section may be enforced through a civil
34 action under section 730.6. In an action brought
35 under this subsection alleging that an employer has
36 required or requested a drug test in violation of this
37 section, the employer has the burden of proving that
38 the requirements of this section were met.

39 10. An employee shall not be discharged,
40 disciplined, or discriminated against in any manner
41 for filing a complaint or testifying in any proceeding
42 or action involving violations of this section. An
43 employee discharged, disciplined, or otherwise
44 discriminated against in violation of this section
45 shall be compensated by the employer in the amount of
46 any loss of wages and benefits arising out of the
47 discrimination and shall be restored to the employee's
48 previous position of employment.

49 11. A person who violates this section is, upon
50 conviction, guilty of a simple misdemeanor."

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1 2. Page 4, by striking lines 16 through 18 and
2 inserting the following: "in the violation of this
3 section is liable for affirmative relief for damages
4 sustained including but not limited to reinstatement
5 or hiring."

JIM RIORDAN

HOUSE AMENDMENT TO
SENATE FILE 480

S-3705

1 Amend Senate File 480 as amended, passed and
2 reprinted by the Senate as follows:

3 1. By striking all after the enacting clause and
4 inserting the following:

5 "Section 1. Section 68B.2, Code 1987, is amended
6 by striking the section and inserting in lieu thereof
7 the following:

8 68B.2 DEFINITIONS.

9 When used in this chapter, unless the context
10 otherwise requires:

11 1. "Compensation" means any money, thing of value,
12 or financial benefit conferred in return for services
13 rendered or to be rendered.

14 2. "Legislative employee" means a full-time
15 officer or employee of the general assembly but does
16 not include members of the general assembly.

17 3. "Member of the general assembly" means an
18 individual duly elected to the senate or the house of
19 representatives of the state of Iowa.

20 4. "Regulatory agency" means the department of
21 agriculture and land stewardship, department of
22 employment services, department of commerce,
23 department of public health, department of public
24 safety, department of education, state board of
25 regents, department of human services, department of
26 revenue and finance, department of inspections and
27 appeals, department of personnel, public employment
28 relations board, department of transportation, civil
29 rights commission, department of public defense, and
30 department of natural resources.

31 5. "Employee" means a full-time, salaried employee
32 of the state of Iowa and does not include part-time
33 employees or independent contractors. Employee
34 includes but is not limited to all clerical personnel.

35 6. "Official" means an officer of the state of
36 Iowa receiving a salary or per diem whether elected or
37 appointed or whether serving full-time or part-time.

38 Official includes but is not limited to supervisory
39 personnel and members of state agencies and does not
40 include members of the general assembly or legislative
41 employees.

42 7. "Agency" means a department, division, board,
43 commission, or bureau of the state, including a

44 regulatory agency or any of its political
45 subdivisions.

46 8. "Candidate" means a candidate as defined in
47 section 56.2 and includes a person elected to public
48 office until the person takes office.

49 9. a. "Gift" means a rendering of money,
50 property, services, discount, loan forgiveness,

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1 payment of indebtedness, or anything else of value in
2 return for which legal consideration of equal or
3 greater value is not given and received, if the donor
4 is in any of the following categories:

5 (1) Is doing or seeking to do business of any kind
6 with the donee's agency.

7 (2) Is engaged in activities which are regulated
8 or controlled by the donee's agency.

9 (3) Has interests which may be substantially and
10 materially affected, in a manner distinguishable from
11 the public generally, by the performance or
12 nonperformance of the donee's official duties.

13 (4) Is a lobbyist with respect to matters within
14 the scope of the donee's official duties.

15 b. However, "gift" does not mean any of the
16 following:

17 (1) Campaign contributions.

18 (2) Food and beverage provided for immediate
19 consumption in the presence of the donor.

20 (3) Nonmonetary items with a value of five dollars
21 or less.

22 (4) Items donated within thirty days to a public
23 body or a bona fide educational or charitable
24 organization without the donation being claimed at any
25 time as a charitable contribution for tax purposes.

26 10. "Local official" and "local employee" mean an
27 official or employee of a political subdivision of
28 this state.

29 11. "Doing business with the state or a political
30 subdivision" means being a party to any one or any
31 combination of sales, purchases, leases, or contracts
32 to, from, or with the state or a political
33 subdivision, or any agency thereof, involving
34 consideration of two thousand five hundred dollars or
35 more on a cumulative basis during a calendar year. In
36 the case of the awarding or execution of a contract or
37 lease, the total ascertainable consideration committed
38 to be paid at the time of the making of the contract
39 or lease, regardless of the period of time over which
40 the payments are to be made, shall be included within

41 the calendar year of the award or execution.
42 Where the terms "legislative employee", "member of
43 the general assembly", "candidate", "employee", "local
44 employee", "official" or "local official" are used in
45 this chapter, they include a firm of which any of
46 those persons is a partner and a corporation of which
47 any of those persons holds ten percent or more of the
48 stock either directly or indirectly, and the spouse
49 and minor children of any of those persons.
50 Sec. 2. Section 68B.5, Code 1987, is amended by

Page 3

1 striking the section and inserting in lieu thereof the
2 following:

3 68B.5 GIFTS SOLICITED OR ACCEPTED.

4 1. An official, employee, local official, local
5 employee, member of the general assembly, candidate,
6 or legislative employee shall not, directly or
7 indirectly, solicit, accept, or receive a gift.

8 2. A person shall not, directly or indirectly,
9 offer or make a gift to an official, employee, local
10 official, local employee, member of the general
11 assembly, candidate, or legislative employee.

12 Sec. 3. Section 68B.6, Code 1987, is amended by
13 adding the following new unnumbered paragraph:

14 NEW UNNUMBERED PARAGRAPH. A member of the general
15 assembly may appear before a governmental agency or
16 board in any case, proceeding, application, or other
17 matter before a state agency, court of the state of
18 Iowa, a federal court, or any federal bureau, agency,
19 commission, or department, except that the member
20 shall not appear for compensation if the matter is
21 subject to legislative review. Whenever a member
22 makes such an appearance, the member shall carefully
23 avoid all conduct which might in any way lead members
24 of the general public to conclude that the member is
25 using the member's official position to further the
26 member's professional success or personal financial
27 interest.

28 Sec. 4. Section 68B.8, Code 1987, is amended to
29 read as follows:

30 68B.8 ADDITIONAL PENALTY.

31 In addition to any penalty contained in any other
32 provision of law, a person who knowingly and
33 intentionally violates ~~the provisions~~ a provision of
34 section 68B.3 to 68B.6 ~~and this section shall be is~~
35 guilty of a serious misdemeanor, and Regardless of
36 any action that may be taken in a criminal
37 prosecution, a person who knowingly and intentionally

38 violates a provision of section 68B.3 to 68B.6 may be
 39 reprimanded, suspended, or dismissed from the person's
 40 position or otherwise sanctioned.

41 Sec. 5. Section 68B.10, subsection 3, Code 1987,
 42 is amended to read as follows:

43 3. Issue advisory opinions interpreting the intent
 44 of constitutional and statutory provisions relating to
 45 legislators and lobbyists as well as interpreting the
 46 code of ethics and rules issued pursuant to this
 47 section. Opinions shall be issued when approved by a
 48 majority of the seven members and may be issued upon
 49 the written request of a member of the general
 50 assembly or upon the committee's initiation. Opinions

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1 are not binding on the legislator or lobbyist.

2 Sec. 6. Section 68B.10, subsection 4, Code 1987,
 3 is amended by striking the subsection and inserting in
 4 lieu thereof the following:

5 4. Receive and investigate complaints and charges
 6 against members of its house alleging a violation of
 7 the code of ethics, rules governing lobbyists, this
 8 chapter, or other matters referred to it by its house.
 9 The committee shall recommend rules for the receipt
 10 and processing of complaints made during the
 11 legislative session and those made after the general
 12 assembly adjourns.

13 Sec. 7. Section 68B.10, Code 1987, is amended by
 14 adding the following new unnumbered paragraph after
 15 subsection 5:

16 NEW UNNUMBERED PARAGRAPH. The ethics committees
 17 may employ independent legal counsel to assist them in
 18 carrying out their duties under this chapter with the
 19 approval of the speaker of the house for the house
 20 committee or the senate majority leader for the senate
 21 committee. Payment of costs for the independent legal
 22 counsel shall be made from section 2.12.

23 Sec. 8. Section 68B.10, unnumbered paragraph 5,
 24 Code 1987, is amended to read as follows:

25 Violation of the code of ethics may result in the
 26 suspension of a member from the general assembly and
 27 the forfeiture of the censure, reprimand, or other
 28 sanctions as determined by a majority of the member's
 29 house. However, a member may be suspended or expelled
 30 and the member's salary forfeited only if directed by
 31 a two-thirds vote of the member's house to which the
 32 member belongs. Such A suspension, expulsion, or
 33 forfeiture of salary shall be for such the duration as

34 specified in the directing resolution ~~provided~~
35 ~~however, that, However, it cannot shall not~~ extend
36 beyond the ~~date of adjournment of the session end of~~
37 the general assembly during which the violation
38 occurred. Violation of the ~~rules a rule~~ relating to
39 lobbyists and lobbying activities may result in the
40 suspension of any censure, reprimand, or other
41 sanctions as determined by a majority of the members
42 of the house in which the violation occurred.
43 However, a lobbyist may be suspended from lobbying
44 activities for the duration provided in the directing
45 resolution only if directed by a two-thirds vote of
46 the house ~~wherein in which~~ the violation occurred.
47 Sec. 9. Section 722.1, Code 1987, is amended by
48 striking the section and inserting in lieu thereof the
49 following:
50 722.1 BRIBERY.

Page 5

1 A person who offers, promises, or gives anything of
2 value or any benefit to a person who is serving or has
3 been elected, selected, appointed, employed, or
4 otherwise engaged to serve in a public capacity,
5 including a public officer or employee, a referee,
6 juror, or jury panel member, or a witness in a
7 judicial or arbitration hearing or any official
8 inquiry, or a member of a board of arbitration,
9 pursuant to an agreement or arrangement or with the
10 understanding that the promise or thing of value or
11 benefit will influence the act, vote, opinion,
12 judgment, decision, or exercise of discretion of the
13 person with respect to the person's services in that
14 capacity commits a class "D" felony. In addition, a
15 person convicted under this section is disqualified
16 from holding public office under the laws of this
17 state.

18 Sec. 10. Section 722.2, Code 1987, is amended by
19 striking the section and inserting in lieu thereof the
20 following:

21 722.2 ACCEPTING BRIBE.

22 A person who is serving or has been elected,
23 selected, appointed, employed, or otherwise engaged to
24 serve in a public capacity, including a public officer
25 or employee, a referee, juror, or jury panel member,
26 or a witness in a judicial or arbitration hearing or
27 any official inquiry, or a member of a board of
28 arbitration who solicits or knowingly accepts or
29 receives a promise or anything of value or a benefit
30 given pursuant to an understanding or arrangement that

31 the promise or thing of value or benefit will
32 influence the act, vote, opinion, judgment, decision,
33 or exercise of discretion of the person with respect
34 to the person's services in that capacity commits a
35 class "C" felony. In addition, a person convicted
36 under this section is disqualified from holding public
37 office under the laws of this state.
38 Sec. 11. Section 68B.11, Code 1987, is repealed.
39 Sec. 12. This Act, being deemed of immediate
40 importance, is effective upon enactment."
41 2. Title page, by striking line 4 and inserting
42 the following: "subjecting".

S-3706

1 Amend House File 310 as amended, passed, and
2 reprinted by the House as follows:

DIVISION S—3706A

3 1. Page 1, line 25, by striking the word
4 "cooperation" and inserting the following:
5 "association".
6 2. Page 1, line 25, by inserting after the word
7 "counselors" the following: "from public and private
8 agencies".
9 3. Page 1, line 26, by striking the word
10 "provide" and inserting the following: "facilitate".

DIVISION S—3706B

11 4. Page 1, line 26, by inserting after the word
12 "positive" the following: "or negative".
13 5. Page 1, line 27, by inserting after the word
14 "results" the following: "and for diagnosed acquired
15 immune deficiency syndrome cases".

BEVERLY A. HANNON

S-3707

1 Amend House File 617 as amended, passed, and
2 reprinted by the House as follows:
3 1. Page 2, line 11, by striking the word
4 "paragraph" and inserting the following:
5 "paragraphs".
6 2. Page 2, by inserting after line 21 the
7 following:

8 “NEW LETTERED PARAGRAPH. g. Bonds and securities
9 which are authorized investments under paragraph “a”,
10 “b”, “c”, or “d” include investments in an investment
11 company or investment trust registered under the
12 Investment Company Act of 1940, 15 U.S.C. § 80a, the
13 portfolio of which is limited to the United States
14 government obligations described in paragraph “a”,
15 “b”, “c”, or “d” and to repurchase agreements fully
16 collateralized by the United States government
17 obligations described in paragraph “a”, “b”, “c”, or
18 “d”, if the investment company or investment trust
19 takes delivery of the collateral either directly or
20 through an authorized custodian.”

EDGAR H. HOLDEN

S-3708

1 Amend House File 567 as amended, passed and
2 reprinted by the House as follows:
3 1. Page 7, by striking lines 9 through 31 and
4 inserting in lieu thereof the following:
5 “2. After the grounds for termination have been
6 established, the court shall give primary
7 consideration to the physical, mental, and emotional
8 needs of the child. Such consideration may include,
9 but is not limited to any of the following:
10 a. The preference of the child, if the court
11 determines that the child has sufficient capacity to
12 express a reasonable preference.
13 b. The value of maintaining the parent-child
14 relationship.
15 c. The feasibility of adoption.”.

JULIA GENTLEMAN

S-3709

1 Amend House File 377 as amended, passed, and
2 reprinted by the House as follows:
3 1. Page 9, by striking line 14 through page 11,
4 line 15.

TOM MANN, Jr.

S-3710

- 1 Amend the amendment, S-3556, to House File 580, as
 2 amended, passed, and reprinted by the House, as
 3 follows:
- 4 1. Page 1, line 14, by inserting after the words
 5 "because of" the following: "the employee's".
- 6 2. Page 1, line 17, by inserting after the words
 7 "to by" the following: "the employee's".
- 8 3. Page 1, line 30, by inserting after the words
 9 "due to" the following: "the employee's".
- 10 4. Page 1, line 30, by striking the word
 11 "childbirth" and inserting the following: "giving
 12 birth,".
- 13 5. Page 2, line 3, by inserting after the words
 14 "of the" the following: "employee's".
- 15 6. Page 2, line 8, by inserting after the word
 16 "employer" the following: "of the pregnant employee".
- 17 7. Page 2, line 9, by striking the words "an
 18 employee who is disabled by a" and inserting the
 19 following: "the employee who is disabled by the".

JIM LIND

S-3711

- 1 Amend House File 633, as passed by the House, as
 2 follows:
- 3 1. Page 1, line 5, by inserting after the word
 4 "land" the following: "in a county".
- 5 2. Page 1, line 7, by inserting after the word
 6 "leased" the following: "in the county".
- 7 3. Page 1, line 8, by striking the words "one
 8 thousand".

AL STURGEON

S-3712

- 1 Amend House File 633, as passed by the House, as
 2 follows:
- 3 1. Page 1, line 8, by inserting after the word
 4 "acres." the following: "However, this paragraph does
 5 not apply to agricultural land that is leased by an
 6 authorized farm corporation or authorized trust to the
 7 immediate prior owner of the land for the purpose of
 8 farming, as defined in section 172C.1."

AL STURGEON

S-3713

- 1 Amend House File 631 as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 49, lines 32 and 33, by striking the
4 words "upon conviction."
5 2. Page 52, line 26, by striking the words "
6 upon conviction,".

DONALD V. DOYLE

S-3714

- 1 Amend the House amendment, S-3680, to Senate File
2 373 as amended, passed and reprinted by the Senate as
3 follows:
4 1. Page 1, by inserting after line 12 the
5 following:
6 "Sec. ____ . Section 17A.16, Code 1987, is amended
7 by adding the following new subsection:
8 NEW SUBSECTION. 3. The rules of collateral
9 estoppel and res judicata, as they apply to a judgment
10 of a court, do not apply to a final decision of an
11 agency in a contested case."
12 2. Page 26, by inserting after line 26 the
13 following:
14 "Sec. ____ . Section 474.9, Code 1987, is amended to
15 read as follows:
16 474.9 GENERAL JURISDICTION OF UTILITIES BOARD.
17 The utilities board shall have general supervision
18 of all pipelines and all lines for the transmission,
19 sale, and distribution of electrical current for
20 light, heat, and power pursuant to the provisions of
21 chapters 476, 478, and 479 and 543 and such other
22 duties as may be provided by law."
23 3. Page 27, by inserting after line 4 the
24 following:
25 "Sec. ____ . Section 475A.4, subsection 1, paragraph
26 d, Code 1987, is amended by striking the paragraph."
27 4. By renumbering as necessary.

COMMITTEE ON JUDICIARY
DONALD V. DOYLE, Chairperson

S-3715

1 Amend the amendment, S-3556, to House File 580, as
2 amended, passed, and reprinted by the House, as
3 follows:
4 1. Page 2, line 4, by inserting after the word
5 "pregnancy" the following: ", unless the termination
6 is justified by a showing of business necessity".
7 2. Page 2, line 11, by striking the words "eight
8 weeks or less" and inserting the following: "the
9 period that the employee is disabled because of the
10 employee's pregnancy, childbirth, or related medical
11 conditions, or for eight weeks, whichever is less".

DAVID M. READINGER
TOM MANN, Jr.
JIM LIND

S-3716

1 Amend House File 580 as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 1, line 24, by inserting after the words
4 "of the" the following: "employee's".
5 2. Page 1, line 25, by striking the words "is
6 disabled by a" and inserting the following: "becomes
7 pregnant and is disabled by the".
8 3. Page 1, line 35, by striking the words "is
9 disabled as a result of" and inserting the following:
10 "becomes pregnant and is disabled as a result of the".
11 4. Page 2, line 11, by striking the words
12 "disabled as a result of" and inserting the following:
13 "who becomes pregnant and is disabled as a result of
14 the".
15 5. Page 2, line 12, by inserting after the word
16 "pregnancy," the following: "and".

JIM LIND

S-3717

1 Amend House File 377 as amended, passed and
2 reprinted by the House as follows:
3 1. Page 9, by striking lines 14 through 26 and
4 inserting the following:
5 "15. a. A person or political committee which
6 causes the publication, mass mailing, or broadcast of
7 advocacy information in a restricted campaign shall
8 give notice to the commission and to the benefited
9 candidate. The notice shall be given by certified

10 restricted mail within twenty-four hours after the
11 publication, mailing or broadcast of the advocacy
12 information and be accompanied by the text of the
13 advocacy information and the amount of the
14 publication, mailing, or broadcasting expenditures.”

TOM MANN, Jr.

HOUSE AMENDMENT TO
SENATE FILE 219

S-3718

1 Amend Senate File 219, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 1, by striking lines 30 and 31 and
4 inserting the following:
5 “(4) Appropriate public school professional
6 staff.”
7 2. Page 2, by striking line 35 and inserting the
8 following: “designees, shall jointly designate and
9 award, and the department of human services shall
10 administer”.
11 3. Page 4, line 6, by inserting after the word
12 “section.” the following: “Pilot projects shall not
13 use funds appropriated from the general fund of this
14 state for the purpose of dispensing or providing birth
15 control items on property owned or controlled by a
16 public school corporation.”
17 4. Page 4, by striking lines 15 and 16 and
18 inserting the following: “the provision of
19 instruction to pupils in grades kindergarten through
20 twelve appropriate to the pupils’ grade level.”.
21 5. Page 5, by inserting after line 12 the
22 following:
23 “___ . The school board may designate the advisory
24 committee appointed pursuant to section 280.12,
25 subsection 2, as the advisory committee to perform the
26 duties required by this section, provided the advisory
27 committee appointed under section 280.12, subsection 2
28 meets the advisory committee composition requirements
29 in subsection 1.”
30 6. Page 5, by striking lines 13 through 16 and
31 inserting the following:
32 “3. Each school board shall provide an
33 instructional program in human growth and development
34 in grades kindergarten through twelve. Each school
35 board shall annually provide”.

- 36 7. Page 5, by striking line 18 and inserting the
 37 following: "district, an outline".
- 38 8. Page 5, by inserting before line 29 the
 39 following:
 40 "Each school board or merged area school which
 41 offers general adult education classes or courses
 42 shall periodically offer an evening instructional
 43 program in human growth and development for parents,
 44 guardians, prospective biological and adoptive
 45 parents, and foster parents."
 46 9. By renumbering, relettering, or redesignating
 47 and correcting internal references as necessary.

S-3719

- 1 Amend House File 599 as amended, passed and
 2 reprinted by the House as follows:
- 3 1. Page 1, by inserting before line 1 the
 4 following:
 5 "Sec. 100. Section 628.4, Code 1987, is amended to
 6 read as follows:
 7 628.4 REDEMPTION PROHIBITED.
 8 A party who has ~~taken an appeal from the district~~
 9 ~~court, or~~ stayed execution on the judgment, is not
 10 entitled to redeem. This section, however, does not
 11 apply to any consequences of or actions taken in a
 12 case under Title XI of the United States Code, or in a
 13 civil proceeding arising under Title XI of the United
 14 States Code."
- 15 2. Page 1, by inserting after line 12 the
 16 following:
 17 "Sec. 101. Section 654.14, Code 1987, is amended
 18 by adding the following new unnumbered paragraph:
 19 **NEW UNNUMBERED PARAGRAPH.** If the owner or person
 20 in actual possession is not afforded a right of first
 21 refusal in leasing the mortgaged premises by the
 22 receiver, the owner or person in actual possession has
 23 a cause of action against the receiver to recover
 24 either actual damages or a one thousand dollar
 25 penalty, and costs, including reasonable attorney's
 26 fees. The receiver shall deliver notice to the owner
 27 or person in actual possession, or the attorney of the
 28 owner or person in actual possession of an offer made
 29 to the receiver, the terms of the offer, and the name
 30 and address of the person making the offer. The
 31 delivery shall be made personally with receipt
 32 returned or by certified or registered mail, with the
 33 proper postage on the envelope, addressed to the owner
 34 or person in actual possession or the attorney of the

35 owner or person in actual possession. An offer shall
36 be deemed to have been refused if the owner or person
37 in actual possession or the attorney of the owner or
38 person in actual possession does not respond within
39 ten days following the date that the notice is mailed.

40 Sec. 102. Section 654.16, unnumbered paragraph 2,
41 Code 1987, is amended to read as follows:

42 If the homestead is ~~not sold separately, but rather~~
43 ~~is sold in conjunction with the nonhomestead property~~
44 in order to satisfy the judgment, the court shall
45 determine the fair market value of the homestead. The
46 court may consult with ~~the county independent~~
47 ~~appraisers appointed pursuant to section 450.24 to~~
48 determine the fair market value of the homestead. ~~The~~
49 At any time within two years from the day of the sale,
50 the mortgagor may redeem the homestead separately by

Page 2

1 tendering the fair market value of the homestead
2 pursuant to the procedures set forth in chapter 628.”
3 3. Page 7, by inserting after line 16 the
4 following:

5 “Sec. 200. Section 100 of this Act applies to all
6 general and special execution sales held on, after, or
7 within one year before the effective date of this Act.

8 Sec. 201. Section 101 of this Act applies to all
9 leases executed by receivers on or after the effective
10 date of this Act.

11 Sec. 202. Section 654.16, Code 1987, as amended by
12 section 102 of this Act, applies to all foreclosure
13 sales of agricultural land held on or after the
14 effective date of this Act, and to foreclosure sales
15 of agricultural land held within one year before the
16 effective date of this Act if the holder of the
17 sheriff's certificate of sale is a mortgagee whose
18 mortgage was enforced by the foreclosure sale.

19 Sec. 203. This Act, being deemed to immediate
20 importance, takes effect on the tenth day after its
21 enactment.”

22 4. Title page, line 1, by inserting after the
23 word “by” the following: “removing certain
24 restrictions on redemption in certain cases,”.

25 5. Title page, line 3, by striking the words
26 “redemption, and” and inserting the following:
27 “redemption, providing a cause of action against the
28 receiver in certain cases, permitting the use of
29 independent appraisers to determine the value of the
30 homestead,”.

31 6. Title page, line 5, by inserting after the

32 word "judgments" the following: ", providing dates of
 33 applicability, and providing an effective date".
 34 7. By renumbering as necessary.

JIM RIORDAN
 LEONARD L. BOSWELL
 ALVIN V. MILLER
 BERL E. PRIEBE
 BEVERLY A. HANNON
 WILLIAM W. DIELEMAN
 TOM MANN, Jr.
 JAMES D. WELLS
 KENNETH D. SCOTT
 EUGENE S. FRAISE
 DONALD E. GETTINGS
 DONALD V. DOYLE
 CHARLES P. MILLER
 CHARLES BRUNER
 LARRY MURPHY
 WALLY E. HORN
 JEAN LLOYD-JONES
 EMIL J. HUSAK
 JOE J. WELSH

S-3720

1 Amend the amendment, S-3701 to House File 649 as
 2 amended, passed, and reprinted by the House as
 3 follows:
 4 1. Page 1, by striking lines 3 through 7 and
 5 inserting the following:
 6 "____. Page 2, by inserting after line 32 the
 7 following:
 8 "Sec. ____ . APPLICABILITY.
 9 1. The provisions of this Act relating to
 10 exemptions for the proceeds of a life insurance policy
 11 payable upon the death of the insured apply to
 12 proceeds payable on or after the effective date of
 13 this Act.
 14 2. The provisions of this Act relating to
 15 exemptions for interests in life insurance policies,
 16 other than interests in the proceeds of a policy
 17 payable upon the death of the insured, apply to
 18 interests acquired on or after the effective date of
 19 this Act."
 20 ____ . Title page, line 5, by inserting after the
 21 word "matters" the following: ", and providing for

22 the applicability of the Act”.

23 2. By numbering and renumbering as necessary.

JOHN W. JENSEN
KENNETH SCOTT

HOUSE AMENDMENT TO
SENATE FILE 311

S-3721

1 Amend Senate File 311 as amended, passed and
2 reprinted by the Senate as follows:

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

5 “Sec. 710. Section 321.210, unnumbered paragraph
6 10, Code 1987, is amended to read as follows:

7 The department shall not consider or assess any
8 points for speeding violations of ten miles per hour
9 or less over the legal speed limit in speed zones that
10 have a legal speed limit equal to or greater than
11 thirty-five miles per hour but not greater than fifty-
12 five miles per hour in determining a license
13 suspension under this section. This paragraph shall
14 apply to only the first two such violations which
15 occur within any twelve-month period.”

16 2. Page 1, by inserting after line 26 the
17 following:

18 “Sec. 711. Section 321.287, Code 1987, is amended
19 to read as follows:

20 321.287 BUS SPEED LIMITS.

21 ~~No A~~ passenger-carrying motor vehicle used as a
22 common carrier, ~~except school buses~~, shall not be
23 driven upon the highways at a ~~greater rate of speed~~
24 ~~than fifty-five miles per hour at any time in excess~~
25 ~~of the posted maximum speed limit. No A~~ school bus
26 shall not be operated in a violation of section
27 321.377.”

28 3. Page 1, by inserting after line 26 the fol-
29 lowing:

30 “Sec. 712. Section 805.8, subsection 2, paragraph
31 g, Code 1987, is amended to read as follows:

32 g. (1) For excessive speed violations when not
33 more than five miles per hour in excess of the limit
34 under sections 111.36, 321.236, subsections 5 and 11,
35 321.285, 321.286 and 321.287, the scheduled fine is
36 ten dollars.

37 (2) Excessive speed in conjunction with a

38 violation of section 321.278 is not a scheduled
 39 violation, whatever the amount of excess speed.
 40 (3) For excessive speed violations when in excess
 41 of the limit under ~~those~~ sections 111.36, 321.236,
 42 subsections 5 and 11, 321.285, 321.286, and 321.287 by
 43 five or less miles per hour the fine is ten dollars,
 44 by more than five and not more than ten miles per hour
 45 the fine is twenty dollars, by more than ten and not
 46 more than fifteen miles per hour the fine is thirty
 47 dollars, by more than fifteen and not more than twenty
 48 miles per hour the fine is forty dollars, and by more
 49 than twenty miles per hour the fine is forty dollars
 50 plus two dollars for each mile per hour of excessive

Page 2

1 speed over twenty miles per hour over the limit.
 2 (4) ~~Notwithstanding subparagraphs (1) and (3), for~~
 3 ~~drivers of vehicles traveling in excess of sixty-five~~
 4 ~~miles per hour when in excess of the limit under~~
 5 ~~sections 111.36, 321.236, subsections 5 and 11,~~
 6 ~~321.285, 321.286, and 321.287 by five or less miles~~
 7 ~~per hour the fine is twenty dollars, by more than five~~
 8 ~~and not more than ten miles per hour the fine is forty~~
 9 ~~dollars, by more than ten and not more than fifteen~~
 10 ~~miles per hour the fine is sixty dollars, by more than~~
 11 ~~fifteen and not more than twenty miles per hour the~~
 12 ~~fine is eighty dollars, and by more than twenty miles~~
 13 ~~per hour the fine is eighty dollars plus four dollars~~
 14 ~~for each mile per hour of excess speed over twenty~~
 15 ~~miles per hour over the limit.~~
 16 (5) Excessive speed in whatever amount by a school
 17 bus is not a scheduled violation under any section
 18 listed in a subparagraph of this paragraph "g."
 19 4. Page 1, line 33, by striking the word "Act"
 20 and inserting the following: "Act, except for
 21 sections 710, 711 and 712."
 22 5. Page 2, line 1, by inserting after the figure
 23 "154" the following: "and subsequent modifications to
 24 23 U.S.C. § 154".
 25 6. Title page, line 1, by inserting after the
 26 word "Act" the following: "relating to speed limits
 27 by limiting the special treatment of speeding
 28 violations of ten miles per hour or less over the
 29 legal speed limit to speed zones equal to or greater
 30 than thirty-five miles per hour but not greater than
 31 fifty-five miles per hour and by".
 32 7. Title page, line 3, by inserting after the
 33 word "providing" the words "penalties and".

34 8. By renumbering, relettering, or redesignating
35 and correcting internal references as necessary.

S-3722

1 Amend the amendment, S-3518, to House File 646 as
2 amended, passed, and reprinted by the House as
3 follows:
4 1. Page 1, line 14, by striking the words "County
5 recorders and city clerks" and inserting the
6 following: "Counties and county recorders, and cities
7 and city clerks".

LEONARD L. BOSWELL

S-3723

1 Amend House File 79 as amended, passed, and
2 reprinted by the House as follows:
3 1. Page 2, line 23, by striking the word "may"
4 and inserting the following: "shall".
5 2. Page 2, line 26, by inserting after the word
6 "regulation." the following: "The persons in custody
7 or control of public places shall provide sufficient
8 area in which smoking is permitted to accommodate all
9 persons who wish to do so."

JOE J. WELSH
JACK RIFE
LINN FUHRMAN
WILLIAM D. PALMER
ALVIN V. MILLER
JOHN E. SOORHOLTZ
FORREST SCHWENGELS
RICHARD F. DRAKE
JACK NYSTROM
EMIL J. HUSAK
C. JOSEPH COLEMAN
JAMES R. RIORDAN

S-3724

1 Amend the amendment, S-3652, to Senate File 282, as
2 amended, passed, and reprinted by the Senate, as
3 follows:
4 1. By striking page 1, line 15 through page 2,
5 line 16.

- 6 2. Page 2, by striking lines 21 through 23 and
- 7 inserting the following: "firearm is used or
- 8 displayed, and by revising".
- 9 3. By renumbering as necessary.

DONALD V. DOYLE

S-3725

- 1 Amend House File 671 as amended, passed and
- 2 reprinted by the House, as follows:
- 3 1. Page 70, line 14, by striking the word
- 4 "eighty" and inserting the following: "eighty-one".
- 5 2. Page 70, line 16, by striking the figure
- 6 "1,669,000" and inserting the following: "1,708,000".
- 7 3. Page 70, by inserting after line 16 the
- 8 following:
- 9 "Of the funds appropriated in this subsection,
- 10 thirty-nine thousand (39,000) dollars, or so much
- 11 thereof as is necessary, is allocated for the
- 12 employment of one additional boiler inspector."

JAMES D. WELLS

S-3726

- 1 Amend House File 79 as amended, passed and
- 2 reprinted by the House as follows:
- 3 1. Page 1, line 16, by striking the words
- 4 "originating in" and inserting in lieu thereof the
- 5 following: ", travel and destination entirely within".

JOE J. WELSH

S-3727

- 1 Amend House File 429 as amended, passed, and
- 2 reprinted by the House as follows:
- 3 1. Page 1, line 27, by inserting after the word
- 4 "address." the following: "However, if the vehicle
- 5 involved in a violation of section 321.372, subsection
- 6 3, is not registered in this state, the citation shall
- 7 be served on the owner of the vehicle in the same
- 8 manner as other uniform traffic citations are served."

DONALD V. DOYLE

S-3728

1 Amend the amendment, S-3510, to House File 650 as
2 follows:

3 1. Page 2, by inserting after line 29 the follow-
4 ing:

5 "____. Page 3, line 5, by inserting after the word
6 "instruction" the following: "in a multicultural non-
7 sexist approach."

8 2. Page 3, line 32, by inserting after the word
9 "instruction" the following: "in a multicultural
10 nonsexist approach".

BEVERLY A. HANNON
AL STURGEON
JULIA B. GENTLEMAN
MICHAEL E. GRONSTAL
JEAN LLOYD-JONES
ROBERT M. CARR
JOY CORNING
CHARLES BRUNER

S-3729

1 Amend the amendment, S-3510, to House File 650 as
2 follows:

3 1. Page 2, by inserting after line 29, the
4 following:

5 "(7) A written explanation of the reason for not
6 enrolling the child in a public school or an
7 accredited nonpublic school, including but not limited
8 to, religious or political reasons and the religious
9 or political affiliation related to the explanation."

10 2. Page 3, by inserting after line 29, the
11 following:

12 "(7) A written explanation of the reason for not
13 enrolling the child in a public school or an
14 accredited nonpublic school, including but not limited
15 to, religious or political reasons and the religious
16 or political affiliation related to the explanation."

BEVERLY HANNON
AL STURGEON
JULIA GENTLEMAN
MICHAEL GRONSTAL
JEAN LLOYD-JONES
BOB CARR
JOY CORNING
CHARLES BRUNER

HOUSE AMENDMENT TO
SENATE FILE 139

S-3730

1 Amend Senate File 139 as amended, passed, and
2 reprinted by the Senate as follows:

3 1. Page 2, line 33, by inserting before the word
4 "Economic" the following: "1."

5 2. Page 3, by inserting after line 1 the follow-
6 ing:

7 For purposes of this chapter, "economic
8 development" means private or joint public and private
9 investment involving the creation of new jobs and
10 income or the retention of existing jobs and income
11 that would otherwise be lost.

12 2. Before public funds are used for grants, loans,
13 or other financial assistance to private persons or on
14 behalf of private persons for economic development,
15 the governing body of the state, city, county, or
16 other public body dispensing those funds or the
17 governing body's designee, shall determine that a
18 public purpose will reasonably be accomplished by the
19 dispensing or use of those funds. In determining
20 whether the funds should be dispensed, the governing
21 body or designee of the governing body shall consider
22 any or all of the following factors:

23 a. Businesses that add diversity to or generate
24 new opportunities for the Iowa economy should be
25 favored over those that do not.

26 b. Development policies in the dispensing of the
27 funds should attract, retain, or expand businesses
28 that produce exports or import substitutes or which
29 generate tourism-related activities.

30 c. Development policies in the dispensing or use
31 of the funds should be targeted toward businesses that
32 generate public gains and benefits, which gains and
33 benefits are warranted in comparison to the amount of
34 the funds dispensed.

35 d. Development policies in dispensing the funds
36 should not be used to attract a business presently
37 located within the state to relocate to another
38 portion of the state unless the business is
39 considering in good faith to relocate outside the
40 state or unless the relocation is related to an
41 expansion which will generate significant new job
42 creation. Jobs created as a result of other jobs in
43 similar Iowa businesses being displaced shall not be
44 considered direct jobs for the purpose of dispensing

45 funds.

46 Sec. ____ . NEW SECTION. 15A.2 CONFLICTS OF
47 INTEREST.

48 If a member of the governing body of a city or
49 county or an employee of a state, city, or county
50 board, agency, commission or other governmental entity

Page 2

1 of the state, city, or county has an interest, either
2 direct or indirect, in a private person for which
3 grants, loans, guarantees, or other financial
4 assistance may be provided by such governing board or
5 governmental entity, the interest shall be disclosed
6 to that governing body or governmental entity in
7 writing. The member or employee having the interest
8 shall not participate in the decision-making process
9 with regard to the providing of such financial
10 assistance to the private person.

11 Employment by a public body, its agencies, or
12 institutions or by any other person having such an
13 interest shall not be deemed an interest by such
14 employee or of any ownership or control by such
15 employee of interests of the employee's employer.

16 The word "participation" shall be deemed not to
17 include discussion or debate preliminary to a vote of
18 a local governing body or agency upon proposed
19 ordinances or resolutions relating to such a project
20 or any abstention from such a vote.

21 The designation of a bank or trust company as
22 depository, paying agent, or agent for investment of
23 funds shall not be deemed a matter of interest or
24 personal interest.

25 Stock ownership in a corporation having such an
26 interest shall not be deemed an indicia of an interest
27 or of ownership or control by the person owning such
28 stocks when less than five percent of the outstanding
29 stock of the corporation is owned or controlled
30 directly or indirectly by such person.

31 The word "action" shall not be deemed to include
32 resolutions advisory to the local governing body or
33 agency by any citizens group, board, body, or
34 commission designated to serve a purely advisory
35 approving or recommending function for economic
36 development.

37 A violation of a provision of this section is
38 misconduct in office under section 721.2. However, a
39 decision of the governing board or governmental entity
40 is not invalid because of the participation of the
41 member or employee in the decision-making process or

42 because of a vote cast by a member or employee in
 43 violation of this section unless the participation or
 44 vote was decisive in the awarding of the financial
 45 assistance.”

46 3. Page 3, by striking lines 2 through 18.

47 4. Title page, by striking lines 1 through 4 and
 48 inserting the following: “An Act relating to the use
 49 of public funds to aid economic development.”

S-3731

1 Amend House File 429, as amended, passed, and re-
 2 printed by the House, as follows:

3 1. Page 1, by inserting after line 27 the fol-
 4 lowing:

5 “Bus drivers and peace officers who issue or cause
 6 to be issued citations under this section for
 7 violations of section 321.372, subsection 3, are not
 8 individually liable in an action for false arrest
 9 unless malice is proven. However, the school board
 10 for which the bus driver is employed shall be liable
 11 for the actions of their employees under this
 12 section.”

DONALD V. DOYLE

S-3732

1 Amend House amendment, S-3721, to Senate File 311
 2 as amended, passed and reprinted by the Senate as
 3 follows:

4 1. By striking page 1, line 28 through page 2,
 5 line 18.

6 2. Page 2, line 21, by inserting before the
 7 figure “711” the following: “and”.

8 3. Page 2, line 21, by striking the word and
 9 figure “and 712”.

10 4. Page 2, by striking lines 32 and 33.

C. JOSEPH COLEMAN

S-3733

1 Amend the amendment, S-3566, to House File 617 as
 2 amended, passed, and reprinted by the House as
 3 follows:

4 1. Page 1, line 27 by inserting after the word

5 “state.” the following: “As a condition of an
6 acquisition pursuant to this section, an out-of-state
7 bank holding company must file a statement with the
8 superintendent describing how the acquisition will
9 make available a minimum of one hundred million
10 dollars of net new funds to this state. The statement
11 must state the amount of capital funds, including the
12 increase in equity capital that will result from the
13 acquisition. The statement must also include a
14 discussion of initial capital investments, loan
15 policy, investment policy, dividend policy, and the
16 general plan of business, including the full range of
17 consumer and business services which will be offered
18 by the bank or banks owned by the bank holding company
19 after the acquisition. A description of compliance or
20 progress towards compliance with the net new funds
21 statement filed at the time of acquisition must be
22 filed with the superintendent annually after an
23 acquisition. The description must state the increase
24 in net new funds for both the last year of operations
25 and since the acquisition. For the purposes of this
26 section, “net new funds” means an increase in loanable
27 funds expressed as an increase in the total loan to
28 asset ratio of Iowa loans and assets of the acquired
29 bank or acquiring bank or bank holding company. If
30 the superintendent finds that the acquisition will not
31 make available one hundred million dollars in net new
32 funds to this state, the superintendent shall disallow
33 the acquisition.”

FORREST V. SCHWENGELS

S-3734

1 Amend the amendment, S-3701 to House File 649 as
2 amended, passed, and reprinted by the House as
3 follows:
4 1. Page 1, by striking lines 3 through 7 and
5 inserting the following:
6 “___ . Page 2, by inserting after line 32 the
7 following:
8 “Sec. ___ . APPLICABILITY.
9 1. The provisions of this Act relating to
10 exemptions for the proceeds of a life insurance policy
11 payable upon the death of the insured apply to
12 proceeds payable on or after the effective date of
13 this Act.
14 2. The provisions of this Act relating to
15 exemptions for interests in life insurance policies,

16 other than interests in the proceeds of a policy
 17 payable upon the death of the insured, apply to
 18 interests acquired on or after January 1, 1987.”
 19 — . Title page, line 5, by inserting after the
 20 word “matters” the following: “, and providing for
 21 the applicability of the Act”.”
 22 2. By numbering and renumbering as necessary.

JOHN W. JENSEN
 KENNETH SCOTT
 JACK HESTER

S-3735

1 Amend House File 518, as passed by the House, as
 2 follows:
 3 1. Page 4, line 29, by inserting after the word
 4 “persons” the following: “; provided, however, that
 5 if the facility is constructed for the generation of
 6 electric power, that facility must be located within
 7 the state of Iowa”.
 8 2. Page 5, by inserting after the word
 9 “facility.” the following: “This subsection shall
 10 permit a participant to be entitled to the use of
 11 output or capacity of a joint generating facility only
 12 if that generating facility is located within the
 13 state of Iowa.”.

RAY TAYLOR

S-3736

1 Amend House File 518, as passed by the House, as
 2 follows:
 3 1. Page 4, line 29, by inserting after the word
 4 “persons” the following: “; provided, however, that
 5 if the facility is constructed for the generation of
 6 electric power, that facility must be located within
 7 the state of Iowa”.
 8 2. Page 5, line 5, by inserting after the word
 9 “facility.” the following: “This subsection shall
 10 permit a participant to be entitled to the use of
 11 output or capacity of a joint generating facility only
 12 if that generating facility is located within the
 13 state of Iowa.”.

RAY TAYLOR

S-3737

1 Amend House File 518 as passed by the House, as
2 follows:

3 1. Page 4, line 29, by inserting after the word
4 "persons." the following: "The proposed purchase of
5 entitlement shall be submitted at any city election by
6 the city council on its own motion. If a majority of
7 those voting in the city election does not approve the
8 proposal, the same or a similar proposal may be
9 submitted to the voters no sooner than one year from
10 the date of the election at which the proposal was
11 defeated."

12 2. Page 5, line 5, by inserting after the word
13 "facility" the following: ", and provide that any
14 proposed purchase of entitlement shall be submitted at
15 any city election by each of the city councils of the
16 participant cities on their own motions. If a
17 majority of those voting in a city do not approve the
18 proposal, the same or a similar proposal may be
19 submitted to the voters no sooner than one year from
20 the date of the election at which the proposal was
21 defeated."

EDGAR H. HOLDEN

S-3738

1 Amend House File 79 as amended, passed, and
2 reprinted by the House as follows:

3 1. Page 4, by striking lines 14 through 16 and
4 inserting the following: "civil fine of five dollars
5 for the first violation and not less than ten nor more
6 than one hundred dollars pursuant to section 805.8,
7 subsection 11 for each subsequent violation."

8 2. Page 4, line 18, by striking the word "civil"
9 and inserting the following: "civil".

10 3. Page 4, by inserting after line 19 the following:
11 "Sec. ____ . Section 805.8, Code 1987, is amended by
12 adding the following new subsection:

13 NEW SUBSECTION. 11. SMOKING VIOLATIONS. For violations
14 of section 98A.6, the scheduled fine is ten dollars."

JOE J. WELSH

S-3739

1 Amend House File 617 as amended, passed, and
2 reprinted by the House as follows:
3 1. Page 3, by inserting after line 12 the
4 following:
5 "Sec. ____ . Section 524.1805, Code 1987, is
6 amended to read as follows:
7 524.1805 OUT-OF-STATE HOLDING COMPANIES.
8 ~~Nothing in this division shall be construed to~~
9 ~~authorize a bank holding company which is with respect~~
10 ~~to the state of Iowa an An "out-of-state bank holding~~
11 ~~company", as defined or referred to in 12 U.S.C. §~~
12 ~~1842(d), as amended to January 1, 1971, to may~~
13 ~~directly or indirectly acquire any of the voting~~
14 ~~shares of, all or a portion of the voting securities~~
15 ~~or other capital stock of, or any interest in; all or~~
16 ~~substantially all of the assets of, or power to~~
17 ~~control in any manner the election of any of the~~
18 ~~directors of, any bank in this state, unless such bank~~
19 ~~holding company was on January 1, 1971 registered with~~
20 ~~the federal reserve board as a bank holding company;~~
21 ~~and on that date owned at least two banks in this~~
22 ~~state one or more state banks or national banking~~
23 ~~associations conducting a banking business in this~~
24 ~~state or one or more bank holding companies located in~~
25 ~~this state controlling one or more state banks or~~
26 ~~national banks conducting a banking business in this~~
27 ~~state. As a condition of an acquisition pursuant to~~
28 ~~this section, an out-of-state bank holding company~~
29 ~~must file a statement with the superintendent~~
30 ~~describing how the acquisition will make available a~~
31 ~~minimum of one hundred million dollars of net new~~
32 ~~funds to this state. The statement must state the~~
33 ~~amount of capital funds, including the increase in~~
34 ~~equity capital that will result from the acquisition.~~
35 ~~The statement must also include a discussion of~~
36 ~~initial capital investments, loan policy, investment~~
37 ~~policy, dividend policy, and the general plan of~~
38 ~~business, including the full range of consumer and~~
39 ~~business services which will be offered by the bank or~~
40 ~~banks owned by the bank holding company after the~~
41 ~~acquisition. A description of compliance or progress~~
42 ~~towards compliance with the net new funds statement~~
43 ~~filed at the time of acquisition must be filed with~~
44 ~~the superintendent annually after an acquisition. The~~
45 ~~description must state the increase in net new funds~~
46 ~~for both the last year of operations and since the~~
47 ~~acquisition. For the purposes of this section, "net~~
48 ~~new funds" means an increase in loanable funds~~
49 ~~expressed as an increase in the total loan to asset~~
50 ~~ratio of Iowa loans and assets of the acquired bank or~~

Page 2

1 acquiring bank or bank holding company. If the
2 superintendent finds that the acquisition will not
3 make available one hundred million dollars in net new
4 funds to this state, the superintendent shall disallow
5 the acquisition."

FORREST V. SCHWENGELS

S-3740

1 Amend House File 79 as amended, passed, and
2 reprinted by the House as follows:
3 1. Page 4, line 15, by striking the words "not to
4 exceed" and inserting in lieu thereof the following:
5 "of".
6 2. Page 4, by inserting after line 19 the following:
7 "A person may pay the civil penalty of ten dollars
8 by making payment to the clerk of the district court
9 in an envelope provided by the arresting party."

JOE J. WELSH

S-3741

1 Amend House File 567 as amended, passed, and
2 reprinted by the House as follows:
3 1. Page 1, line 15, by inserting after the word
4 "admitted" the following: ", provided,
5 notwithstanding any other provisions of this or any
6 other chapter, that written reports which contain
7 hearsay are inadmissible unless the name, address, and
8 telephone number of the original source of the hearsay
9 are provided in the report together with the date on
10 which and the name of all persons present when the
11 statement was made and provided that all facts known
12 to the writer which are relevant to any conclusions or
13 opinions contained in the report are presented in the
14 report; and provided further that no hearsay evidence
15 is admissible unless written notice of the evidence is
16 provided to all parties within five days before any
17 hearing at which the evidence will be offered, and
18 provided that no opinions or recommendations
19 concerning ultimate issues to be decided by the court
20 are admissible with the exception of expert opinions

21 concerning physical or mental conditions”.

22 2. Page 1, by inserting after line 25 the
23 following:

24 “Sec. ____ . Section 232.99, subsection 2, Code
25 1987, is amended to read as follows:

26 2. All relevant and material evidence shall be
27 admitted, provided, notwithstanding any other
28 provisions of this or any other chapter, that written
29 reports which contain hearsay are inadmissible unless
30 the name, address, and telephone number of the
31 original source of the hearsay are provided in the
32 report together with the date on which and the name of
33 all persons present when the statement was made and
34 provided that all facts known to the writer which are
35 relevant to any conclusions or opinions contained in
36 the report are presented in the report; and provided
37 further that no hearsay evidence is admissible unless
38 written notice of the evidence is provided to all
39 parties within five days before any hearing at which
40 the evidence will be offered, and provided that no
41 opinions or recommendations concerning ultimate issues
42 to be decided by the court are admissible with the
43 exception of expert opinions concerning physical or
44 mental conditions.”

45 3. By renumbering as necessary.

TOM MANN, Jr.

HOUSE AMENDMENT TO
SENATE FILE 216

S-3742

1 Amend Senate File 216, as amended, passed, and re-
2 printed by the Senate, as follows:

3 1. Page 2, by inserting after line 22 the fol-
4 lowing:

5 “The board shall adopt rules requiring an
6 additional twenty hours per biennium of continuing
7 education in the treatment and management of ocular
8 disease for all therapeutically certified
9 optometrists. The department of ophthalmology of the
10 school of medicine of the State University of Iowa
11 shall be one of the providers of this continuing
12 education.”

S-3743

- 1 Amend Senate File 501 as follows:
- 2 1. Page 60, by striking lines 14 through 20.

WILLIAM DIELEMAN

S-3744

- 1 Amend Senate File 504 as follows:
- 2 1. Page 14, lines 29 and 30, by striking the
- 3 words and figures "July 1, ~~1988~~ 1987" and inserting in
- 4 lieu thereof the following: "July 1, 1988 January 1,
- 5 1989".
- 6 2. Page 14, line 33, by striking the figure
- 7 "1987" and inserting in lieu thereof the figure
- 8 "1989".

JOHN W. JENSEN
JULIA GENTLEMAN

S-3745

- 1 Amend House File 590 as passed by the House, as
- 2 follows:
- 3 1. Page 1, line 8, by inserting after the word
- 4 "recorder." the following: "However, in lieu of a
- 5 declaration of value, the county recorder may file a
- 6 memorandum of sale where the conveyance is not for a
- 7 deed and neither the buyer or seller is a federal
- 8 agency."
- 9 2. Page 2, line 18, by inserting after the word
- 10 "instrumentality," the following: "or those
- 11 conveyances for which the county recorder may file a
- 12 memorandum of sale as provided in section 428A.1."

EDGAR H. HOLDEN

S-3746

- 1 Amend the House amendment, S-3721, to Senate File
- 2 311 as amended, passed and reprinted by the Senate as
- 3 follows:
- 4 1. Page 1, line 26, by striking the word "a".
- 5 2. Page 2, by inserting before line 19 the
- 6 following:
- 7 "___ . Page 1, line 28, by inserting after the
- 8 word "after" the following: "the date of its
- 9 enactment or".

- 10 ____ . Page 1, line 28, by striking the word
11 "legislation," and inserting the following:
12 "legislation".
13 ____ . Page 1, line 30, by inserting after the word
14 "law" the following: ", whichever occurs later"."

C. JOSEPH COLEMAN

S-3747

- 1 Amend House File 518, as passed by the House, as
2 follows:
3 1. Page 4, line 29, by inserting after the word
4 "persons" the following: "if the entitlement is
5 freely alienable".
6 2. Page 5, line 5, by inserting after the word
7 "facility" the following: ", and that any entitlement
8 purchased is freely alienable".

HURLEY HALL

S-3748

- 1 Amend the amendment, S-3358, to Senate File 351 as
2 follows:
3 1. Page 4, line 2 by inserting after the word
4 "state." the following: "As a condition of an
5 acquisition pursuant to this section, an out-of-state
6 bank holding company must file a statement with the
7 superintendent describing how the acquisition will
8 make available a minimum of one hundred million
9 dollars of net new funds to this state. The statement
10 must state the amount of capital funds, including the
11 increase in equity capital that will result from the
12 acquisition. The statement must also include a
13 discussion of initial capital investments, loan
14 policy, investment policy, dividend policy, and the
15 general plan of business, including the full range of
16 consumer and business services which will be offered
17 by the bank or banks owned by the bank holding company
18 after the acquisition. A description of compliance or
19 progress towards compliance with the net new funds
20 statement filed at the time of acquisition must be
21 filed with the superintendent annually after an
22 acquisition. The description must state the increase
23 in net new funds for both the last year of operations
24 and since the acquisition. For the purposes of this
25 section, "net new funds" means an increase in loanable

26 funds expressed as an increase in the total loan to
 27 asset ratio of Iowa loans and assets of the acquired
 28 bank or acquiring bank or bank holding company. If
 29 the superintendent finds that the acquisition will not
 30 make available one hundred million dollars in net new
 31 funds to this state, the superintendent shall disallow
 32 the acquisition."

FORREST V. SCHWENGELS

S-3749

1 Amend Senate File 504 as follows:

- 2 1. Page 13, line 10, by inserting after the word
 3 "duties." the following: "The lieutenant governor may
 4 elect to become a member of any state group insurance
 5 plan for employees of the state established under
 6 chapter 509A and the disability insurance program
 7 established under section 79.20 on the same basis as a
 8 full-time state employee. The lieutenant governor
 9 shall authorize a payroll deduction of any premium
 10 due."
 11 2. Page 14, line 22, by striking the word "total"
 12 and inserting the following: "~~total~~".

BILL HUTCHINS
 CALVIN O. HULTMAN
 ROBERT M. CARR
 JACK NYSTROM
 JOE J. WELSH

HOUSE AMENDMENT TO
 SENATE AMENDMENT TO
 HOUSE FILE 371

S-3750

1 Amend the Senate amendment, H-3360, to House File
 2 371, as passed by the House, as follows:

- 3 1. Page 1, by inserting after line 2 the follow-
 4 ing:
 5 " ____ . Page 2, by inserting after line 26 the
 6 following:
 7 "Sec. ____ . Section 321.198, unnumbered paragraph
 8 2, Code 1987, is amended to read as follows:
 9 The department is hereby authorized to renew any
 10 operator's license or chauffeur's license falling

11 within the provisions and limitations of the preceding
 12 paragraph, without examination, upon application and
 13 payment of fee made within six months following
 14 separation from the military service.””
 15 2. Page 1, by inserting after line 8 the
 16 following:
 17 “___ . Page 5, line 17, by inserting after the
 18 word “of” the following: “public utility trucks,
 19 construction trucks and equipment, trucks moving
 20 implements of husbandry, and”.
 21 . Page 5, line 18, by inserting after the
 22 word “intrastate.” the following: “However,
 23 construction trucks shall not be construed to include
 24 gravel hauling trucks. Gravel hauling trucks and
 25 trucks for hire on construction projects are not
 26 exempt from this section.””
 27 3. By renumbering, relettering, or redesignating
 28 and correcting internal references as necessary.

HOUSE AMENDMENT TO
 SENATE FILE 461

S-3751

1 Amend Senate File 461 as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 3, by striking lines 1 through 6.
 4 2. Page 6, by striking lines 1 through 4 and
 5 inserting the following: “However, if a satellite
 6 terminal is located inside or consolidated into the
 7 wall of the principal place of business or any other
 8 authorized office of the financial institution which
 9 has established the terminal, the satellite terminal
 10 may bear a sign or other advertisement of the
 11 establishing institution. The administrator is
 12 empowered to may authorize”.
 13 3. Page 7, line 29 by inserting after the word
 14 “compromise” the following: “except that the
 15 financial institution shall have no liability if the
 16 losses are a result of the customer’s fraudulent acts
 17 or omissions”.
 18 4. Page 9, by striking lines 15 through 26 and
 19 inserting the following:
 20 “Sec. ___ . Section 527.10, Code 1987, is amended
 21 by adding the following new unnumbered paragraph:
 22 NEW UNNUMBERED PARAGRAPH. A financial institution,
 23 data processing center, central routing unit, or other
 24 person shall not disseminate any information relating

25 to the use of a multiple use terminal without the
 26 written authorization of the owner or operator of the
 27 terminal or the financial institution controlling the
 28 terminal. This section shall not, however, prohibit
 29 or restrict the use of information received in the
 30 processing, authorization, or rejection of a requested
 31 electronic funds transfer transaction, where such use
 32 is necessary or incidental to the processing,
 33 authorization, or rejection, or to reconciling
 34 disputes or resolving questions raised by a retailer,
 35 financial institution, consumer, or any other person
 36 regarding the transaction.”
 37 5. By renumbering as necessary.

HOUSE AMENDMENT TO
 SENATE FILE 276

S-3752

1 Amend Senate File 276, as passed by the Senate as
 2 follows:
 3 1. By striking page 3, line 35 through page 4,
 4 line 1 and inserting the following: “within this
 5 state, an association or a trust or the trustee of a
 6 fund established, created, or maintained for the
 7 benefit of members of one or more associations, or the
 8 insurer”.
 9 2. Page 6, line 12, by inserting after the word
 10 “shall” the following: “not”.
 11 3. By renumbering, relettering, or redesignating
 12 and correcting internal references as necessary.

HOUSE AMENDMENT TO
 SENATE FILE 479

S-3753

1 Amend Senate File 479 as amended, passed, and
 2 reprinted by the Senate as follows:
 3 1. Page 2, line 22, by striking the word
 4 “qualified” and inserting the following: “certified”.
 5 2. Page 2, line 35, by striking the word
 6 “licensed” and inserting the following: “certified”.
 7 3. Page 3, by inserting after line 20, the
 8 following:
 9 “Sec. ____ . CHLORDANE ADVISORY COMMITTEE CREATED.
 10 1. A chlordane advisory committee is created. The

- 11 advisory committee shall consist of the chief
 12 administrator of each of the following organizations
 13 or the administrator's designee:
 14 a. The department of agriculture and land
 15 stewardship.
 16 b. The environmental protection division of the
 17 department of natural resources.
 18 c. The State University of Iowa department of
 19 preventative medicine and environmental health.
 20 d. The Iowa department of public health.
 21 e. The state hygienic laboratory.
 22 2. The advisory committee shall study the effects
 23 of chlordane application and shall, by January 1,
 24 1988, report to the environmental protection and
 25 energy committees of the general assembly its
 26 recommendations for the safe use and regulation of
 27 chlordane.
 28 3. This section is repealed January 1, 1988."
 29 4. By renumbering, relettering, or redesignating
 30 and correcting internal references as necessary.

S-3754

- 1 Amend the amendment, S-3698, to House File 631, as
 2 amended, passed, and reprinted by the House, as
 3 follows:
 4 1. By striking page 1, line 3 through page 2,
 5 line 7.
 6 2. By renumbering as necessary.

TOM MANN, Jr.

S-3755

- 1 Amend the amendment, S-3698, to House File 631, as
 2 amended, passed, and reprinted by the House, as
 3 follows:
 4 1. Page 1, by inserting after line 24 the fol-
 5 lowing:
 6 "____. Page 4, by inserting after line 4 the fol-
 7 lowing:
 8 "Any person applying a substance to the soil which
 9 contains a contaminant shall maintain records of the
 10 type of substance and the contaminant contained in the
 11 substance, and exact location and date of application
 12 of the substance for the period of time deemed to be
 13 the effective life of the contaminant."
 14 2. By renumbering as necessary.

TOM MANN, Jr.

S-3756

1 Amend House File 631, as amended, passed, and re-
2 printed by the House, as follows:
3 1. Page 1, by inserting after line 32 the follow-
4 ing:
5 "____. "Effective life" means the period of time
6 deemed by the department within which a contaminant is
7 expected to pose a threat of contamination in the form
8 in which it is applied."

TOM MANN, Jr.

HOUSE AMENDMENT TO
SENATE FILE 469

S-3757

1 Amend Senate File 469 as amended, passed and
2 reprinted by the Senate as follows:
3 1. Page 1, by inserting before line 1 the
4 following:
5 "Section 1. Section 246.513, subsection 1,
6 unnumbered paragraph 1, Code 1987, is amended by
7 striking the paragraph and inserting in lieu thereof
8 the following:
9 The department of corrections in cooperation with
10 judicial district departments of corrections services
11 shall establish in each judicial district bed space
12 for the confinement and treatment of offenders
13 convicted of violating chapter 321J who are sentenced
14 to the custody of the director. The offenders shall
15 first be assigned to the Iowa medical classification
16 facility at Oakdale for classification and after
17 classification may be assigned to a residential
18 facility operated by any judicial district department
19 of corrections services. The facilities established
20 shall meet all the following requirements:"
21 2. Page 4, by striking line 5 and inserting the
22 following:
23 "Sec. 5. Section 905.7, subsections 1 and 3, Code
24 1987, are amended".
25 3. Page 4, line 9, by inserting after the word
26 "offenders" the following: "convicted".
27 4. Page 4, by inserting after line 10 the

28 following:

29 "3. Follow practices and procedures which maximize
30 the availability of federal funding for the district
31 department's community-based correctional program and
32 assist the department of transportation which is
33 authorized to follow practices and procedures designed
34 to maximize the availability of federal funding for
35 the enforcement and implementation of drunk driver
36 prevention and other highway safety programs."

37 5. Page 4, line 20, by inserting after the word
38 "offenders" the following: "convicted".

39 6. Page 5, line 2, by inserting after the word
40 "is" the following: "on a conviction".

41 7. By renumbering, relettering, or redesignating
42 and correcting internal references as necessary.

S-3758

1 Amend the House amendment, S-3718, to Senate File
2 219, as amended, passed, and reprinted by the Senate,
3 as follows:

4 1. Page 1, by striking lines 11 through 16 and
5 inserting the following:

6 "____. Page 3, by striking lines 1 through 9 and
7 inserting the following: "funds for purposes outlined
8 in this section. Funds available pursuant to this
9 section shall be awarded for two-year pilot projects
10 to areas of the state in a manner proportional to the
11 incidence of adolescent pregnancy in those areas.
12 Definitions of the areas shall be established by the
13 task force established in section 234A.1. Funds shall
14 not be awarded until the incidence of adolescent
15 pregnancy, within each area, is established to the
16 satisfaction of the task force. Funds shall not be
17 used for the purchase of products which will prevent a
18 pregnancy or for the purchase of services and products
19 which will terminate a pregnancy.

20 Funds may be awarded to or for:

21 1. A parent or guardian of adolescents in need of
22 services. Such funds shall be disbursed in such a
23 manner as to be payable jointly to the parent or
24 guardian and the service provider. It is the intent
25 of the general assembly that the term "service
26 provider" be broadly construed so as to include any
27 organization or individual providing services
28 appropriate to the needs of the adolescent and the
29 adolescent's child.

30 2. Programs for parents of adolescents, designed
31 to improve parent-child communications regarding human

32 sexuality.
33 3. Pregnant adolescents and adolescent parents in
34 need of services. Funds shall be payable jointly to
35 the adolescent and the service provider.”
36 ____ . Page 3, by striking lines 14 and 15.
37 ____ . Page 3, by inserting after line 32 the
38 following:
39 “As used in this section, “services” includes but
40 is not limited to nutritional counseling, health care,
41 child development, education, adoption counseling,
42 psychological counseling, living alternatives, child
43 day care, job training, and transportation.””

WILMER RENSINK

S-3759

1 Amend House File 666 as passed by the House as
2 follows:
3 1. Page 1, by inserting after line 20 the
4 following:
5 “Sec. ____ . This Act is retroactive to January 1,
6 1986 and is applicable on or after that date.”
7 2. Title page, line 3, by inserting after the
8 word “marriage” the following: “and making the Act
9 retroactive”.
10 3. Renumber as necessary.

WILLIAM DIELEMAN

S-3760

1 Amend Senate File 504 as follows:
2 1. Page 1, line 18, by striking the figure
3 “45,000” and inserting in lieu thereof the figure
4 “50,000”.
5 2. Page 1, line 25, by striking the figure
6 “45,000” and inserting in lieu thereof the figure
7 “50,000”.

GEORGE R. KINLEY
RICHARD F. DRAKE
JAMES D. WELLS
WALLY E. HORN
DONALD V. DOYLE
TOM MANN, Jr.

S-3761

- 1 Amend Senate File 504 as follows:
- 2 1. Page 12, by striking lines 4 and 5 and
- 3 inserting in lieu thereof the following: "senate and
- 4 house shall receive an annual salary of fourteen
- 5 thousand six hundred dollars for the year 1985".
- 6 2. Page 12, by striking lines 9 and 10 and
- 7 inserting in lieu thereof the following: "receive an
- 8 annual salary of seventeen thousand one hundred
- 9 dollars for the year 1985 and subsequent".
- 10 3. Page 12, lines 23 and 24, by striking the
- 11 words "~~twenty-five~~ fifty" and inserting in lieu
- 12 thereof the words "twenty-five".
- 13 4. Page 13, line 16, by striking the words
- 14 "~~twenty-one~~ twenty-three" and inserting in lieu
- 15 thereof the words "twenty-one".

JULIA GENTLEMAN

S-3762

- 1 Amend Senate File 504 as follows:
- 2 1. Page 12, by striking lines 4 through 6 and
- 3 inserting in lieu thereof the following: "senate and
- 4 house shall receive an annual salary of fourteen
- 5 thousand ~~six hundred~~ eight hundred ninety-two dollars
- 6 for the year ~~1985~~ 1989, and fifteen thousand four
- 7 hundred eighty-eight dollars for the year 1990 and
- 8 ~~subsequent years~~ while serving as a member of the
- 9 general".
- 10 2. Page 12, line 12, by striking the words
- 11 "~~seventy-three~~" and inserting in lieu thereof the word
- 12 "sixty".
- 13 3. Page 12, line 24, by striking the word "~~fifty~~"
- 14 and inserting in lieu thereof the words "thirty-five".
- 15 4. Page 13, line 8, by striking the words
- 16 "~~seventy-three~~" and inserting in lieu thereof the word
- 17 "sixty".
- 18 5. Page 13, line 25, by striking the words
- 19 "~~seventy-three~~" and inserting in lieu thereof the word
- 20 "sixty".
- 21 6. Page 14, lines 8 and 9, by striking the words
- 22 "~~seventy-three~~" and inserting in lieu thereof the word
- 23 "sixty".
- 24 7. Page 14, by inserting after line 11, the
- 25 following:
- 26 "Sec. ____ . Section 2.10, Code 1987, is amended by

27 adding the following new subsection:
 28 NEW SUBSECTION. Members of the general assembly
 29 shall be paid the sum of five hundred dollars per year
 30 while serving as members of the general assembly for
 31 use in defraying the costs of postage, telephone, and
 32 other miscellaneous expenses of office.”

GEORGE R. KINLEY
 BERL E. PRIEBE
 DALE L. TIEDEN
 JIM LIND

S-3763

1 Amend Senate File 504 as follows:
 2 1. Page 15, by striking line 35 through page 16,
 3 line 13.
 4 2. Page 16 by striking line 28 through page 17,
 5 line 14.
 6 3. Page 19, by striking lines 20 through 23.

JULIA GENTLEMAN

S-3764

1 Amend House File 601 as amended, passed and
 2 reprinted by the House as follows:
 3 1. By striking page 1, line 14 through page 2,
 4 line 22, and inserting in lieu thereof the following:
 5 “Sec. 2. NEW SECTION. 135B.40 PROTOCOL FOR ORGAN
 6 AND TISSUE IDENTIFICATION.”
 7 2. Page 5, by striking line 3 through page 8,
 8 line 18.
 9 3. Page 8, by striking line 27 through page 9,
 10 line 1.

COMMITTEE ON
 STATE GOVERNMENT
 ROBERT M. CARR, Chairperson

S-3765

1 Amend Senate File 501 as follows:
 2 1. Page 4, by inserting after line 18 the
 3 following:
 4 “Sec. ____ . Section 8.5, subsection 2, Code 1987,
 5 is amended to read as follows:

6 2. COMPENSATION OF EMPLOYEES. Fix the
7 compensation, ~~with the approval of the governor in~~
8 accordance with chapter 19A, of any person employed by
9 the director, provided that the total amount paid in
10 salaries shall not exceed the appropriation made for
11 that purpose.”

12 2. Page 21, by inserting after line 17 the
13 following:

14 “Sec. ____ . Section 17A.6, Code 1987, is amended by
15 adding the following new subsection:

16 NEW SUBSECTION. 6. The Code editor, with the
17 approval of the administrative rules review committee
18 and the administrative rules coordinator, may delete a
19 rule from the Iowa administrative code if the agency
20 that adopted the rule has ceased to exist, no
21 successor agency has jurisdiction over the rule, and
22 no statutory authority exists supporting the rule.”

23 3. Page 21, by inserting after line 23 the fol-
24 lowing:

25 “Sec. ____ . Section 18.27, subsection 3, Code 1987,
26 is amended to read as follows:

27 3. Employ and discharge all assistants necessary
28 to enable the director to perform the director’s
29 duties and determine the compensation of the
30 assistants in accordance with chapter 19A when not
31 otherwise determined by law.”

32 4. Page 22, by inserting after line 18 the
33 following:

34 “Sec. ____ . Section 18.115, subsection 5, Code
35 1987, is amended to read as follows:

36 5. All used motor vehicles turned in to the state
37 vehicle dispatcher shall be disposed of by public
38 auction, and the sales shall be advertised in a
39 newspaper of general circulation one week in advance
40 of sale, and the receipts from the sale shall be
41 deposited in the depreciation fund to the credit of
42 that department or agency turning in the vehicle;
43 except that, in the case of a used motor vehicle of
44 special design, the state vehicle dispatcher may, ~~with~~
45 ~~the approval of the executive council~~; instead of
46 selling it at public auction, authorize the motor
47 vehicle to be traded for another vehicle of similar
48 design.

49 Sec. ____ . Section 18.119, unnumbered paragraph 2,
50 Code 1987, is amended to read as follows:

Page 2

1 At the end of each month the state vehicle
2 dispatcher shall render a statement to each state
3 department or agency thereof for the actual cost of
4 operation of all motor vehicles assigned to such
5 department or agency, together with a fair proportion
6 of the cost of administration of the state vehicle
7 dispatcher's office during such month, as shall be
8 determined by the dispatcher; ~~all subject to review by~~
9 ~~the executive council upon complaint of any state~~
10 ~~department or agency adversely affected.~~ Such expense
11 shall be paid by the state departments or agencies in
12 the same manner as other expenses of such department
13 are paid, and when such cost of operation and
14 administration is paid by the department, such sum
15 shall be credited to the vehicle dispatcher revolving
16 fund. If any surplus accrues to said revolving fund
17 in excess of twenty-five thousand dollars for which
18 there is no anticipated need or use, the governor may
19 order such surplus turned over to the general fund of
20 the state."

21 5. Page 24, by striking lines 13 through 15 and
22 inserting the following: "~~attorney general, the~~
23 ~~appellate defender, the auditor of state, and the~~
24 ~~treasurer of state, and the public employment~~
25 ~~relations board.~~"

26 6. Page 25, by striking lines 15 through 18 and
27 inserting the following: "administrative assistant
28 for each deputy director and division administrator in
29 the department of an elected official."

30 7. Page 27, by inserting after line 29 the
31 following:

32 "Sec. ____ . Section 19A.9, subsection 12, Code
33 1987, is amended to read as follows:

34 12. For reinstatement of persons who have attained
35 permanent status and who resign in good standing or
36 who are laid off from their positions without fault or
37 delinquency on their part, within a period equal to
38 the period of their continuous employment with the
39 state but for a period of not longer than two years.
40 Reinstatement shall not be to a position which is in a
41 job family other than the job family of the position
42 previously held by the person."

43 8. Page 27, by inserting after line 34 the
44 following:

45 "Sec. ____ . NEW SECTION. 19A.9B COMPARABLE WORTH.
46 The department of personnel shall oversee the
47 continuing implementation of the state's policy and
48 program for compensation of state employees based on
49 comparable worth, as set forth in section 79.18 and
50 other provisions of law, and shall adhere to

Page 3

1 comparable worth principles in carrying out its duties
2 with respect to classification and pay plans and other
3 matters relating to compensation within the state
4 personnel system. The department shall include a
5 report of its activities pursuant to this section in
6 its annual report to the governor required by section
7 19A.8."

8 9. Page 28, line 3, by striking the words "An
9 employee, except" and inserting the following: "A
10 merit system employee, except".

11 10. Page 29, by inserting after line 12 the
12 following:

13 "Sec. ____ . Section 19A.24, Code 1987, is amended
14 to read as follows:

15 19A.24 TEMPORARY EMERGENCY PERSONS EMPLOYED UNDER
16 A JOB TRAINING AND EMPLOYMENT PROGRAM.

17 Notwithstanding the provisions of sections 19A.1 to
18 19A.23, a person employed under a ~~temporary, emergency~~
19 job training and employment utilization program funded
20 by the federal government, which program does not
21 exceed one year and which program is not subject to
22 merit system standards by federal law, ~~shall be is~~
23 exempt from the merit system provisions of this
24 chapter except as provided by this division.

25 Sec. ____ . Section 19B.3, subsection 1, Code 1987,
26 is amended by adding the following new lettered
27 paragraph:

28 NEW LETTERED PARAGRAPH. k. When necessary to
29 achieve a balanced work force, certify the names of
30 persons in underutilized groups in addition to those
31 placed on eligible lists pursuant to chapter 19A.
32 This certification does not exempt applicants from
33 meeting minimum qualification requirements and taking
34 examinations for positions.

35 Sec. ____ . Section 20.4, subsection 7, Code 1987,
36 is amended to read as follows:

37 7. Judicial officers, and confidential employees,
38 professional employees other than court reporters and
39 juvenile court officers, or supervisory employees of
40 the judicial department."

41 11. Page 29, by inserting after line 17 the
42 following:

43 "Sec. ____ . Section 20.11, subsection 3, Code 1987,
44 is amended to read as follows:

45 3. The board shall appoint a certified shorthand
46 reporter to report the proceedings and the board shall
47 fix the reasonable amount of compensation for ~~such~~
48 that service in accordance with chapter 19A, which

49 amount shall be taxed as other costs.”

50 12. Page 33, by inserting after line 9 the

Page 4

1 following:

2 “Sec. ____ . Section 79.1, unnumbered paragraph 5,
3 Code 1987, is amended to read as follows:

4 Commencing July 1, 1979, permanent full-time and
5 permanent part-time employees of state departments,
6 boards, agencies, and commissions, excluding employees
7 covered under a collective bargaining agreement which
8 provides otherwise, shall accrue sick leave at the
9 rate of one and one-half days for each complete month
10 of full-time employment. The accrual rate for part-
11 time employees shall be prorated to the accrual rate
12 for full-time employees. Sick leave shall not accrue
13 during any period of absence without pay. Use of sick
14 leave shall be governed by rules of the department of
15 personnel for those agencies subject to its rules,
16 unless otherwise provided for in a collective
17 bargaining agreement. Employees may use accrued sick
18 leave for physical or mental personal illness, bodily
19 injury, medically related disabilities, including
20 disabilities resulting from pregnancy and childbirth,
21 or contagious disease.”

22 13. Page 34, by inserting after line 8 the
23 following:

24 “Sec. ____ . Section 80.8, unnumbered paragraph 3,
25 Code 1987, is amended to read as follows:

26 The salaries of all members and employees of the
27 department and the expenses of the department shall be
28 provided for by the legislative appropriation ~~therefor~~
29 ~~for that purpose~~. The compensation of the members of
30 the highway patrol shall be fixed according to grades
31 as to rank and length of service by the director ~~with~~
32 ~~the approval of the governor in accordance with~~
33 ~~chapter 19A~~. The members of the highway patrol shall
34 be paid additional compensation in accordance with the
35 following formula: When members of the highway patrol
36 have served for a period of five years their
37 compensation then being paid shall be increased by the
38 sum of twenty-five dollars per month beginning with
39 the month succeeding the foregoing described five-year
40 period; when members ~~thereof~~ have served for a period
41 of ten years their compensation then being paid shall
42 be increased by the sum of twenty-five dollars per
43 month beginning with the month succeeding the
44 foregoing described ten-year period, such sums being
45 in addition to the increase provided ~~herein in this~~

46 paragraph to be paid after five years of service; when
47 members ~~thereof~~ have served for a period of fifteen
48 years their compensation then being paid shall be
49 increased by the sum of twenty-five dollars per month
50 beginning with the month succeeding the foregoing

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1 described fifteen-year period, such sums being in
2 addition to the increases previously provided for
3 herein in this paragraph; when members thereof have
4 served for a period of twenty years their compensation
5 then being paid shall be increased by the sum of
6 twenty-five dollars per month beginning with the month
7 succeeding the foregoing described twenty-year period,
8 such sums being in addition to the increases
9 previously provided for herein in this paragraph.
10 While on active duty each member shall also receive a
11 flat daily sum as fixed by the director with the
12 approval of the governor for meals while away from the
13 office to which the member has been assigned and
14 within the member's district."

15 14. Page 34, line 14, by striking the word "one"
16 and inserting the following: "two".

17 15. Page 34, line 15, by striking the word
18 "commissioner" and inserting the following:
19 "commissioners".

20 16. Page 34, by inserting after line 26 the
21 following:

22 "Sec. ____ . Section 88.8, subsection 2, Code 1987,
23 is amended to read as follows:

24 2. NONCOMPLIANCE NOTICE. If the commissioner has
25 reason to believe that an employer has failed to
26 correct the violation for which a citation has been
27 issued within the period permitted for its correction
28 (which period shall not begin to run until the entry
29 of a final order by the appeal board in the case of
30 any review proceedings under this section initiated by
31 the employer in good faith and not solely for delay or
32 avoidance of penalties), the commissioner shall notify
33 the employer by certified mail of such failure and of
34 the penalty proposed to be assessed under section
35 88.14 by reason of such failure, and that the employer
36 has fifteen working days within which to notify the
37 commissioner that the employer wishes to contest the
38 commissioner's notification or the proposed assessment
39 of penalty. If, within fifteen working days from the
40 receipt of notification issued by the commissioner,
41 the employer fails to notify the commissioner that the
42 employer intends to contest the notification or

43 proposed assessment of penalty, the notification and
44 assessment, as proposed, shall be deemed the final
45 order of the ~~commission~~ appeal board and not subject
46 to review by any court or agency.
47 Sec. ____ . Section 93.14, Code 1987, is amended by
48 adding the following new unnumbered paragraph:
49 NEW UNNUMBERED PARAGRAPH. The energy research and
50 development fund is subject to audits by the

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1 department of inspections and appeals in accordance
2 with procedures established pursuant to chapter 10A.”
3 17. Page 38, by inserting after line 29 the fol-
4 lowing:
5 “Sec. ____ . Section 103A.8, subsection 7, Code
6 1987, is amended to read as follows:
7 7. Limit the application of thermal efficiency
8 standards for energy conservation to new construction
9 which will incorporate a heating or cooling system.
10 Air exchange fans designed to provide ventilation
11 shall not be considered a cooling system. The
12 commissioner shall exempt any new construction from
13 thermal efficiency standards for energy conservation
14 if the commissioner determines that the standards are
15 unreasonable as they apply to a particular building or
16 class of buildings including farm buildings for
17 livestock use. Lighting efficiency standards shall
18 recognize variations in lighting intensities required
19 for the various tasks performed within the building.
20 The commissioner shall consult with the ~~energy policy~~
21 ~~council~~ department of natural resources regarding
22 standards for energy conservation prior to the
23 promulgation of the standards. However, the standards
24 shall be consistent with the requirements of section
25 103A.8A.
26 Sec. ____ . Section 103A.8A, Code 1987, is amended
27 to read as follows:
28 103A.8A MINIMUM ENERGY EFFICIENCY STANDARD.
29 The state building code commissioner shall adopt as
30 a part of the state building code a requirement that
31 new single-family or two-family residential
32 construction shall meet an established minimum energy
33 efficiency standard. The standard shall be stated in
34 terms of the home heating index developed by the
35 physics department at Iowa state university of science
36 and technology. The minimum standard shall be the
37 average energy consumption of new single-family or
38 two-family residential construction as determined by a
39 survey conducted by the ~~energy policy council~~

40 department of natural resources of the average actual
41 energy consumption, as expressed in terms of the home
42 heating index. The minimum standard shall only apply
43 to single-family or two-family residential
44 construction commenced after the adoption of the
45 standard.”

46 18. By striking page 40, line 22 through page 41,
47 line 2 and inserting the following:

48 “Sec. ____ . Section 111.32, unnumbered paragraph 1,
49 Code 1987, is amended to read as follows:

50 The executive council, upon a majority

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1 recommendation of the commission, may sell or exchange
2 such parts of public lands under the jurisdiction of
3 the commission as in its judgment may be undesirable
4 for conservation purposes, excepting state-owned
5 meandered lands already surveyed and platted at state
6 expense as a conservation plan and project tentatively
7 adopted and now in the process of rehabilitation and
8 development authorized by a special legislative Act.
9 The sale or exchange shall be made upon the terms,
10 conditions or considerations as the commission may
11 approve recommend and that may be approved by the
12 executive council, whereupon the secretary of state
13 shall issue a patent therefor in the manner provided
14 by law in other cases. The proceeds of any such sale
15 or exchange shall become a part of the funds to be
16 expended under the provisions of this chapter.”

17 19. Page 41, by inserting after line 2 the
18 following:

19 “Sec. ____ . Section 111B.7, Code 1987, is amended
20 to read as follows:

21 111B.7 ECOLOGIST.

22 The director shall employ, upon recommendation by
23 the board, at salaries fixed by the board, in
24 accordance with chapter 19A, a trained ecologist and
25 other personnel as necessary to carry out the powers
26 and duties of the board.

27 Sec. ____ . Section 114.22, Code 1987, is amended to
28 read as follows:

29 114.22 PROCEDURE.

30 Proceedings for any action under section 114.21
31 shall be begun by filing with the board written
32 charges against the accused. The Upon the filing of
33 charges the board may request the department of
34 inspections and appeals to conduct an investigation
35 into the charges. The department of inspections and

36 appeals shall report its findings to the board, and
37 the board shall designate a time and place for a
38 hearing, and shall notify the accused of this action
39 and furnish the accused a copy of all charges at least
40 thirty days prior to the date of the hearing. The
41 accused shall have the right to appear personally or
42 by counsel, to cross-examine witnesses or to produce
43 witnesses in defense.

44 Parties affected by rulings of the board arising
45 from hearings conducted under this section may appeal
46 board rulings to the department of inspections and
47 appeals through procedures established in accordance
48 with chapters 10A and 17A.

49 Sec. ____ . Section 116.23, subsections 1, 9, and
50 10, Code 1987, are amended to read as follows:

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1 1. The board may initiate proceedings under this
2 chapter either on its own motion or on the complaint
3 of any person. Before scheduling a hearing under this
4 section the board may request the department of
5 inspections and appeals to conduct an investigation
6 into the charges to be addressed at the board hearing.
7 The department of inspections and appeals shall report
8 its findings to the board.

9 9. The decision of the board shall be by majority
10 vote of its members. Parties adversely affected by
11 rulings of the board may appeal to the department of
12 inspections and appeals through procedures established
13 in accordance with chapters 10A and 17A.

14 10. Anyone adversely affected by an order of the
15 board may obtain a review of that order by filing a
16 written petition for review with the district court
17 within thirty days after the entry of the order. The
18 petition shall state the grounds upon which the review
19 is asked and shall pray that the order of the board be
20 modified or set aside in whole or in part. A copy of
21 the petition shall be immediately served upon any
22 member of the board and the board shall then certify
23 and file in the court a transcript of the record upon
24 which the order complained of was entered.

25 The case shall then be tried de novo on the record
26 made before the board without the introduction of new
27 or additional evidence but the parties shall be
28 permitted to file briefs as in an ordinary case at
29 law.

30 The court may affirm, modify or set aside the
31 board's order in whole or in part, or may remand the
32 case to the board for further evidence, and may, in

33 its discretion, stay the effect of the board's order

34 pending its determination of the case:

35 The court's decision shall have the force and

36 effect of a decree in equity:

37 Sec. ____ . Section 117.34, unnumbered paragraph 1,

38 Code 1987, is amended to read as follows:

39 The real estate examining board may upon its own

40 motion and shall upon the verified complaint in

41 writing of any person, provided the complaint together

42 with evidence, documentary or otherwise presented in

43 connection with the complaint, makes out a prima-facie

44 case, request the department of inspections and

45 appeals to investigate the actions of any real estate

46 broker, real estate salesperson, or any person who

47 shall assume to act in either capacity within this

48 state and may suspend or revoke any license issued

49 under the provisions of this chapter, at any time if

50 the licensee has by false or fraudulent representation

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1 obtained a license, or if the licensee is found to be

2 guilty of:

3 Sec. ____ . Section 117.35, Code 1987, is amended by

4 adding the following new unnumbered paragraph:

5 **NEW UNNUMBERED PARAGRAPH.** Parties adversely

6 affected by rulings of the real estate examining board

7 may appeal to the department of inspections and

8 appeals through procedures established in accordance

9 with chapters 10A and 17A.

10 Sec. ____ . Section 117A.4, subsections 1 and 2,

11 Code 1987, are amended to read as follows:

12 1. The board ~~or the attorney general at the~~

13 ~~request of the board~~ may ~~cause~~ request the department

14 of inspections and appeals to conduct an investigation

15 and inspection to be made of any subdivided land

16 proposed to be offered for sale or lease in this state

17 pursuant to this chapter ~~and may~~. The department of

18 inspections and appeals shall make a report of the

19 findings thereon.

20 2. Where an inspection is to be made of subdivided

21 land situated outside of this state and offered for

22 sale in this state, said inspection as authorized by

23 subsection 1 shall be made by the department of

24 inspections and appeals at the expense of the

25 subdivider. After the application required by section

26 117A.2 is filed and after the filing fee required by

27 section 117A.8 is received the board may decide

28 whether or not an inspection pursuant to this

29 subsection is to be made. If the board requires an

30 inspection, the department of inspections and appeals;
31 ~~or the attorney general at the request of the board~~
32 shall so notify the subdivider and the subdivider
33 shall remit to the department ~~or the attorney general~~
34 an amount equivalent to the round trip cost of travel
35 from this state to the location of the project, as
36 estimated by the department ~~or the attorney general~~
37 and a further amount estimated to be necessary to
38 cover the additional expenses of such inspection but
39 not to exceed fifty dollars a day for each day
40 incurred in the examination of the project. The costs
41 of any subsequent inspections deemed necessary shall
42 be paid for by the subdivider. At the completion of
43 any inspection trip the department ~~or the attorney~~
44 ~~general~~ shall furnish the subdivider a statement as to
45 the costs of the inspection trip, and ~~should said if~~
46 the costs be are less than the amount advanced by the
47 subdivider to the department, ~~or the attorney general~~
48 the remaining balance ~~will~~ shall be refunded to the
49 subdivider.”

50 20. Page 41, by striking lines 11 and 12 and

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1 inserting the following: “government. The ~~board~~
2 division may employ ~~a~~ an executive secretary whose”.
3 21. Page 41, by inserting after line 16 the
4 following:
5 “Sec. ____ . Section 118.13, unnumbered paragraph 3,
6 Code 1987, is amended to read as follows:
7 Proceedings for the revocation of a certificate
8 shall be ~~begun~~ initiated by filing written charges
9 against the accused with the board. A Upon the filing
10 of charges the board may request the department of
11 inspections and appeals to conduct an investigation
12 into the charges. The department of inspections and
13 appeals shall report its findings to the board, and a
14 time and place for the hearing of the charges shall be
15 fixed by the board if the board determines that a
16 hearing is warranted. Where personal service or
17 services service through counsel cannot be effected,
18 services service may be had by publication. At the
19 hearing, the accused shall have the right to be
20 represented by counsel, to introduce evidence and to
21 examine and cross-examine witnesses. The board shall
22 have the power to subpoena witnesses, to administer
23 oaths to such witnesses, and to employ counsel. The
24 board shall make a written report of its findings,
25 which report shall be filed with the secretary of

26 state, and which shall be conclusive.

27 Sec. ____ . Section 118.13, Code 1987, is amended by
28 adding the following new unnumbered paragraph:
29 NEW UNNUMBERED PARAGRAPH. Parties adversely
30 affected by rulings of the board may appeal to the
31 department of inspections and appeals through
32 procedures established in accordance with chapters 10A
33 and 17A.

34 Sec. ____ . Section 118A.16, Code 1987, is amended
35 to read as follows:

36 118A.16 PROCEDURE.

37 Any person may file charges with the board against
38 a landscape architect or the board may initiate
39 charges. Such charges shall be in writing, sworn to
40 if by a complainant other than the board, and filed
41 with the board. Unless the charges are dismissed by
42 the board as unfounded or trivial, the board shall may
43 request the department of inspections and appeals to
44 conduct an investigation into the charges. The
45 department of inspections and appeals shall report its
46 findings to the board, and the board shall determine
47 whether or not to hold a hearing within sixty days
48 after the date on which they the charges are filed.
49 The board shall fix the time and place for such
50 hearing and shall cause a copy of the charges,

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1 together with a notice of the time and place fixed for
2 the hearing, to be served on the accused at least
3 thirty days before the date fixed for the hearing.
4 Where personal service cannot be effected, service may
5 be effected by publication. At such hearing, the
6 accused shall have the right to appear personally or
7 by counsel, to cross-examine witnesses against the
8 accused, and to produce evidence and witnesses in
9 defense. After the hearing, the board may suspend or
10 revoke the certificate of registration. The board may
11 restore the certificate of registration to any person
12 whose certificate of registration has been revoked.
13 Application for the restoration of a certificate of
14 registration shall be made in such manner, form and
15 content as the board may prescribe.

16 Sec. ____ . Section 118A.16, Code 1987, is amended
17 by adding the following new unnumbered paragraph:
18 NEW UNNUMBERED PARAGRAPH. Parties adversely
19 affected by rulings of the board may appeal to the
20 department of inspections and appeals through
21 procedures established in accordance with chapters 10A
22 and 17A."

23 22. Page 45, by inserting after line 20 the
24 following:

25 "Sec. ____ . Section 159.5, subsection 14, Code
26 1987, is amended by striking the subsection."
27 23. Page 46, line 26, by inserting after the word
28 "commodity" the following: "or product".

29 24. Page 46, line 28, by inserting after the word
30 "commodity" the following: "or product".

31 25. Page 48, by inserting after line 12 the
32 following:

33 Sec. ____ . Section 169.14, subsections 1 and 8,
34 Code 1987, are amended to read as follows:

35 1. The board, upon its own motion or upon verified
36 complaint in writing, may request the department of
37 inspections and appeals to conduct an investigation of
38 the charges contained in the complaint. The
39 department of inspections and appeals shall report its
40 findings to the board, and the board may issue an
41 order fixing the time and place for hearing if a
42 hearing is deemed warranted. A written notice of the
43 time and place of the hearing, together with a
44 statement of the charges, shall be served upon the
45 licensee at least ~~ten~~ thirty days before the hearing
46 in the manner required for the service of notice of
47 the commencement of an ordinary action.

48 8. ~~Judicial review of the~~ The board's action
49 actions may be ~~sought~~ appealed to the department of
50 inspections and appeals in accordance with the terms

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1 of ~~chapter~~ chapters 10A and 17A."

2 26. Page 49, by inserting after line 3 the
3 following:

4 "Sec. ____ . Section 175.3, subsections 1 and 2,
5 Code 1987, are amended to read as follows:

6 1. The agricultural development authority is
7 established within the department of agriculture and
8 land stewardship. The authority is constituted a
9 public instrumentality and agency of the state
10 exercising public and essential governmental
11 functions. The authority is established to undertake
12 programs which assist beginning farmers in purchasing
13 agricultural land and agricultural improvements and
14 depreciable agricultural property for the purpose of
15 farming, and programs which provide financing to
16 farmers for permanent soil and water conservation
17 practices on agricultural land within the state or for
18 the acquisition of conservation farm equipment, and
19 programs to assist farmers within the state in

20 financing operating expenses and cash flow
 21 requirements of farming. The authority shall also
 22 develop programs to assist qualified agricultural
 23 producers within the state with financing other
 24 capital requirements or operating expenses. The
 25 powers of the authority are vested in and exercised by
 26 a board of eleven members with nine members appointed
 27 by the governor secretary of agriculture subject to
 28 confirmation by the senate. The treasurer of state or
 29 the treasurer's designee and the secretary of
 30 agriculture or the secretary's designee are ex officio
 31 nonvoting members. No more than five appointed
 32 members shall belong to the same political party. As
 33 far as possible the governor secretary shall include
 34 within the membership persons who represent financial
 35 institutions experienced in agricultural lending, the
 36 real estate sales industry, farmers, beginning
 37 farmers, average taxpayers, local government, soil
 38 conservation district officials, and other persons
 39 specially interested in family farm development.
 40 2. The procedure for the confirmation of
 41 appointments shall be the same as for governor's
 42 appointees pursuant to section 2.32. The appointed
 43 members of the authority shall be appointed by the
 44 governor secretary for terms of six years except that,
 45 of the first appointments, three members shall be
 46 appointed for terms of two years and three members
 47 shall be appointed for a term of four years. Terms
 48 shall begin and expire in the same manner as the terms
 49 of governor's appointees pursuant to section 69.19. A
 50 person appointed to fill a vacancy shall serve only

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1 for the unexpired portion of the term. A member is
 2 eligible for reappointment. An appointed member of
 3 the authority may be removed from office by the
 4 governor secretary for misfeasance, malfeasance or
 5 willful neglect of duty or other just cause, after
 6 notice and hearing, unless the notice and hearing is
 7 expressly waived in writing. An appointed member of
 8 the authority may also serve as a member of the Iowa
 9 finance authority.”
 10 27. Page 49, by striking lines 18 through 20 and
 11 inserting the following:
 12 “4. The authority shall submit to the governor;
 13 the auditor of state ~~and the state comptroller~~, within
 14 thirty days”.
 15 28. Page 52, by inserting after line 19 the
 16 following:

17 "Sec. ____ . Section 217.34, Code 1987, is amended
18 to read as follows:

19 217.34 OFFICE OF INVESTIGATIONS SETOFF --
20 DEPARTMENTAL ASSISTANCE.

21 The office of investigations department of human
22 services shall provide assistance to set off against a
23 person's income tax refund or rebate any debt which
24 has accrued through written contract, subrogation,
25 departmental recoupment procedures, or court judgment
26 and which is in the form of a liquidated sum due and
27 owing the department of human services. The
28 department of human services shall adopt rules under
29 chapter 17A necessary to assist the department of
30 revenue and finance in the implementation of the
31 setoff under section 421.17, subsection 21."

32 29. Page 53, by inserting after line 13 the
33 following:

34 "Sec. ____ . Section 218.100, Code 1987, is amended
35 to read as follows:

36 218.100 CENTRAL WAREHOUSE AND SUPPLY DEPOT.

37 The department of human services shall establish a
38 fund for maintaining and operating a central warehouse
39 as a supply depot and distribution facility for
40 surplus government products, carload canned goods,
41 paper products, other staples and such other items as
42 determined by the department. The fund shall be
43 permanent and shall be composed of the receipts from
44 the sales of merchandise, recovery of handling,
45 operating and delivery charges of such merchandise and
46 from the funds contributed by the institutions now in
47 a contingent fund being used for this purpose. All
48 claims for purchases of merchandise, operating and
49 salary expenses shall be subject to the provisions of
50 sections ~~218.86 to 218.89~~ and 218.87."

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1 30. Page 53, by inserting after line 24 the
2 following:

3 "Sec. ____ . Section 219.13, subsection 3, Code
4 1987, is amended to read as follows:

5 3. The commandant shall receive an annual salary
6 as the commissioner may determine in accordance with
7 chapter 19A. In addition to salary, the commissioner
8 shall furnish the commandant with a dwelling house or
9 with appropriate quarters and additional allowances,
10 as provided in section 218.14 for executive heads of
11 state institutions."

12 31. Page 55, by inserting after line 7 the
13 following:

14 "Sec. ____ . Section 222.3, Code 1987, is amended to
15 read as follows:

16 222.3 SUPERINTENDENTS.

17 The state director shall appoint a qualified
18 superintendent for each of the hospital-schools who
19 shall receive such salary as the state director shall
20 determine in accordance with chapter 19A."

21 32. Page 56, by inserting after line 9 the
22 following:

23 Sec. ____ . Section 225C.4, subsection 1, paragraph
24 s, Code 1987, is amended to read as follows:

25 s. In co-operation with the ~~state~~ department of
26 ~~health inspections and appeals~~, recommend minimum
27 standards under section 227.4 for the care of and
28 services to mentally ill and mentally retarded persons
29 residing in county care facilities."

30 33. Page 56, by inserting after line 24 the
31 following:

32 "Sec. ____ . Section 226.4, Code 1987, is amended to
33 read as follows:

34 226.4 SALARY OF SUPERINTENDENT.

35 The salary of the superintendent of each hospital
36 shall be determined by the state director in
37 accordance with chapter 19A."

38 34. Page 56, by inserting after line 32 the
39 following:

40 "Sec. ____ . Section 227.6, Code 1987, is amended to
41 read as follows:

42 227.6 REMOVAL OF RESIDENTS.

43 If a county care facility fails to comply with
44 rules and standards adopted under this chapter, the
45 director may remove all mentally ill and mentally
46 retarded persons cared for in the county care facility
47 at public expense, to the proper state mental health
48 institute or hospital-school, or to some private or
49 county institution or hospital for the care of the
50 mentally ill or mentally retarded that has complied

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1 with the rules prescribed by the director. The
2 removal of residents, if to a state mental health
3 institute or hospital-school, shall be made by an
4 attendant or attendants sent from the institute or
5 hospital-school. If a resident is removed under this
6 section, at least one attendant shall be of the same
7 sex. If the director finds that the needs of mentally
8 ill and mentally retarded residents of any other
9 county or private institution are not being adequately
10 met, those residents may be removed from that

11 institution upon order of the director, in
12 consultation with the director of ~~public health the~~
13 department of inspections and appeals.”

14 35. Page 59, by inserting after line 24 the
15 following:

16 “Sec. ____ . Section 234.6, unnumbered paragraph 1,
17 Code 1987, is amended to read as follows:

18 The state director ~~shall be vested with~~ has the
19 authority to administer aid to dependent children,
20 state supplementary assistance, food programs, child
21 welfare, and emergency relief, family and adult
22 service programs, and ~~any other form~~ forms of public
23 welfare assistance and institutions that ~~may hereafter~~
24 be ~~are~~ placed under the director’s administration.

25 The director shall perform ~~such~~ duties, formulate and
26 ~~make such adopt~~ rules, ~~as may be necessary; shall~~
27 outline ~~such~~ policies, dictate ~~such~~ procedure, and
28 delegate ~~such~~ powers as ~~may be necessary for competent~~
29 and efficient administration. Subject to restrictions
30 that may be imposed by the commissioner of human
31 services and the council on human services, the
32 director ~~shall have power to~~ may abolish, alter,
33 consolidate or establish subdivisions and may abolish
34 or change offices created in connection therewith.

35 The director may employ necessary personnel and fix
36 their compensation in accordance with chapter 19A; may
37 allocate or reallocate functions and duties among ~~any~~
38 subdivisions ~~now existing or hereafter established~~;
39 and may ~~promulgate adopt~~ rules relating to the
40 ~~employment of personnel and the allocation of their~~
41 functions and duties among the various subdivisions as
42 competent and efficient administration may require.”

43 36. Page 59, by inserting after line 32 the
44 following:

45 “Sec. ____ . Section 234.12, Code 1987, is amended
46 by adding the following new unnumbered paragraph:
47 NEW UNNUMBERED PARAGRAPH. Upon request by the
48 department of human services, the department of
49 inspections and appeals shall conduct investigations
50 into possible fraudulent practices, as described in

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1 section 234.13, relating to food programs administered
2 by the department of human services.

3 Sec. ____ . Section 235.3, subsections 3 and 4, Code
4 1987, are amended to read as follows:

5 3. ~~Make Adopt~~ such rules and ~~regulations~~ as may be
6 necessary or advisable for the supervision of the
7 private child-caring agencies or their officers

8 thereof which the state director is empowered to
9 license, ~~inspect~~ and supervise.

10 4. Supervise ~~and inspect~~ private institutions for
11 the care of dependent, neglected and delinquent
12 children, and ~~to~~ make reports regarding the same.

13 Sec. ____ . NEW SECTION. 235.10 INSPECTIONS.

14 The department of inspections and appeals shall
15 conduct inspections of private institutions for the
16 care of dependent, neglected, and delinquent children
17 in accordance with procedures established pursuant to
18 chapters 10A and 17A.

19 Sec. ____ . Section 235B.1, subsection 4, paragraph
20 a, Code 1987, is amended to read as follows:

21 a. A person who believes that a dependent adult
22 has suffered abuse may report the suspected abuse to
23 the department of human services. The department
24 shall receive dependent adult abuse reports and shall
25 collect, maintain, and disseminate the reports
26 pursuant to sections 235A.12 through 235A.24 by
27 expanding the central registry for child abuse to
28 include reports of dependent adult abuse. The
29 department shall evaluate the reports expeditiously.
30 However, the ~~Iowa~~ department of ~~public health~~
31 ~~inspections and appeals~~ is solely responsible for the
32 evaluation and disposition of adult abuse cases within
33 health care facilities and shall inform the department
34 of human services of such evaluations and
35 dispositions.

36 Sec. ____ . Section 235B.1, subsection 5, paragraph
37 a, Code 1987, is amended to read as follows:

38 a. If, upon completion of the evaluation or upon
39 referral from the ~~Iowa~~ department of ~~public health~~
40 ~~inspections and appeals~~, the department of human
41 services determines that the best interests of the
42 dependent adult require district court action, the
43 department shall initiate action for the appointment
44 of a guardian or conservator or for admission or
45 commitment to an appropriate institution or facility
46 pursuant to the applicable procedures under chapter
47 125, 222, 229, or 633. The appropriate county
48 attorney shall assist the department in the
49 preparation of the necessary papers to initiate the
50 action and shall appear and represent the department

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1 at all district court proceedings.

2 Sec. ____ . Section 237.7, Code 1987, is amended to
3 read as follows:

4 237.7 REPORTS AND INSPECTIONS.

5 The director may require submission of reports by a
6 licensee, and shall cause at least one annual
7 unannounced inspection of each facility to assess the
8 quality of the living situation and to determine
9 compliance with applicable requirements and standards.
10 The inspections shall be conducted by the department
11 of inspections and appeals. The ~~director~~ department
12 of inspections and appeals may examine records of a
13 licensee, including but not limited to corporate
14 records and board minutes, and may inquire into
15 matters concerning a licensee and its employees
16 relating to requirements and standards for child
17 foster care under this chapter.

18 Sec. ____ . Section 237A.8, Code 1987, is amended to
19 read as follows:

20 237A.8 SUSPENSION AND REVOCATION.

21 The director, after notice and opportunity for an
22 evidentiary hearing before the department of
23 inspections and appeals, may suspend or revoke a
24 license or certificate of registration issued under
25 this chapter if the person to whom a license or
26 certificate is issued violates a provision of this
27 chapter or if the person makes false reports regarding
28 the operation of the child day care facility to the
29 director or a designee. The director shall notify the
30 parent, guardian, or legal custodian of each child for
31 whom the person provides child day care, if the
32 license or certificate of registration is suspended or
33 revoked or if there has been a substantiated child
34 abuse case against an employee, owner, or operator of
35 the child day care facility.

36 Sec. ____ . Section 238.21, Code 1987, is amended to
37 read as follows:

38 238.21 OTHER INSPECTING AGENCIES.

39 Authorized agents of the ~~Iowa~~ department of ~~public~~
40 health inspections and appeals and of the local board
41 of health in whose jurisdiction a licensed child-
42 placing agency is located may make inspection of the
43 premises.

44 Sec. ____ . Section 239.7, Code 1987, is amended to
45 read as follows:

46 239.7 APPEAL -- JUDICIAL REVIEW.

47 If an application is not acted upon within a
48 reasonable time, if it is denied in whole or in part,
49 or if any award of assistance is modified, suspended,
50 or canceled under any provision of this chapter, the

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1 applicant or recipient may appeal to the department of
 2 human services which shall request the department of
 3 inspections and appeals to conduct a hearing. The
 4 department shall give the appellant reasonable notice
 5 and opportunity for a fair hearing before the
 6 commissioner or the commissioner's designee. Upon
 7 completion of a hearing, the department of inspections
 8 and appeals shall issue a decision which shall be
 9 subject to review by the department of human services.
 10 Judicial review of the result of such hearing actions
 11 of the department of human services may be sought in
 12 accordance with the terms of the Iowa administrative
 13 procedure Act chapter 17A. Upon receipt of the notice
 14 of the filing of a petition for judicial review, the
 15 department of human services shall furnish the
 16 petitioner with a copy of any papers filed in support
 17 of the petitioner's position, a transcript of any
 18 testimony taken, and a copy of the department's
 19 decision.

20 Sec. ____ . Section 242.3, Code 1987, is amended to
 21 read as follows:

22 242.3 SALARY.

23 The salary of the superintendent of the state
 24 training school shall be determined by the state
 25 director in accordance with chapter 19A.

26 Sec. ____ . Section 244.2, Code 1987, is amended to
 27 read as follows:

28 244.2 SALARY.

29 The salary of the superintendent of the home shall
 30 be determined by the state director in accordance with
 31 chapter 19A.

32 Sec. ____ . Section 246.303, unnumbered paragraph 2,
 33 Code 1987, is amended to read as follows:

34 The superintendents and employees of the
 35 correctional institutions shall receive salaries or
 36 compensation as determined by the director in
 37 accordance with chapter 19A, shall receive a midshift
 38 meal when on duty, and shall be provided uniforms if
 39 uniforms are required to be worn when on duty. The
 40 uniforms shall be maintained and replaced by the
 41 department at no cost to the employees and shall
 42 remain the property of the department.”

43 37. Page 60, by inserting after line 20 the
 44 following:

45 “Sec. ____ . Section 249.11, Code 1987, is amended
 46 by adding the following new unnumbered paragraph:
 47 NEW UNNUMBERED PARAGRAPH. The department of
 48 inspections and appeals shall conduct investigations
 49 and audits as deemed necessary to ensure compliance
 50 with state supplementary assistance programs

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1 administered under this chapter. The department of
2 inspections and appeals shall cooperate with the
3 department of human services on the development of
4 procedures relating to such investigations and audits.

5 Sec. ____ . Section 249A.4, subsection 10, Code
6 1987, is amended to read as follows:

7 10. Shall provide for granting an opportunity for
8 a fair hearing before the ~~commissioner of human~~
9 ~~services or the commissioner's authorized~~
10 representative department of inspections and appeals
11 to any individual whose claim for medical assistance
12 under this chapter is denied or is not acted upon with
13 reasonable promptness. Upon completion of a hearing
14 the department of inspections and appeals shall issue
15 a decision which shall be subject to review by the
16 department of human services.

17 Judicial review of the actions of the ~~commissioner~~
18 ~~or department~~ may be sought in accordance with the
19 ~~terms of the Iowa administrative procedure Act chapter~~
20 ~~17A. In the event If~~ a petition for judicial review
21 is filed, the ~~commissioner or the commissioner's~~
22 ~~authorized representative~~ department of human services
23 shall furnish the petitioner with a copy of the
24 application and all supporting papers, a transcript of
25 the testimony taken at the hearing, if any, and a copy
26 of its decision.

27 Sec. ____ . Section 249A.5, Code 1987, is amended by
28 adding the following new unnumbered paragraph:
29 NEW UNNUMBERED PARAGRAPH. The department of
30 inspections and appeals shall conduct investigations
31 and audits as deemed necessary to ensure compliance
32 with the medical assistance program administered under
33 this chapter. The department of inspections and
34 appeals shall cooperate with the department of human
35 services on the development of procedures relating to
36 such investigations and audits."

37 38. Page 65, by striking line 14 and inserting
38 the following: "department director of the".

39 39. Page 65, by striking lines 21 and 22 and
40 inserting the following:

41 "5. The ~~state librarian~~ director of the department
42 of management."

43 40. Page 65, by inserting after line 22 the
44 following:

45 "Sec. ____ . Section 305.2, Code 1987, is amended to
46 read as follows:

47 305.2 STATE GEOLOGIST -- QUALIFICATIONS.
48 The director shall appoint the state geologist.

49 The state geologist must have a degree in geology from
50 an accredited college or university and must have at

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1 least five years of geological experience. The annual
2 salary of the state geologist shall be determined by
3 the director in accordance with chapter 19A."

4 41. Page 74, by inserting after line 15 the
5 following:

6 "Sec. ____ . Section 422.45, subsection 22,
7 paragraph a, Code 1987, is amended to read as follows:

8 a. Residential care facilities and intermediate
9 care facilities for the mentally retarded and
10 residential care facilities for the mentally ill
11 licensed by the department of health inspections and
12 appeals under chapter 135C."

13 42. Page 80, by inserting after line 11 the
14 following:

15 "Sec. ____ . Section 455A.4, subsection 1, paragraph
16 c, Code 1987, is amended to read as follows:

17 c. Annually compile a comprehensive program
18 budget, subject to the approval requirements of
19 section 455A.5, subsection 6, paragraph "d", and
20 section 455A.6, subsection 6, paragraph "d", which
21 reflects all fiscal matters related to the operation
22 of the department and each program, subprogram, and
23 activity in the department in accordance with section
24 8.23."

25 43. Page 80, by inserting after line 16 the
26 following:

27 "Sec. ____ . Section 455A.5, subsection 6, Code
28 1987, is amended by adding the following new
29 paragraph:

30 NEW PARAGRAPH. d. Approve the budget requests for
31 the parks and preserves division, the forests and
32 forestry division, the fish and wildlife division, and
33 for the portions of the budget of other divisions of
34 the department relating to the commission's
35 responsibilities. The commission may increase,
36 decrease, or strike any proposed expenditure within
37 the budget requests before granting approval.

38 Sec. ____ . Section 455A.6, subsection 6, Code 1987,
39 is amended by adding the following new paragraph:

40 NEW PARAGRAPH. d. Approve the budget requests for
41 the environmental protection division and for the
42 portions of the budget of other divisions of the
43 department relating to the commission's
44 responsibilities. The commission may increase,

45 decrease, or strike any proposed expenditure within
46 the budget requests before granting approval.”
47 44. Page 80, by striking lines 18 through 24 and
48 inserting the following: “amended by striking the
49 subsection.”
50 45. Page 81, by inserting after line 11 the

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1 following:
2 “Sec. ____ . Section 467A.4, subsections 1 and 3,
3 Code 1987, are amended to read as follows:
4 1. The soil conservation division is established
5 within the department to perform the functions
6 conferred upon it in chapters 83, 83A, and 467A
7 through 467D. The division shall be administered in
8 accordance with the policies of the state soil
9 conservation committee, which shall advise the
10 division and which shall approve administrative rules
11 proposed by the division for the administration of
12 chapters 83, 83A, and 467A through 467D before the
13 rules are adopted pursuant to chapter 17A. The state
14 soil conservation committee consists of a chairperson
15 and ten other members. The following shall serve as
16 ex officio nonvoting members of the committee: The
17 director of the Iowa cooperative extension service in
18 agriculture and home economics, or the director’s
19 designee, and the director of the department of
20 natural resources or the director’s designee. Nine
21 voting members shall be appointed by the ~~governor~~
22 secretary of agriculture subject to confirmation by
23 the senate. Six of the appointive members shall be
24 persons engaged in actual farming operations, one of
25 whom shall be a resident of each of the six water
26 resource districts established by section 467D.3, and
27 no more than one of whom shall be a resident of any
28 one county. The seventh, eighth, and ninth appointive
29 members shall be chosen by the ~~governor~~ secretary from
30 the state at large with one appointed to be a
31 representative of cities, one appointed to be a
32 representative of the mining industry, and one
33 appointee who is a farmer actively engaged in tree
34 farming operations. The procedure for the
35 confirmation of appointments shall be the same as for
36 governor’s appointees pursuant to section 2.32. The
37 committee may invite the secretary of agriculture of
38 the United States to appoint one person to serve with
39 the other members, and the president of the Iowa
40 county engineers association may designate a member of
41 the association to serve in the same manner, but these

42 persons have no vote and shall serve in an advisory
43 capacity only.

44 3. The committee shall designate its chairperson,
45 and may change the designation. The members appointed
46 by the ~~governor secretary~~ shall serve for a period of
47 six years. ~~Members shall be appointed in each odd-~~
48 ~~numbered year to succeed members whose Members' terms~~
49 ~~shall begin and expire as provided by in the same~~
50 ~~manner as the terms of governor's appointees pursuant~~

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1 to section 69.19. Appointments may be made at other
2 times and for other periods as necessary to fill
3 vacancies on the committee. Members shall not be
4 appointed to serve more than two complete six-year
5 terms. Members designated to represent the director
6 of the department of natural resources and the
7 director of the Iowa cooperative extension service in
8 agriculture and home economics shall serve at the
9 pleasure of the officer making the designation. A
10 majority of the voting members of the committee
11 constitutes a quorum, and the concurrence of a
12 majority of the voting members of the committee in any
13 matter within their duties is required for its
14 determination. Members are entitled to actual
15 expenses necessarily incurred in the discharge of
16 their duties as members of the committee. The
17 expenses paid to the committee members shall be paid
18 from funds appropriated to the department. Each
19 member of the committee may also be eligible to
20 receive compensation as provided in section 7E.6. The
21 committee shall provide for the execution of surety
22 bonds for all employees and officers who are entrusted
23 with funds or property, shall provide for the keeping
24 of a full and accurate record of all proceedings and
25 of all resolutions and orders issued or adopted, and
26 shall provide for an annual audit of the accounts of
27 receipts and disbursements."

28 46. Page 81, by striking lines 15 through 17, and
29 inserting the following:

30 "~~The division department shall submit include in~~
31 ~~its report submitted~~ to the governor, ~~no later than~~
32 ~~January 1 next preceding each biennial legislative~~
33 ~~session; a report which shall state pursuant to~~
34 ~~section 17.3 information stating~~ the number and
35 acreage of".

36 47. By striking page 81, line 26 through page 82,
37 line 2.

38 48. Page 84, by inserting after line 13 the
39 following:
40 "Sec. ____ . Section 476.2, unnumbered paragraph 2,
41 Code 1987, is amended to read as follows:
42 The board shall employ at rates of compensation
43 consistent with current standards in industry such
44 professionally trained engineers, accountants,
45 attorneys, and skilled examiners and inspectors,
46 secretaries, clerks, and other employees as it ~~may~~
47 ~~find~~ finds necessary for the full and efficient
48 discharge of its duties and responsibilities ~~as~~
49 ~~required by~~ under this chapter, in accordance with
50 chapter 19A."

Page 23

1 49. Page 86, by inserting after line 32 the
2 following:
3 "Sec. ____ . Section 524.208, Code 1987, is amended
4 to read as follows:
5 524.208 ASSISTANTS, EXAMINERS, AND OTHER
6 EMPLOYEES.
7 The superintendent may appoint assistants,
8 examiners, and other employees as the superintendent
9 deems necessary to the proper discharge of the duties
10 imposed upon the superintendent by the laws of this
11 state. Pay plans shall be established, in accordance
12 with chapter 19A, for employees, other than clerical,
13 who examine the accounts and affairs of state banks
14 and who examine the accounts and affairs of other
15 persons, subject to supervision and regulation by the
16 superintendent, which are substantially equivalent to
17 ~~tall be fixed all be fixed by the auditor of~~
23 ~~state subject to the approval of the comptroller and~~
24 ~~governor, which salaries shall be commensurate with~~
25 ~~that in the range of other employees as prescribed by~~
26 ~~certain classifications in accordance with their~~
27 ~~experience and qualifications~~ chapter 19A. In
28 addition ~~such the~~ examiners shall be".
29 51. Page 109, by inserting after line 10 the
30 following:
31 "Sec. ____ . Section 602.8102, subsection 23, Code
32 1987, is amended to read as follows:
33 23. Carry out duties relating to enforcing orders
34 of the ~~occupational safety and health review~~
35 ~~commission~~ employment appeal board as provided in
36 section 88.9, subsection 2.
37 Sec. ____ . Section 602.8102, subsection 45,
38 unnumbered paragraph 1, Code 1987, is amended to read
39 as follows:

40 Report monthly to the office for planning and
 41 programming department of management the following
 42 information related to each district court conviction
 43 for, acquittal of, or dismissal of a felony, an
 44 aggravated misdemeanor, or a serious misdemeanor.”
 45 52. Page 109, by inserting after line 25 the
 46 following:
 47 “Sec. ____ . Section 602.8108, subsection 2, Code
 48 1987, is amended by adding the following new
 49 unnumbered paragraph:
 50 NEW UNNUMBERED PARAGRAPH. Notwithstanding the

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1 provisions of this subsection which distribute
 2 revenues deposited in the court revenue distribution
 3 account in accordance with the formula for the fiscal
 4 year in which the revenues are received, for revenues
 5 received on or after the effective date of this Act,
 6 the revenues shall not be distributed in accordance
 7 with the formula for the fiscal year in which the
 8 revenues are received, but rather in accordance with
 9 the distribution formula in effect on the date of the
 10 entry of the judgment which obligated the payment of
 11 the revenues to the court revenue distribution
 12 account.”
 13 53. Page 112, line 6, by striking the word “and”
 14 and inserting the following: “~~and~~ or”.
 15 54. Page 113, by inserting after line 24 the
 16 following:
 17 “____ . Chapter 135A, Code 1987, is repealed.”
 18 55. Page 113, line 26, by inserting after the
 19 figure “185C.4,” the following: “218.15, 218.88.”
 20 56. Page 113, line 26, by inserting after the
 21 figure “422.74,” the following: “467A.12.”
 22 57. Page 113, by inserting after line 28 the
 23 following:
 24 “Sec. ____ . AFFIRMATIVE ACTION REPORT -- FUTURE
 25 REPEAL.
 26 1. Section 19B.3, subsection 1, paragraph “k”, as
 27 enacted by this Act, is repealed effective July 1,
 28 1989.
 29 2. The department of personnel shall report to the
 30 general assembly no later than January 1, 1989
 31 concerning the number of protected group individuals
 32 certified pursuant to section 19B.3, subsection 1,
 33 paragraph “k”, as enacted by this Act.
 34 Sec. ____ . MEMBERSHIP TRANSITION PROVISION.
 35 1. A member of the agricultural development
 36 authority or state soil conservation committee shall

37 continue to hold such position until the expiration of
38 the member's term of office, notwithstanding any
39 change in the appointing authority under this Act.
40 2. A member of the Iowa economic development board
41 or board of parole shall continue to hold such
42 position until the expiration of the member's term of
43 office, notwithstanding any change in the statutory
44 composition requirements of the board under this Act."
45 58. By renumbering as necessary.

COMMITTEE ON
STATE GOVERNMENT
ROBERT M. CARR, Chairperson

S-3766

1 Amend amendment S-3510 to House File 650 as
2 amended, passed and reprinted by the House as follows:
3 1. Page 2, by inserting after line 29 the
4 following:
5 "— . Page 3, by inserting after line 12 the
6 following:
7 "(7) Geography."
8 2. Page 3, by inserting after line 39 the
9 following:
10 "(7) Geography."

WALLY HORN

HOUSE AMENDMENT TO
SENATE FILE 458

S-3767

1 Amend Senate File 458 as passed by the Senate as
2 follows:
3 1. Page 1, by striking line 4 and inserting the
4 following: "claimed by the state or a political
5 subdivision of this state and the taxes or special
6 assessments are owing before the property is acquired
7 by the state or a political subdivision of this state,
8 the county".
9 2. Page 1, line 9, by striking the word "shall"
10 and inserting the following: "may".

S-3768

1 Amend Senate File 504 as follows:

2 1. Page 22, by inserting after line 19 the
3 following:

4 "Sec. ____ . NEW SECTION. 602.1514 JUDICIAL
5 COMPENSATION COMMISSION.

6 1. A judicial compensation commission is
7 established. The commission is composed of eight
8 members, four of whom shall be appointed by the
9 governor and four of whom shall be appointed by the
10 legislative council. Members of the commission shall
11 be appointed without regard to political affiliation
12 and shall not be state officials or employees,
13 employees of any state department, board, commission,
14 or agency or of any political subdivision of the
15 state.

16 2. Members of the commission shall serve for a
17 term of office of four years, and for the initial
18 commission, two members determined by lot shall be
19 appointed by each appointing authority to a term of
20 two years. Thereafter, all members shall be appointed
21 to four-year terms. Vacancies on the commission shall
22 be filled for the unexpired term in the same manner as
23 the original appointment.

24 3. Members of the commission shall serve without
25 compensation, but shall receive actual and necessary
26 expenses, including travel at the state rate. Payment
27 shall be made from funds available pursuant to section
28 2.12; however, members appointed by the governor shall
29 be paid from funds appropriated to the office of the
30 governor.

31 4. The commission shall elect its own chairperson
32 from among its membership and shall meet on the call
33 of the chairperson to review judicial salaries and
34 related benefits. The commission shall review the
35 compensation and related benefits paid to statutory
36 judicial officers, and shall review the compensation
37 and related benefits paid for comparable positions in
38 other states, the federal government, and private
39 enterprise. Based on the review and other factors
40 deemed relevant, the commission shall make its
41 recommendation as to judicial salaries and related
42 benefits to the governor and the members of the
43 general assembly. No later than February 1 of each
44 odd-numbered year the commission shall report to the
45 governor and to the general assembly its
46 recommendations.

47 5. The governor and the general assembly shall
48 consider the recommendations of the commission in
49 determining judicial salaries and related benefits.

50 Sec. ____ . Section 2A.4, Code 1987, is amended to

Page 2

1 read as follows:

2 2A.4 MEETINGS -- DUTIES.

3 The commission shall elect its own chairperson from
4 among its membership and shall meet on the call of the
5 chairperson to review compensation and expenses
6 received by members of the general assembly and
7 salaries of the other elective state officials. The
8 commission shall review compensation and expenses paid
9 to members of the general assembly and salaries paid
10 to other elective state officials, ~~and statutory~~
11 ~~judicial officers~~, and shall review compensation,
12 expenses, and salaries paid for comparable positions
13 in other states, the federal government, and private
14 enterprise. Based on such review and other factors
15 deemed relevant, the commission shall make its
16 determination as to compensation and expense levels
17 for members of the general assembly and as to salary
18 levels for other elective state officials to be
19 recommended to the governor and the members of the
20 general assembly. No later than February 1, 1973, and
21 each two years thereafter, the commission shall report
22 to the governor and to the general assembly its
23 recommendations for compensation and expenses for
24 members of the general assembly and for salaries for
25 other elective state officials."

26 2. By renumbering sections as necessary.

JOE J. WELSH
RICHARD J. VARN

S-3769

1 Amend Senate File 504 as follows:

- 2 1. Page 4, lines 28 and 29, by striking the words
- 3 "administrators of the division of credit unions and"
- 4 and inserting the following: "superintendent of".
- 5 2. Page 4, line 30, by striking the word "loans"
- 6 and inserting the following: "loan associations".
- 7 3. Page 5, line 4, by inserting after the word
- 8 "banking," the following: "superintendent of commerce,".
- 9 credit union division of the department of commerce,".

DONALD E. GETTINGS

S-3770

- 1 Amend House File 631, as amended, passed, and re-
2 printed by the House, as follows:

DIVISION S—3770A

- 3 1. Page 2, line 28, by striking the word “goal”
4 and inserting the following: “intent”.
5 2. Page 3, line 18, by striking the word “may”
6 and inserting the following: “shall adopt rules
7 which”.

DIVISION S—3770C

- 8 3. Page 4, by striking lines 5 through 10.

DIVISION S—3770A (cont'd.)

- 9 4. Page 5, line 15, by striking the word “Report”
10 and inserting the following: “Develop and adopt by
11 administrative rule the procedure for reporting”.
12 5. Page 7, by striking lines 22 through 24.
13 6. By striking page 7, line 35 through page 8,
14 line 11.

DIVISION S—3770C (cont'd.)

- 15 7. Page 8, by striking lines 18 through 26.

DIVISION S—3770B

- 16 8. By striking page 9, line 24 through page 10,
17 line 21 and inserting the following:
18 “(1) Not more than five hundred eighty thousand
19 dollars is appropriated annually to the department of
20 natural resources to provide grants to counties for
21 the testing of private, rural water supply wells.
22 (2) Not more than nine hundred eighty thousand
23 dollars is appropriated annually to the department of
24 natural resources to be used for grants to counties
25 for the purpose of conducting programs for properly
26 closing abandoned, rural water supply wells.
27 (3) The department shall allocate a sum not to
28 exceed seventy-nine thousand dollars of the moneys in
29 the account for the period beginning July 1, 1987, and
30 ending June 30, 1988 for the preparation of a detailed
31 report and plan for the establishment on July 1, 1988
32 of the center for health effects of environmental

33 contamination. The plan for establishing the center
34 shall be presented to the general assembly on or
35 before January 15, 1988. The report shall include the
36 assemblage of all existing data relating to Iowa
37 drinking water supplies, including characteristics of
38 source, treatment, presence of contaminants, precise
39 location, and usage patterns to facilitate data
40 retrieval and use in research; and detailed
41 organizational plans, research objectives, and budget
42 projections for the anticipated functions of the
43 center in subsequent years. The department may
44 allocate annually a sum not to exceed two hundred
45 forty thousand dollars of the moneys in the account to
46 the center, beginning July 1, 1988.

47 (4) Eighteen percent of the moneys in the account
48 is appropriated to the department of agriculture and
49 land stewardship for the assessment and development of
50 programs and demonstration projects designed to

Page 2

DIVISION S—3770B (cont'd.)

1 eliminate chemical contamination through agricultural
2 drainage wells and sinkholes.

3 (5) Any moneys not expended for the purposes of
4 subparagraphs (1) through (4) are appropriated to the
5 department of agriculture and land stewardship for the
6 purposes of carrying out financial incentive programs
7 and agriculture groundwater programs.”

DIVISION S—3770A (cont'd.)

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

10 “e. An oil overcharge account. The oil overcharge
11 moneys distributed by the United States department of
12 energy, and approved for the energy related components
13 of the groundwater protection strategy available
14 through the energy conservation trust fund created in
15 section 93.11, shall be deposited in the oil
16 overcharge account as appropriated by the general
17 assembly. The oil overcharge account shall be used
18 for the following purposes:

19 (1) Not more than seven million one hundred
20 thousand dollars is appropriated for the fiscal period
21 beginning July 1, 1987 and ending June 30, 1992 to the
22 department of natural resources to implement its
23 responsibilities pursuant to section 455E.8. Not more
24 than two million eight hundred thousand dollars of

25 this amount shall be used by the department of natural
26 resources for assessing rural, private water supply
27 quality.

28 (2) Not more than five hundred thousand dollars is
29 appropriated to the department of natural resources
30 for the fiscal period beginning July 1, 1987 and
31 ending June 30, 1992 for the administration of a
32 groundwater monitoring program at sanitary landfills.

33 (3) Not more than eight hundred seventy thousand
34 dollars is appropriated to the Iowa state water
35 resources research institute for the fiscal period
36 beginning July 1, 1987 and ending June 30, 1992 to
37 provide competitive grants to colleges, universities,
38 and private institutions within the state for the
39 development of research and education programs
40 regarding alternative disposal methods and groundwater
41 protection.

42 (4) Not more than three million eight hundred
43 thousand dollars is appropriated to the department of
44 natural resources for the fiscal period beginning July
45 1, 1987 and ending June 30, 1992 to develop and
46 implement demonstration projects for landfill
47 alternatives to solid waste disposal, including
48 recycling programs.

49 (5) Not more than ten million dollars is
50 appropriated to the agriculture energy management

Page 3

DIVISION S—3770A (cont'd.)

1 council created under chapter 467E for the fiscal
2 period beginning July 1, 1987 and ending June 30,
3 1992, to develop nonregulatory programs to implement
4 integrated farm management of farm chemicals for
5 environmental protection, energy conservation, and
6 farm profitability; interactive public and farmer
7 education; and applied studies on best management
8 practices and best appropriate technology for chemical
9 use efficiency and reduction. Not more than four
10 million dollars of this amount is appropriated to the
11 agricultural resource management research center to
12 sponsor and conduct the applied studies.

13 (6) Not more than three million five hundred
14 thousand dollars is appropriated to the department of
15 natural resources for the fiscal period beginning July
16 1, 1987 and ending June 30, 1992 to continue the Big
17 Spring demonstration project in Clayton county.

18 (7) Not more than five hundred thousand dollars is
19 appropriated to the department of agriculture and land

20 stewardship for the fiscal period beginning July 1,
21 1987 and ending June 30, 1992 to implement a targeted
22 education program on best management practices and
23 technologies for the mitigation of groundwater
24 contamination from or closure of agricultural drainage
25 wells, abandoned wells, and sinkholes.

26 (8) Not more than one million two hundred thousand
27 dollars is appropriated to the department of
28 agriculture and land stewardship for the fiscal period
29 beginning July 1, 1987 and ending June 30, 1992 to
30 conduct field assessments of groundwater contamination
31 at agricultural chemical and grain storage and
32 handling facilities in cooperation with the department
33 of natural resources.

34 (9) Not more than two hundred thousand dollars is
35 appropriated to the department of agriculture and land
36 stewardship for the fiscal period beginning July 1,
37 1987 and ending June 30, 1992 to assess the
38 groundwater contamination from urban use of chemicals
39 and fertilizers in cooperation with the department of
40 natural resources."

41 10. Page 17, line 4, by inserting after the word
42 "person" the following: "other than a manufacturer".

43 11. Page 18, by striking lines 14 through 18 and
44 inserting the following: "subsection 1, a groundwater
45 protection fee shall be imposed upon nitrogen-based
46 fertilizer. The fee shall be based upon the
47 percentage of actual nitrogen contained in the
48 product. An eighty-two percent nitrogen solution
49 shall be taxed at a rate of fifty cents per ton.
50 Other nitrogen-based product formulations shall be

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DIVISION S—3770A (cont'd.)

1 taxed on the percentage of actual nitrogen contained
2 in the formulations with the eighty-two percent
3 nitrogen solution serving as the base. The fee shall
4 be paid by each licensee registering to sell
5 fertilizer to the secretary of agriculture. The
6 fees".

7 12. Page 20, line 11, by inserting after the word
8 "applicators" the following: "for commercial
9 application or agricultural use".

10 13. Page 25, line 18, by striking the words "no
11 more than" and inserting the following: "not less
12 than fifty dollars and no more than".

13 14. Page 25, line 20, by inserting after the word
14 "state." the following: "The secretary shall

15 establish by rule criteria for determining the fee to
 16 be levied. The criteria shall include, but are not
 17 limited to, a consideration of package size, the per-
 18 centage of each active ingredient, the persistence of
 19 each active ingredient, the solubility of the
 20 pesticide in water, the mobility of the pesticide in
 21 soil, and the volume or extent of use of the
 22 pesticide."

23 15. Page 25, lines 23 and 24, by striking the
 24 words "four hundred fifty" and inserting the
 25 following: "two hundred twenty-five".

26 16. Page 26, line 6, by inserting after the word
 27 "given" the following: "by a commercial or public
 28 applicator".

29 17. Page 26, line 12, by inserting after the word
 30 "subsection." the following: "The department shall
 31 adopt rules providing guidelines for public bodies to
 32 notify adjacent property occupants regarding the
 33 application of herbicides to noxious weeds or other
 34 undesirable vegetation within highway rights-of-way."

35 18. Page 27, by striking lines 21 and 22 and
 36 inserting the following:

37 "Sec. 229. NEW SECTION. 266.38 AGRICULTURAL
 38 RESOURCE MANAGEMENT RESEARCH CENTER."

DIVISION S—3770C (cont'd.)

39 19. By striking page 27, line 28 through page 28,
 40 line 29, and inserting the following:

41 "2. The agricultural resource management research
 42 center is established at the Iowa State University of
 43 science and technology. The center shall conduct and
 44 sponsor research and education programs in conjunction
 45 with the Iowa agriculture and home economics
 46 experiment station and its outlying research centers
 47 to improve the management of fertilizers and
 48 pesticides, to develop management practices to reduce
 49 nitrate and pesticide infiltration into groundwater,
 50 to evaluate pesticide and fertilizer application

Page 5

DIVISION S—3770C (cont'd.)

1 methods and their impact upon groundwater quality, and
 2 to otherwise assist in the development of agricultural
 3 practices designed to reduce negative environmental
 4 impacts. The center may also conduct research and
 5 assist in the development of agricultural practices
 6 that are consistent with a sustainable agriculture.

7 The center shall solicit input from individuals;
8 federal, state and local agencies; and other
9 institutions and entities conducting similar research
10 and education activities so as to complement and
11 coordinate efforts.”

DIVISION S—3770B (cont'd.)

12 20. Page 30, by inserting after line 31 the
13 following:

14 “ ___ . Notwithstanding the prohibitions of section
15 455B.267, subsection 4, an owner of an agricultural
16 drainage well may raise the tile of or make
17 improvements to an agricultural drainage well upon the
18 approval of the county board of supervisors which has
19 jurisdiction over the property on which the
20 agricultural drainage well is located. If approval is
21 granted to an owner for tile raising or improvements
22 to an agricultural drainage well, the county board of
23 supervisors granting the approval shall notify the
24 department of agriculture and land stewardship and the
25 department of natural resources of the approval within
26 thirty days of the decision.”

27 21. Page 32, by striking lines 6 through 22.

28 22. By striking page 32, line 30 through page 33,
29 line 4 and inserting the following: “the program.
30 The department may provide financial incentive moneys
31 to reduce a person’s cost in properly plugging wells
32 abandoned prior to July 1, 1987.”

DIVISION S—3770C (cont'd.)

33 23. Page 35, by striking lines 15 through 23.

DIVISION S—3770A (cont'd.)

34 24. Page 35, by inserting after line 23 the
35 following:

36 “Sec. ___ . 1986 Iowa Acts, chapter 1245, section
37 668, is repealed.”

38 25. Page 45, line 13, by striking the words “two
39 dollars” and inserting the following: “one dollar”.

40 26. Page 45, by striking lines 14 through 16, and
41 inserting the following: “ton of solid waste for the
42 year beginning January 1, 1988. The city or county
43 providing for the”.

44 27. By striking page 49, line 34 through page 50,
45 line 12.

46 28. Page 50, by striking lines 14 through 19 and
47 inserting the following:

48 "The commission shall adopt rules which establish a
 49 uniform label to be supplied and used by retailers."
 50 29. By striking page 52, line 28 through page 53,

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DIVISION S—3770A (cont'd.)

1 line 6 and inserting the following:
 2 "Sec. ____ . COLLECTION OF USED MOTOR OIL -- PILOT
 3 PROJECT.
 4 The state department of transportation, in
 5 cooperation with the department of natural resources
 6 and the Iowa State University of science and
 7 technology center for industrial research and service,
 8 shall institute a pilot project to collect and dispose
 9 of used motor oil from residences and farms in one
 10 urban county and one rural county by October 1, 1987.
 11 The state department of transportation shall
 12 promote community participation; provide collection
 13 sites and facilities; prescribe procedures for each
 14 collection site, including the amount of used motor
 15 oil to be accepted from a household or farm, and
 16 measures necessary to assure maintenance of a sanitary
 17 collection site environment; arrange for proper used
 18 oil disposal; and report to the general assembly by
 19 March 1, 1988, regarding the progress on the pilot
 20 project. The report shall include the cost of the
 21 project, the amount of used motor oil collected, and
 22 any other relevant data gathered by the participating
 23 agencies. The state department of transportation
 24 shall recommend in the report to the general assembly
 25 whether the program should be continued, expanded,
 26 modified, or discontinued.
 27 The department of natural resources shall assist
 28 the state department of transportation in promoting
 29 the pilot project and in applying any state or federal
 30 environmental regulations to the pilot project. The
 31 Iowa State University of science and technology center
 32 for industrial research and service shall coordinate
 33 research on establishing the waste stream for used
 34 motor oil, investigate alternative disposal methods,
 35 and coordinate research with other states' research
 36 projects on used motor oil collection and disposal.
 37 This section is repealed July 1, 1988."
 38 30. Page 53, by striking lines 9 through 12 and
 39 inserting the following:
 40 "The commission shall conduct a symposium in each
 41 congressional district regarding household hazardous
 42 waste recycling and reclamation."

- 43 31. By striking page 53, line 13 through page 55,
44 line 7.
45 32. Page 56, by striking lines 8 through 20 and
46 inserting the following: "individual owner or
47 operator."
48 33. Page 56, by inserting after line 22 the fol-
49 lowing:
50 "4. The mechanism by which owners or operators who

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DIVISION S—3770A (cont'd.)

- 1 can demonstrate financial responsibility pursuant to
2 the federal Resource Conservation and Recovery Act, 42
3 U.S.C. § 6901 et seq., may establish exempt status
4 from participation in the program."
5 34. Page 57, by striking lines 7 through 22 and
6 inserting the following: "state, based on storage
7 tank standards and monitoring systems maintained by
8 the individual owner or operator."
9 35. Page 57, by inserting after line 30 the
10 following:
11 "4. The mechanism by which owners or operators who
12 can demonstrate financial responsibility pursuant to
13 the federal Resource Conservation and Recovery Act, 42
14 U.S.C. § 6901 et seq., may establish exempt status
15 from participation in the program."
16 36. Page 57, line 32, by striking the word
17 "subsections" and inserting the following:
18 "subsection".
19 37. By striking page 57, line 33 through page 58,
20 line 8.
21 38. Page 58, line 21, by striking the figures "3
22 3A" and inserting the following: "3".
23 39. Page 59, by striking lines 21 and 22 and in-
24 serting the following: "pay an annual storage tank
25 management fee of ten dollars per tank of over one
26 thousand one hundred".
27 40. By renumbering as necessary.

COMMITTEE ON AGRICULTURE
BERL E. PRIEBE, Chairperson

COMMITTEE ON
NATURAL RESOURCES
HURLEY W. HALL, Chairperson

S-3771

- 1 Amend amendment, S-3698, to House File 631 as
2 amended, passed and reprinted by the House as follows:
3 1. Page 1, by striking lines 11 and 12.
4 2. Page 1, by striking lines 13 through 24 and
5 inserting the following:
6 "____. By striking page 3, line 22 through page 4,
7 line 4."
8 3. Page 1, by striking lines 25 through 36.
9 4. Page 1, by inserting after line 39 the
10 following:
11 "____. Page 4, by inserting after line 31 the
12 following:
13 "Liability shall not be imposed upon an
14 agricultural producer, commercial applicator, or
15 fertilizer dealer or distributor for the costs of
16 active cleanup, or for any damages associated with or
17 resulting from the detection in the groundwater of any
18 quantity of nitrates provided that application has
19 been in compliance with soil test results and that the
20 applicator has properly complied with label
21 instructions for application of the fertilizer.
22 Compliance with the above provision may be raised by
23 the agricultural producer, commercial applicator, or
24 fertilizer dealer or distributor and shall constitute
25 an affirmative defense.
26 Liability shall not be imposed upon an agricultural
27 producer, commercial applicator, or pesticide dealer
28 for the costs of active cleanup, or for damages
29 associated with or resulting from the detection in the
30 groundwater of any quantity of pesticide provided that
31 the applicator has properly complied with label
32 instructions and that the applicator has a valid
33 license. Compliance with this provision may be raised
34 by the agricultural producer, commercial applicator,
35 or pesticide dealer and shall constitute an
36 affirmative defense."
37 5. Page 2, line 1, by inserting after the word
38 "adopted" the following: "after July 1, 1988".
39 6. Page 2, by inserting after line 31 the
40 following:
41 "Any moneys expended for purposes, duties,
42 programs, or projects related to groundwater
43 protection shall be approved, prior to expenditure of
44 the funds, by the fiscal committee of the legislative
45 council."
46 7. Page 3, by striking lines 1 through 35 and
47 inserting the following:
48 "____. By striking page 9, line 24 through page
49 10, line 6 and inserting the following:
50 "(1) Not more than five hundred eighty thousand

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1 dollars is appropriated annually to the department of
2 natural resources to provide grants to counties for
3 the testing of private, rural water supply wells.

4 (2) Not more than nine hundred eighty thousand
5 dollars is appropriated annually to the department of
6 natural resources to be used for grants to counties
7 for the purpose of conducting programs for properly
8 closing abandoned, rural water supply wells.”

9 8. Page 3, line 38, by striking the words “The
10 department may” and inserting the following:
11 “(3) The department shall”.

12 9. Page 3, line 40, by striking the words
13 “appropriated under this subparagraph” and inserting
14 the following: “in the account”.

15 10. Page 4, by striking lines 6 and 7, and
16 inserting the following: “two hundred forty thousand
17 dollars of the moneys in the account to the center,
18 beginning July 1, 1988.”

19 11. Page 4, by striking lines 10 through 20 and
20 inserting the following:

21 “(4) Eighteen percent of the moneys in the
22 account is appropriated to the department of
23 agriculture and land stewardship for the assessment
24 and development of programs and demonstration projects
25 designed to eliminate chemical contamination through
26 agricultural drainage wells and sinkholes.

27 (5) Any moneys not expended for the purposes of
28 subparagraphs (1) through (4) are appropriated to the
29 department of agriculture and land stewardship for the
30 purposes of carrying out financial incentive programs
31 and agriculture groundwater programs.”

32 12. Page 4, by striking lines 40 and 41 and
33 inserting the following:

34 “(2) Seventy percent or not more than two hundred
35 ten thousand dollars of the moneys deposited”.

36 13. Page 6, line 36, by striking the word “~~one-~~
37 ~~tenth~~” and inserting the following: “one-twentieth”.

38 14. Page 6, line 43, by inserting after the word
39 “distributed” the following: “by manufacturers,
40 wholesalers, or distributors”.

41 15. Page 7, line 6, by striking the word “may”
42 and inserting the following: “shall”.

43 16. By striking page 9, line 15 through page 10,
44 line 27 and inserting the following:

45 “— . By striking page 30, line 3 through page
46 32, line 5 and inserting the following:

47 “1. The department of agriculture and land
48 stewardship shall evaluate alternative methods for and

49 costs associated with programs to eliminate
50 groundwater contamination caused by the use of

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1 agricultural drainage wells and sinkholes.
2 The evaluation shall include an assessment of the
3 technical, financial, and legal aspects associated
4 with the elimination of groundwater contamination
5 caused by the use of agricultural drainage wells and
6 sinkholes. The department of agriculture and land
7 stewardship shall report its findings to the energy
8 and environmental protection committees of the general
9 assembly by January 1, 1989.
10 2. The department of agriculture and land
11 stewardship shall on July 1, 1987 initiate pilot
12 demonstration and research projects concerning
13 elimination of groundwater contamination caused by the
14 use of agricultural drainage wells and sinkholes. The
15 demonstration projects regarding agricultural drainage
16 wells shall be established in Humboldt and Pocahontas
17 counties and the demonstration projects regarding
18 sinkholes shall be established in Allamakee and
19 Clayton counties.
20 a. The pilot projects shall be designed to
21 demonstrate the technical, financial, and legal
22 aspects associated with the elimination of groundwater
23 contamination caused by the use of agricultural
24 drainage wells and sinkholes. Financial assistance
25 may be provided by the department to landowners and
26 drainage districts for the construction of alternative
27 outlets, or to landowners to compensate them for land
28 removed from cropland and reverted to wetland.
29 b. A research project shall evaluate the
30 feasibility of eliminating groundwater contamination
31 caused by the use of agricultural drainage wells or
32 sinkholes by utilizing reduced chemical farming
33 practices. Financial incentive moneys may be provided
34 by the department to landowners in the study area for
35 employing the reduced chemical farming practices
36 needed to accomplish the research. Research shall be
37 performed in conjunction with the Iowa agricultural
38 experiment station at Iowa State University of science
39 and technology.
40 c. The secretary may appoint interagency
41 committees and groups as needed to coordinate the
42 involvement of agencies participating in these
43 projects.
44 d. The department shall publish a report on the
45 status and findings of the pilot demonstration and

46 research projects on or before January 15, 1990, and
47 each subsequent year of the projects.

48 3. An owner of an agricultural drainage well shall
49 register the well with the department of natural
50 resources by January 1, 1992.

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1 4. An owner of an agricultural drainage well and a
2 landowner whose land is drained by the well or wells
3 of another person shall not be eligible for financial
4 incentive moneys if the owner fails to register the
5 well with the department of natural resources by
6 January 1, 1992.

7 5. An owner of an agricultural drainage well and a
8 landholder whose land is drained by the well or wells
9 of another person shall develop, in consultation with
10 the department of agriculture and land stewardship and
11 the department of natural resources, a plan which
12 proposes alternatives for eliminating groundwater
13 contamination caused by the use of agricultural
14 drainage wells by January 1, 1992.

15 6. An owner of an agricultural drainage well and a
16 landholder whose land is drained by the well or wells
17 of another person shall not be eligible for financial
18 incentive moneys if the owner fails to develop a plan
19 for alternatives in cooperation with the department of
20 agriculture and land stewardship and the department of
21 natural resources.

22 7. Beginning July 1, 1992, the department shall
23 initiate an ongoing program to meet the goal of the
24 elimination of chemical contamination caused by the
25 use of agricultural drainage wells by January 1, 2000.

26 8. Financial incentive moneys may be provided to
27 landowners from the general fund of the state to
28 implement alternatives for eliminating groundwater
29 contamination caused by the use of agricultural
30 drainage wells.”

31 17. Page 10, by striking lines 28 through 36 and
32 inserting the following:

33 “___ . Page 32, by striking lines 6 through 22.”

34 18. Page 10, by striking lines 37 through 44 and
35 inserting the following:

36 “___ . By striking page 32, line 30 through page
37 33, line 4 and inserting the following: “the program.
38 through 17

44 and inserting the following: “not been registered
45 pursuant to subsections 1 through 5.

46 The department shall furnish the owner or operator
47 of through 17

44 and inserting the following: "not been registered
 45 pursuant to subsections 1 through 5.
 46 The department shall furnish the owner or operator
 47 of an underground storage tank with a registration tag
 48 for each underground storage tank registered with the
 49 department. The owner or operator shall affix the tag
 50 to the fill pipe of each registered underground

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1 storage tank. A person who conveys or deposits a
 2 regulated substance shall inspect the underground
 3 storage tank to determine the existence or absence of
 4 the registration tag. If a registration tag is not
 5 affixed to the underground storage tank fill pipe, the
 6 person conveying or depositing the regulated substance
 7 may deposit the regulated substance in the
 8 unregistered tank provided that the deposit is allowed
 9 only in the single instance, that the person reports
 10 the unregistered tank to the department of natural
 11 resources, and that the person provides the owner or
 12 operator with an underground storage tank registration
 13 form and informs the owner or operator of the
 14 underground storage tank registration requirements.
 15 The owner or operator is allowed fifteen days
 16 following the report to the department of the owner's
 17 or operator's unregistered tank to comply with the
 18 registration requirements. If an owner or operator
 19 fails to register the reported underground storage
 20 tank during the fifteen-day period, the owner or
 21 operator shall pay a fee of twenty-five dollars upon
 22 registration of the tank.""
 23 20. By renumbering as necessary.

COMMITTEE ON AGRICULTURE
 BERL E. PRIEBE, Chairperson

COMMITTEE ON
 NATURAL RESOURCES
 HURLEY HALL, Chairperson

S-3772

1 Amend Senate Concurrent Resolution 35 as follows:
 2 1. Page 4, by inserting after line 18 the
 3 following:
 4 "BE IT FURTHER RESOLVED, That it is the intent of
 5 the general assembly that the laser laboratories

6 constructed pursuant to this resolution not be used
7 for restricted access research; and”.

BEVERLY HANNON

S-3773

- 1 Amend Senate File 504 as follows:
- 2 1. Page 2, by striking lines 13 through 25.
- 3 2. By relettering paragraphs as necessary.

JIM LIND

S-3774

- 1 Amend the amendment, S-3765, to Senate File 501 as
- 2 follows:
- 3 1. Page 24, by inserting after line 44 the
- 4 following:
- 5 “Sec. ____ . TRANSITION PROVISIONS FOR CERTAIN
- 6 EMPLOYEE EXEMPTIONS.
- 7 The department of personnel shall establish a
- 8 program of placement for state employees of elected
- 9 officials who are exempted under this Act from the
- 10 merit system provisions of chapter 19A and the
- 11 provisions of chapter 20. Such an employee may
- 12 transfer within one year of the date of the employee’s
- 13 exemption from the merit system provisions of chapters
- 14 19A and the provisions of chapter 20 to a position,
- 15 comparable to the employee’s last position, which
- 16 remains subject to the merit system provisions of
- 17 chapter 19A and the provisions of chapter 20. If a
- 18 comparable position is not available, the employee may
- 19 transfer to a lower level position in accordance with
- 20 rules adopted by the department of personnel. If the
- 21 employee transfers to a position with a lower pay
- 22 grade, the employee’s pay may be red-circled for up to
- 23 one year pursuant to rules of the department of
- 24 personnel. State agencies shall give preference to
- 25 the hiring of such employees.””

ROBERT M. CARR

S-3775

1 Amend House File 599, as amended, passed, and re-
2 printed by the House, as follows:

3 1. Page 2, line 33, by inserting after the word
4 "filing." the following: "At any time prior to
5 judgment, the mortgagor may pay the plaintiff the
6 amount claimed in the petition and, if paid, the
7 foreclosure action shall be dismissed. At any time
8 after judgment and before the sale, the mortgagor may
9 pay the plaintiff the amount of the judgment and, if
10 paid, the judgment shall be satisfied of record and
11 the sale shall not be held."

12 2. Page 3, line 7, by inserting after the word
13 "purchaser." the following: "If the mortgagor at the
14 sale bids an amount equal to the judgment, the
15 property shall be sold to the mortgagor even though
16 other persons may bid an amount which is more than the
17 judgment. If the mortgagor purchases at the sale, the
18 liens of junior lienholders shall not be extinguished.
19 If a person other than the mortgagor purchases at the
20 sale, the liens of junior lienholders are
21 extinguished."

22 3. Page 4, line 15, by inserting after the word
23 "action" the words "or procedure".

24 4. Page 4, by striking lines 18 through 21 and
25 inserting the following:

26 "1. Except as provided in section 654.2A, a
27 creditor shall comply with this section before
28 initiating an action pursuant to this chapter or
29 initiating the procedure established pursuant to
30 chapter 655A to foreclose on a deed of trust or
31 mortgage."

32 5. Page 5, by inserting after line 19 the
33 following:

34 "8. This section does not apply if the creditor is
35 an individual or individuals, or if the mortgaged
36 property is property other than a one-family or two-
37 family dwelling which is the residence of the
38 mortgagor.

39 9. An affidavit signed by an officer of the
40 creditor that the creditor has complied with this
41 section is deemed to be conclusive evidence of
42 compliance by all persons other than the creditor and
43 the mortgagor."

44 6. Page 5, by striking lines 21 through 23 and
45 inserting the following:

46 "A mortgage or deed of trust shall not contain the
47 notice under section 654.20."

48 7. Page 6, line 13, by inserting after the word
49 "default" the following: "or files with the recorder
50 of the county where the mortgaged property is located

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1 a rejection of the notice pursuant to section 655A.6
2 and serves a copy of the rejection upon the
3 mortgagee”.

4 8. Page 6, line 21, by inserting after the word
5 “Notice” the following: “or rejection of notice”.

6 9. Page 6, line 22, by inserting after the word
7 “procedure” the following: “for service of original
8 notice”.

9 10. Page 6, by inserting after line 27 the
10 following:

11 “Sec. ____ . NEW SECTION. 655A.6 REJECTION OF
12 NOTICE.

13 If either the mortgagor, or successor in interest
14 of record including a contract purchaser, within
15 thirty days of service of the notice pursuant to
16 section 655A.3, files with the recorder of the county
17 where the mortgaged property is located, a rejection
18 of the notice reasonably identifying the notice which
19 is rejected together with proofs of service required
20 under section 655A.4 that the rejection has been
21 served on the mortgagee, the notice served upon the
22 mortgagor pursuant to section 655A.3 is of no force or
23 effect.”

24 11. Page 6, line 28, by striking the figure
25 “655A.6” and inserting the following: “655A.7”.

26 12. Page 7, line 5, by striking the figure
27 “655A.7” and inserting the following: “655A.8”.

28 13. Page 7, line 7, by striking the word and
29 figure “655A.6 and” and inserting the following:
30 “655A.7 and if no rejection of notice has been filed
31 pursuant to section 655A.6, then”.

32 14. Page 7, line 14, by striking the figure
33 “655A.8” and inserting the following: “655A.9”.

34 15. Renumber as necessary.

RAY TAYLOR
DONALD V. DOYLE
RICHARD VARN

S-3776

1 Amend Senate Concurrent Resolution 35 as follows:

2 1. Page 5, line 12, by striking the word “basis.”
3 and inserting the following: “basis; and”.

4 2. Page 5, by inserting after line 12 the
5 following:

6 “BE IT FURTHER RESOLVED, That the principal

7 architect employed to design a project approved in
8 this resolution shall have possessed a valid
9 certificate of registration as an architect under
10 chapter 118 for at least one year prior to the
11 effective date of this resolution.”

JULIA GENTLEMAN

S-3777

1 Amend amendment, S-3510, to House File 650 as
2 amended, passed and reprinted by the House as follows:
3 1. Page 2, line 34, by inserting after the word
4 “child” the following: “, which test results shall
5 show that minimum competency has been achieved as
6 reflected by the Iowa norm for other students taking
7 similar tests. If it is determined that appropriate
8 achievement is not taking place, the local school
9 district shall convene a staff team to diagnose the
10 problems related to the lack of achievement and shall
11 develop an individual education plan which shall be
12 followed”.

13 2. Page 3, line 47, by inserting after the word
14 “child” the following: “, which test results shall
15 show that minimum competency has been achieved as
16 reflected by the Iowa norm for other students taking
17 similar tests. If it is determined that appropriate
18 achievement is not taking place, the local school
19 district shall convene a staff team to diagnose the
20 problems related to the lack of achievement and shall
21 develop an individual education plan which shall be
22 followed”.

23 3. Page 4, by inserting after line 31 the
24 following:
25 “___ . Page 4, by inserting before line 32 the
26 following:
27 “Sec. ___ . NEW SECTION. 299B.500 RULES.
28 The state board of education shall adopt rules
29 pursuant to chapter 17A to ascertain compliance with
30 and to enforce this chapter.””

LARRY MURPHY

S-3778

1 Amend House File 650 as amended, passed, and
2 reprinted by the House as follows:

3 1. By striking everything after the enacting
4 clause and inserting the following:

5 "Section 1. **NEW SECTION. 299B.1 PURPOSE.**

6 Notwithstanding chapter 280 and sections 299.1
7 through 299.23, this chapter regulates instruction in
8 nonpublic schools and private instruction not
9 regulated in chapter 280. This chapter shall be
10 administered by the department of education.

11 Sec. 2. **NEW SECTION. 299B.2 DEFINITIONS.**

12 As used in this chapter, unless the context
13 otherwise requires:

14 1. "Nonpublic school" means a school with two or
15 more students, over seven and under sixteen years of
16 age and not related within the third degree of
17 consanguinity, in attendance.

18 2. "Private instruction" means an educational
19 program conforming to the requirements of section
20 299B.4, provided in the home of one or more students
21 over seven and under sixteen years of age who are
22 related.

23 3. "Public school" means a school directly
24 supported in whole or in part by taxation and approved
25 by the state board of education pursuant to section
26 256.11.

27 4. "Dual enrollment" means the matriculation of a
28 child in one public school or approved nonpublic
29 school and one nonpublic school, in one public school
30 while receiving private instruction, or in one
31 approved nonpublic school while receiving private
32 instruction, in subjects, courses, or programs not
33 available to the child otherwise.

34 5. "Department" means the department of education.

35 6. "Approved nonpublic school" means a nonpublic
36 school which is approved by the state board of
37 education pursuant to section 256.11.

38 7. "Instructor" means an instructor employed by a
39 nonpublic school and who has or has not been issued a
40 teaching certificate or the appropriate endorsement or
41 approval by the state board of education, but who is
42 approved by the department to provide private
43 instruction or instruction in a nonpublic school.
44 "Instructor" includes the person in charge of the
45 nonpublic school.

46 8. "Local school district" means the school
47 district of the child's residency.

48 Sec. 3. **NEW SECTION. 299B.3 DUAL ENROLLMENT.**

49 A child who is receiving private instruction
50 pursuant to section 299B.5 may also enroll in a public

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1 or approved nonpublic school for dual enrollment
2 purposes. The public or approved nonpublic school may
3 establish a fee for the child who is attending through
4 a dual enrollment agreement provided that a child in a
5 public school is not included in the basic enrollment
6 pursuant to section 442.4. The fee shall not exceed
7 the per pupil cost of the subject, course, or program.

8 If such a child enrolls in a public or approved
9 nonpublic school on a full-time basis, the board of
10 directors of the local school district or the
11 authorities in charge of the approved nonpublic school
12 may determine the appropriate grade level for the
13 child by the administration of tests or other means of
14 evaluation to determine placement.

15 Sec. 4. **NEW SECTION. 299B.4 HOME INSTRUCTION**
16 **ASSISTANCE PROGRAM.**

17 Each public school shall and an approved nonpublic
18 school may administer a home instruction assistance
19 program if the local school district or approved
20 nonpublic school is cognizant of a child receiving
21 private instruction in the district. The local school
22 district shall include each child enrolled in the
23 program in its basic enrollment pursuant to section
24 442.4. If teachers are shared between districts for
25 purposes of this section, the sharing qualifies for
26 weighting pursuant to section 442.39. The local
27 school district or approved nonpublic school
28 administering the program shall:

29 1. Approve the curriculum plans submitted pursuant
30 to section 299B.5.

31 2. Provide a curriculum to the instructor
32 providing private instruction when requested pursuant
33 to section 299B.5.

34 3. Approve the weekly lesson plans submitted pur-
35 suant to section 299B.5.

36 4. Provide a certified teacher who shall meet with
37 the parent or child enrolled in the program at least
38 three hours per week.

39 5. Retain copies of the annual assessment report
40 of the pupil's progress submitted by the instructor
41 pursuant to section 299B.5 for at least four years.

42 6. Administer student competency tests pursuant to
43 section 299B.5.

44 7. Receive an agreement from the instructor pro-
45 viding private instruction to submit the child to
46 nationally recognized standardized tests at least
47 twice during the school year. The department shall
48 select the tests and the tests shall be administered

49 by the superintendent or designee of the local school
50 district at a neutral site or at the local school

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1 district. The child may be submitted to additional
2 testing after five days' notice from the board of
3 directors of the local school district. The
4 additional testing shall be based on the appropriate
5 weekly lesson plans scheduled for the child pursuant
6 to section 299B.5, subsection 1.

7 Sec. 5. NEW SECTION. 299B.5 ENROLLMENT.

8 The person having the control of a child over seven
9 and under sixteen years of age who is not enrolled in
10 a public or approved nonpublic school shall enroll the
11 child in a home instruction assistance program
12 pursuant to section 299B.4. By September 1 of each
13 year the person shall apply to the department to
14 provide private instruction, agree to the requirements
15 in section 299B.4, and shall provide the department
16 and the local school district with the following:

17 1. By September 1 and December 30, a curriculum
18 and weekly lesson plans for the appropriate semester
19 that reflect chapter 280 and related rules or notify
20 the district that the person will use the curriculum
21 and lesson plans provided by the district.

22 2. Evidence that the person has a high school
23 diploma or a high school equivalency diploma.

24 3. An assessment report of the child's progress in
25 each subject taught pursuant to subsection 1.

26 4. An affidavit indicating the reasons the person
27 is enrolling the child in the home instruction as-
28 sistance program and eliminating the local school
29 district and the state from liability and

30 responsibility for the child's educational attainment.

31 Sec. 6. NEW SECTION. 299B.6 DEPARTMENT DUTIES.

32 The department shall:

33 1. Approve or disapprove a request for private
34 instruction through a home instruction assistance
35 program pursuant to sections 299B.4 and 299B.5 and
36 rules adopted by the state board of public
37 instruction.

38 2. With approval by the state board of public
39 instruction, adopt rules pursuant to chapter 17A to
40 enforce this chapter and to identify compliance. The
41 rules shall emphasize student achievement test scores
42 and evidence of academic progress. The rules shall
43 also provide a process for revoking approval for
44 private instruction through a home instruction
45 assistance program which would require a child to be

46 enrolled in a public school or approved nonpublic
 47 school.
 48 Sec. 7. NEW SECTION. 299B.7 OTHERWISE NOT
 49 QUALIFIED.
 50 An instructor who is approved to provide private

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1 instruction pursuant to section 299B.6 but does not
 2 hold a teacher's certificate issued by the state board
 3 of public instruction is not a certified teacher.
 4 Sec. 8. The department of education shall monitor
 5 implementation and effectiveness of this chapter and
 6 submit to the general assembly, in January 1991, a
 7 report regarding the success of private instruction
 8 through a home instruction assistance program and a
 9 recommendation whether such programs should be
 10 continued.
 11 Sec. 9. NEW SECTION. 299B.8 REPEAL.
 12 This chapter is repealed July 1, 1990."
 13 2. By renumbering as necessary.

WALLY HORN

S-3779

1 Amend the amendment, S-3510, to House File 650, as
 2 amended, passed, and reprinted by the House, as
 3 follows:
 4 1. Page 1, by striking line 28 and inserting the
 5 following: "available to the child otherwise.
 6 ____ . "Designated panel" means a three-member
 7 panel, consisting of the administrator of the area
 8 education agency or a designee of the area education
 9 agency, the parent or guardian of the child receiving
 10 private instruction or instruction in a nonpublic
 11 school or designee, and a member mutually agreed upon
 12 by the area education agency representative and the
 13 parent or guardian of the child."
 14 2. Page 4, by striking line 11 and inserting the
 15 following: "nonpublic school.
 16 Sec. ____ . NEW SECTION. 299B.1000 CREATION OF
 17 DESIGNATED PANEL.
 18 If a child fails to demonstrate academic progress
 19 for two consecutive years, as determined by the
 20 cumulative score on a nationally standardized test and
 21 compared with the child's perceived level of
 22 intellectual functioning, a designated panel shall be
 23 created to assist the parent in remediation of the

24 child. On recommendation of the local school board,
 25 the school district shall notify the parent or
 26 guardian of the child and the area education agency
 27 that such lack of progress has occurred, at which time
 28 the parent and the representative of the area
 29 education agency shall meet to create the designated
 30 panel. Upon agreement by the three members of the
 31 panel, the panel shall implement remedial policies for
 32 the education of the child. The panel shall continue
 33 in existence until the child has demonstrated two
 34 consecutive years of academic progress.

35 Sec. ____ . NEW SECTION. 299B.1001 VOLUNTARY
 36 PARENTAL REQUEST FOR DESIGNATED PANEL.

37 The parent or guardian of a child may request the
 38 creation of a designated panel if the parent or
 39 guardian perceives a need for academic assistance. In
 40 such cases, the panel shall exist until the parent or
 41 guardian perceives that the panel is unnecessary.

42 Sec. ____ . NEW SECTION. 299B.1002 CHILD ABUSE
 43 POLICY.

44 Each nonpublic school, by January 2, 1988, shall
 45 have on file a written policy pertaining to the
 46 reporting of child abuse, as defined in section
 47 232.68, subsection 2.””

WILLIAM W. DIELEMAN

S-3780

1 Amend House File 631 as amended, passed and
 2 reprinted by the House as follows:
 3 1. Page 1, by striking lines 27 through 32 and
 4 inserting in lieu thereof the following:
 5 “8. “Passive cleanup” means the treatment of a
 6 contaminant in groundwater through management
 7 practices.”

JACK RIFE

S-3781

1 Amend House File 567 as amended, passed, and
 2 reprinted by the House as follows:
 3 1. Page 1, line 15, by inserting after the word
 4 “admitted” the following: “, provided,
 5 notwithstanding any other provisions of this or any
 6 other chapter, that written reports which contain

7 hearsay are inadmissible unless the name, address, and
8 telephone number of the original source of the hearsay
9 are provided in the report together with the name of
10 all persons present and the date when the statement
11 was made and provided that all facts known to the
12 writer which are relevant to any conclusions or
13 opinions contained in the report are presented in the
14 report; and provided further that no hearsay evidence
15 is admissible unless written notice of the evidence is
16 provided to all parties within five days before any
17 hearing at which the evidence will be offered, and
18 provided that no opinions or recommendations
19 concerning ultimate statutory, adjudicatory, or
20 dispositional issues to be decided by the court are
21 admissible with the exception of expert opinions
22 concerning physical or mental conditions”.

23 2. Page 1, by inserting after line 25 the
24 following:

25 “Sec. ____ . Section 232.99, subsection 2, Code
26 1987, is amended to read as follows:

27 2. All relevant and material evidence shall be
28 admitted, provided, notwithstanding any other
29 provisions of this or any other chapter, that written
30 reports which contain hearsay are inadmissible unless
31 the name, address, and telephone number of the
32 original source of the hearsay are provided in the
33 report together with the name of all persons present
34 and the date when the statement was made and provided
35 that all facts known to the writer which are relevant
36 to any conclusions or opinions contained in the report
37 are presented in the report; and provided further that
38 no hearsay evidence is admissible unless written
39 notice of the evidence is provided to all parties
40 within five days before any hearing at which the
41 evidence will be offered, and provided that no
42 opinions or recommendations concerning ultimate
43 statutory, adjudicatory, or dispositional issues to be
44 decided by the court are admissible with the exception
45 of expert opinions concerning physical or mental
46 conditions.”

47 3. By renumbering as necessary.

TOM MANN, Jr.

S-3782

- 1 Amend House File 631 as amended, passed and
- 2 reprinted by the House as follows:
- 3 1. Page 15, by striking lines 9 through 17.
- 4 2. By renumbering as necessary.

JACK HESTER

S-3783

- 1 Amend House File 631 as amended, passed and
- 2 reprinted by the House as follows:
- 3 1. Page 45, by striking lines 11 through 21 and
- 4 inserting the following:
- 5 "Sec. ____ . Section 455B.310, subsection 1, Code
- 6 1987, is amended to read as follows:
- 7 1. Except as provided in subsection 3, the owner
- 8 or operator of a sanitary landfill disposal project
- 9 shall pay to the department a tonnage fee for each ton
- 10 or equivalent volume of solid waste received and
- 11 disposed of at the sanitary landfill disposal project
- 12 during the preceding reporting period. The department
- 13 shall determine by rule the volume which is equivalent
- 14 to a ton of waste."

JACK HESTER
HURLEY HALL

S-3784

- 1 Amend amendment S-3685 to House File 469 as
- 2 amended, passed and reprinted by the House as follows:
- 3 1. Page 3, by inserting after line 17 the
- 4 following:
- 5 "c. Apply to drug tests conducted pursuant to a
- 6 nuclear regulatory commission policy statement."

JAMES D. WELLS

S-3785

- 1 Amend House File 650 as amended, passed, and
- 2 reprinted by the House as follows:
- 3 1. By striking everything after the enacting
- 4 clause and inserting the following:
- 5 "Section 1. NEW SECTION. 299.1A POLICY.
- 6 It is the policy of the state of Iowa that parents
- 7 have the primary responsibility for their children.

8 The state has no right to intervene in the education
9 of those children.”

LARRY MURPHY

S-3786

1 Amend the amendment, S-3510, to House File 650 as
2 amended, passed and reprinted by the House as
3 follows:

DIVISION S—3786B

4 1. Page 1, by inserting after line 2 the
5 following:
6 “___ . Page 1, by inserting before line 1 the
7 following:
8 “Section 1. Section 299.1, unnumbered paragraph 3,
9 Code 1987, is amended to read as follows:
10 In lieu of such attendance such child ~~may attend~~
11 upon equivalent instruction by a certified teacher
12 elsewhere shall enroll in an accredited nonpublic
13 school or receive private instruction under chapter
14 299B.””

DIVISION S—3786A

15 2. Page 1, by striking lines 3 through 9 and
16 inserting the following:
17 “___ . Page 1, line 1, by striking the word
18 “POLICY” and inserting the following: “INTENT”.
19 ___ . Page 1, by striking lines 2 through 13 and
20 inserting the following:
21 “All children have a basic right to receive an
22 education that will prepare the children to
23 participate effectively and intelligently as citizens
24 and to be self-reliant and self-sufficient members of
25 society. Every parent is responsible to provide for a
26 basic education for the parent's children. The state
27 has an interest to protect the right of children who
28 reside in this state to receive a basic education.
29 Denial of that right is considered a violation of
30 section 232.68, subsection 2. It is the intent of the
31 general assembly to provide parents and their children
32 with a broad range of educational alternatives.””

DIVISION S—3786B (cont'd.)

33 3. Page 1, by striking lines 10 through 12 and
 34 inserting the following:
 35 "___ . Page 1, by striking lines 15 through 17 and
 36 inserting the following:
 37 "Notwithstanding section 299.24, this chapter
 38 regulates private instruction. A private instruction
 39 setting is not a public school or nonpublic school as
 40 defined in section 280.2.""
 41 4. Page 1, by striking lines 13 through 19 and
 42 inserting the following:
 43 "___ . Page 1, by striking lines 22 and 23 and
 44 inserting the following: "vided in a setting other
 45 than a public school or accredited nonpublic school."
 46 5. Page 1, by striking lines 24 through 28 and
 47 inserting the following: "school while receiving
 48 private instruction, in subjects, courses, or programs
 49 not available to the child otherwise.
 50 ___ . "Area education agency" means the area

Page 2

DIVISION S—3786B (cont'd.)

1 education agency in which the local school district is
 2 located.
 3 ___ . "Designated panel" means a three member
 4 panel, consisting of the administrator of the area
 5 education agency or a designee knowledgeable in the
 6 area of assessment, the parent or guardian of the
 7 child receiving private instruction or designee, and a
 8 member mutually agreed upon by the area education
 9 agency representative and the parent or guardian of
 10 the child.
 11 ___ . "Nonpublic school advisory committee" means
 12 the nonpublic school advisory committee established in
 13 section 256.15."
 14 ___ . By striking page 1, line 32 through page 2,
 15 line 1, and inserting the following: "been issued a
 16 teaching certificate by the state board of educational
 17 examiners but who provides private instruction. The
 18 instructor shall be a mandatory reporter pursuant to
 19 section 232.69 while in the capacity of instructor.""
 20 6. Page 1, by striking lines 35 through 37 and
 21 inserting the following:
 22 "___ . Page 2, by striking lines 4 and 5 and
 23 inserting the following:
 24 "Sec. ___ . NEW SECTION. 299B.4 ASSISTANCE TO
 25 CHILD RECEIVING PRIVATE INSTRUCTION."
 26 7. Page 1, line 38, by inserting before the word
 27 "A" the following: "1."

28 8. Page 1, by striking lines 39 through 42 and
 29 inserting the following: "pursuant to section 299B.6
 30 may also enroll in a public school or accredited
 31 nonpublic school for dual enrollment purposes under
 32 terms determined by the public school or accredited
 33 nonpublic school. The parent of the child shall
 34 notify the local school district or the accredited
 35 nonpublic school of the intent for dual enrollment by
 36 February 1 of the year prior to the school year
 37 specified for dual enrollment. Each child enrolled in
 38 the dual enrollment in the local school district shall
 39 be included in the public school's basic enrollment
 40 pursuant to section 442.4."

41 9. Page 1, line 49, by striking the word
 42 "achievement" and inserting the following:
 43 "placement".

44 10. By striking page 1, line 50 through page 2,
 45 line 2 and inserting the following:

46 " ____ . Page 2, line 6, by inserting before the
 47 word "A" the following: "2."

48 ____ . Page 2, line 9, by inserting after the word
 49 "district." the following: "The parent of the child
 50 shall notify the local school district or the

Page 3

DIVISION S—3786B (cont'd.)

1 accredited nonpublic school of the intent to request
 2 home instruction assistance by February 1 of the year
 3 prior to the school year specified for the
 4 assistance."

5 11. Page 2, by inserting after line 2 the
 6 following:

7 " ____ . Page 2, line 14, by striking the word "The"
 8 and inserting the following: "A".

9 12. Page 2, by striking lines 6 through 12, and
 10 inserting the following:

11 " ____ . Page 2, line 15, by inserting after the
 12 word "child" the following: "for at least one hundred
 13 twenty days in a twelve-month period, beginning
 14 September 1 of each year".

15 ____ . Page 2, by inserting after line 20 the
 16 following:

17 "4000. Private instruction provided by a
 18 certificated teacher, with the appropriate
 19 endorsements and approvals, as provided for in chapter
 20 260. Sections 299B.6, subsections 2 through 4 and
 21 section 299B.100 shall not apply to private
 22 instruction by a certificated teacher. All other

23 provisions of this chapter shall apply.””

24 13. Page 2, by inserting after line 18, the
25 following:

26 “___ . Page 2, line 27, by inserting after the
27 word “provide” the following: “by September 15”.”

28 14. Page 2, by striking line 29 and inserting the
29 following: “a party to a dual enrollment agreement.

30 (7) The fire marshal inspection report.

31 (8) Evidence of immunization as required in
32 section 139.9.

33 The instructor shall be a mandatory reporter
34 pursuant to section 232.69 while in the capacity of
35 instructor.”

36 15. Page 2, by striking lines 30 through 34 and
37 inserting the following:

38 “___ . Page 3, by striking lines 15 through 20 and
39 inserting the following: “public school, the results
40 of the most current version of a nationally
41 standardized test which has been administered under
42 conditions determined by the majority of the
43 designated panel, in accordance with standards
44 prescribed by the authority responsible for the
45 issuance of the test. The results of the test shall
46 be provided to the designated panel and the parent or
47 guardian of the child.””

48 16. Page 2, line 35, by striking the figure “21”
49 and inserting the following: “26”.

50 17. Page 2, line 38, by striking the word

Page 4

DIVISION S—3786B (cont'd.)

1 “person’s” and inserting the following:

2 “instructor’s”.

3 18. Page 2, line 39, by inserting after the word
4 “progress” the following: “when compared to
5 intellectual functioning”.

6 19. Page 2, line 41, by striking the words
7 “parent or guardian” and inserting the following:
8 “designated panel”.

9 20. Page 2, by striking lines 45 and 46 and
10 inserting the following:

11 “___ . Page 3, lines 34 and 35, by striking the
12 words “board of directors of the local school
13 district” and inserting the following: “majority of
14 the designated panel”.

15 ___ . Page 4, by striking lines 2 and 3 and
16 inserting the following: “inadequate academic
17 instruction, the panel shall provide the information

18 to the local school district. The affected child
 19 shall be provided an education under section 299B.5,
 20 subsection 1, 2, 3, or 4000 and shall not be provided
 21 an education under this chapter until such time as the
 22 child is making adequate academic progress as
 23 determined by the board of directors of the public
 24 school or authorities in charge of the accredited
 25 nonpublic school, after consideration of progress when
 26 compared to intellectual functioning.”

27 —. Page 4, line 6, by striking the word
 28 “annual” and inserting the following: “initial”.

29 —. Page 4, line 8, by inserting after the word
 30 “learn” the following: “prior to receiving private
 31 instruction. A parent or guardian or instructor may
 32 request additional screenings at a later date if
 33 deemed necessary.”

34 21. By striking page 2, line 47 through page 3,
 35 line 6.

36 22. By striking page 3, line 9 through page 4,
 37 line 18.

38 23. Page 4, by inserting before line 19 the
 39 following:

40 “— . Page 4, by inserting before line 22 the
 41 following:

42 “Sec. —. NEW SECTION. 299B.100 REVIEW.

43 1. The designated panel, as defined in section
 44 299B.3, shall provide for an assessment of each child
 45 being provided private instruction, prior to the
 46 beginning of the school year and periodically through
 47 the school year at times determined by a majority of
 48 the panel. The panel shall determine the testing
 49 conditions, the progress expectations, and information
 50 necessary for assessment, in addition to other duties

Page 5

DIVISION S—3786B (cont'd.)

1 specified in this chapter. Actual expenses of an
 2 assessment shall be incurred by the local school
 3 district. The local school district may apply for
 4 reimbursement of the actual cost to the department of
 5 education, from funds appropriated to the department
 6 for that purpose.

7 2. The nonpublic school advisory committee shall
 8 make recommendations to the general assembly by
 9 January 1, 1990 regarding minimum standards to be met
 10 in private instruction, based on standards specified
 11 in section 256.11.”

12 24. Page 4, by striking line 36 and inserting the

13 following: "shall be fined not less than five dollars
14 nor more than twenty dollars for each offense.
15 However, the penalty for a violation of section
16 232.68, subsection 2, relative to the denial of the
17 right specified in section 299B.1 is the penalty for a
18 violation of section 232.68, subsection 2."
19 25. Page 4, by striking lines 37 through 43 and
20 inserting the following:
21 " ____ . Page 4, by striking lines 32 and 33.
22 ____ . Title page, by striking lines 1 and 2 and
23 inserting the following: "An Act relating to
24 providing private instruction."
25 26. By renumbering as necessary.

LARRY MURPHY

S-3787

1 Amend the amendment, S-3510, to House File 650, as
2 amended, passed, and reprinted by the House as
3 follows:
4 1. Page 4, by inserting after line 31, the
5 following:
6 "Sec. ____ . NEW SECTION. 299B.2000 ACADEMIC
7 PROGRESS.
8 If a child in the public school of the child's
9 district of residence fails to demonstrate academic
10 progress, or show minimum competency on a nationally
11 standardized test commensurate with the child's
12 perceived academic progress, the child shall be
13 removed from that public school and placed in an
14 accredited nonpublic school, or other public school
15 chosen by the parent or guardian of the child. If the
16 child then fails to demonstrate academic progress or
17 show minimum competency on a nationally standardized
18 test, the child shall be placed in a school chosen by
19 the department of education. If the child continues
20 to fail to demonstrate academic progress or show
21 minimum competency on a nationally standardized test,
22 the child shall be placed in an accredited nonpublic
23 school or nonpublic school. The tuition costs
24 incurred for the child shall be paid by the school
25 district of residence the child."

RAY TAYLOR

S-3788

- 1 Amend House File 631 as amended, passed and
- 2 reprinted by the House as follows:
- 3 1. Page 49, line 12, by inserting after the word
- 4 "include" the following: "cosmetics,".
- 5 2. Page 49, line 13, by striking the word
- 6 "dishwashing".

MICHAEL E. GRONSTAL
 FORREST SCHWENGELS

S-3789

- 1 Amend House File 631 as amended, passed, and
- 2 reprinted by the House as follows:

DIVISION S—3789A

- 3 1. Page 50, line 1, by inserting before the word
- 4 "A" the following: "1."

DIVISION S—3789B

- 5 2. Page 50, by inserting after line 12, the
- 6 following:
- 7 "2. A manufacturer or distributor of household
- 8 hazardous materials, which authorizes retailers as
- 9 independent contractors to sell the products of the
- 10 manufacturer or distributor on a person-to-person
- 11 basis primarily in the customer's home, shall print
- 12 informational lists of its products which are
- 13 designated by the department as household hazardous
- 14 materials. These lists of products and the consumer
- 15 information booklets prepared in accordance with
- 16 subsection 1 shall be provided by the manufacturer or
- 17 distributor in sufficient quantities to each such
- 18 retailer for dissemination to customers. During the
- 19 course of a sale of a household hazardous material by
- 20 such a retailer, the customer shall in the first
- 21 instance be provided with a copy of both the list and
- 22 the consumer information booklet. In subsequent sales
- 23 to the same customer, the list and booklet shall be
- 24 noted as being available if desired."
- 25 3. Page 50, line 31, by inserting before the word
- 26 "A" the following: "1."

DIVISION S—3789C

27 4. Page 51, by inserting after line 10 the
28 following:
29 "2. A manufacturer or distributor of household
30 hazardous materials, which authorizes retailers as
31 independent contractors to sell the products of the
32 manufacturer or distributor on a person-to-person
33 basis primarily in the customer's home, may obtain a
34 single household hazardous materials permit on behalf
35 of its authorized retailers in the state, in lieu of
36 individual permits for each retailer, and pay a fee
37 based upon the manufacturer's or distributor's gross
38 retail sales in the state according to the fee
39 schedule and requirements of subsection 1. However, a
40 manufacturer or distributor which has gross retail
41 sales of three million dollars or more in the state
42 shall pay an additional permit fee of one hundred
43 dollars for each subsequent increment of three million
44 dollars of gross retail sales in the state, up to a
45 maximum permit fee of one thousand dollars."

MICHAEL E. GRONSTAL
FORREST SCHWENGELS

S-3790

1 Amend House File 631, as amended, passed, and re-
2 printed by the House, as follows:
3 1. By striking page 34, line 15, through page 35,
4 line 14.
5 2. Page 35, by inserting after line 23 the fol-
6 lowing:
7 "Sec. ____ . EXISTENCE AND LOCATION OF WELLS,
8 DISPOSAL SITES, UNDERGROUND STORAGE TANKS, AND
9 HAZARDOUS WASTE.
10 The owner or owners of real estate in this state
11 shall submit with the property tax payment statement
12 and payment to the county treasurer, a statement that
13 no known wells are situated on the property, or if
14 known wells are situated on the property, the
15 statement must state the approximate location of each
16 known well and its status with respect to section
17 159.28 or 455B.190. The statement must also state
18 that no disposal site for solid waste, as defined in
19 section 455B.301, which has been deemed to be poten-
20 tially hazardous by the department of natural
21 resources, exists on the property, or if such a
22 disposal site does exist, the location of the site on
23 the property. The statement must additionally state

24 that no underground storage tank, as defined in
25 section 455B.471, subsection 6, exists on the
26 property, or if an underground storage tank does
27 exist, the type and size of the tank, and the
28 substance in the tank. The statement must also state
29 that no hazardous waste as defined in section
30 455B.411, subsection 4, or listed by the department of
31 natural resources pursuant to section 455B.412,
32 subsection 2, or section 455B.464, exists on the
33 property, or if hazardous waste does exist, that the
34 waste is being managed in accordance with rules
35 adopted by the department of natural resources. The
36 statement shall be sent with either the first or
37 second installment of real estate taxes due and
38 payable in the fiscal year beginning July 1, 1987 and
39 shall be signed by the owner or owners of the real
40 property. If real estate taxes are escrowed for the
41 property owner or owners, the lending institution
42 shall send the statement to the property owner or
43 owners thirty days prior to the date the taxes are due
44 and payable. The director of the department of
45 natural resources shall prescribe the form of the
46 statement and provide an adequate number of the forms
47 to each county treasurer in the state. The county
48 treasurer shall transmit the statements to the
49 department of natural resources at times directed by
50 the director of the department."

Page 2

- 1 3. By renumbering as necessary.

HURLEY W. HALL
RICHARD VANDE HOEF
BERL PRIEBE
LINN FUHRMAN

S-3791

- 1 Amend amendment S-3785 to House File 650 as amended,
2 passed and reprinted by the House as follows:
 - 3 1. Page 1, line 7, by inserting after the word
4 "for" the following: "the education of".
 - 5 2. Page 1, by striking lines 8 and 9.

RAY TAYLOR

AMENDMENTS FILED

2691

S-3792

- 1 Amend amendment S-3698 to House File 631 as amended,
- 2 passed, and reprinted by the House as follows:
- 3 1. Page 12, by striking lines 3 and 4.
- 4 2. Page 12, line 5, by inserting after the word
- 5 "land" the following: "and other materials, determined
- 6 by the department not to present a threat to the public
- 7 health or safety.".

LARRY MURPHY

S-3793

- 1 Amend the amendment, S-3770, to House File 631 as
- 2 amended, passed, and reprinted by the House, as
- 3 follows:
- 4 1. Page 4, by striking lines 7 through 9.
- 5 2. By renumbering as necessary.

JIM RIORDAN

S-3794

- 1 Amend the amendment, S-3698, to House File 631, as
- 2 amended, passed, and reprinted by the House, as
- 3 follows:
- 4 1. Page 2, by striking lines 8 through 31.
- 5 2. By renumbering as necessary.

JIM RIORDAN

S-3795

- 1 Amend the amendment, S-3770, to House File 631 as
- 2 amended, passed, and reprinted by the House as
- 3 follows:
- 4 1. Page 4, by striking lines 23 through 25 and
- 5 inserting the following:
- 6 "___ . Page 25, lines 23 and 24, by striking the
- 7 words "four hundred fifty dollars" and inserting the
- 8 following: "the remainder".

PATRICK J. DELUHERY
BERL E. PRIEBE
HURLEY W. HALL

S-3796

1 Amend House File 631 as amended, passed and
2 reprinted by the House as follows:
3 1. Page 51, line 10, by inserting after the word
4 "materials" the following: "with the exception of
5 reporting requirements and license fees for pesticide
6 dealers as defined under section 206.2, subsection
7 24".

JAMES RIORDAN

S-3797

1 Amend the amendment, S-3698, to House File 631, as
2 amended, passed, and reprinted by the House, as
3 follows:
4 1. Page 6, line 30, by inserting after the word
5 "pay" the following: "a minimum annual license fee of
6 twenty-five dollars or".
7 2. Page 6, line 36, by striking the word "of" and
8 inserting the following: "based on".
9 3. Page 6, line 41, by inserting after the word
10 "thereafter." the following: "A licensee shall pay a
11 fee of twenty-five dollars for the period July 1, 1987
12 through June 30, 1988."

JIM RIORDAN

HOUSE AMENDMENT TO
SENATE FILE 471

S-3798

1 Amend Senate File 471 as amended, passed and
2 reprinted by the Senate as follows:
3 1. Page 1, line 7, by striking the words " , gross
4 negligence,".
5 2. Page 3, line 14, by striking the words " ,
6 gross negligence,".
7 3. Page 3, line 26, by striking the words "gross
8 negligence or".
9 4. Page 4, line 3, by striking the words "gross
10 negligence or".
11 5. Page 4, line 15, by striking the words "gross
12 negligence or".
13 6. Page 4, by inserting after line 17 the
14 following:
15 "Sec. ____ . Section 504A.4, subsection 14, is

- 16 amended by striking the subsection and inserting in
17 lieu thereof the following:
- 18 14. A corporation operating under this chapter may
19 indemnify any present or former director, officer,
20 employee, member, or volunteer in the manner and in
21 the instances authorized in section 496A.4A.”
- 22 7. Page 4, line 30, by striking the words “gross
23 negligence or”.
- 24 8. Page 7, line 15, by striking the words “,
25 gross negligence,”.
- 26 9. Page 7, line 30, by striking the words “,
27 gross negligence,”.
- 28 10. By striking page 7, line 35 through page 8,
29 line 13.
- 30 11. By renumbering, relettering, or redesignating
31 and correcting internal references as necessary.

S-3799

- 1 Amend the amendment, S-3770, to House File 631 as
2 amended, passed, and reprinted by the House as
3 follows:
- 4 1. Page 4, by striking lines 10 through 25 and
5 inserting the following:
- 6 “— . Page 25, by striking lines 13 through 26
7 and inserting the following:
- 8 3. The registrant, before selling or offering for
9 sale any pesticide in this state, shall register each
10 brand and grade of such pesticide with the secretary
11 upon forms furnished by the secretary, and, ~~for the~~
12 ~~purpose of defraying expenses connected with the~~
13 ~~enforcement of this chapter,~~ the secretary shall set
14 the registration fee ~~annually at no more than twenty~~
15 ~~dollars for each and every brand and grade to be~~
16 ~~offered for sale~~ based upon one percent of the gross
17 sales of the pesticides sold by the registrant in the
18 previous year in this state. ~~The Fifty dollars of the~~
19 fees collected shall be deposited in the treasury to
20 the credit of the pesticide fund to be used only for
21 the purpose of enforcing the provisions of this
22 chapter and the remainder collected shall be placed in
23 the agriculture management account of the groundwater
24 protection fund.”

JIM RIORDAN

S-3800

1 Amend House File 631 as amended, passed and
2 reprinted by the House as follows:
3 1. Page 45, by inserting after line 10 the
4 following:
5 "Sec. ____ . Section 455B.310, subsection 1, Code
6 1987, is amended to read as follows:
7 1. Except as provided in subsection 3, the owner
8 or operator of a sanitary landfill disposal project
9 shall pay to the department a tonnage fee for each ton
10 or equivalent volume of solid waste received and
11 disposed of at the sanitary landfill disposal project
12 during the preceding reporting period. The department
13 shall determine by rule the volume which is equivalent
14 to a ton of waste."
15 2. By renumbering as necessary.

JACK HESTER
HURLEY HALL

S-3801

1 Amend amendment S-3698 to House File 631 as
2 amended, passed and reprinted by the House as follows:
3 1. Page 10, by striking lines 28 through 36 and
4 inserting the following:
5 " ____ . Page 32, by striking lines 6 through 22 and
6 inserting the following:
7 "Sec. ____ . Section 455B.187, Code 1987, is amended
8 by adding the following new unnumbered paragraph:
9 NEW UNNUMBERED PARAGRAPH. In the case of property
10 owned by a state agency, a person shall not drill for
11 or construct a new water well without first
12 registering with the department the existence of any
13 abandoned wells on the property. The department shall
14 develop a prioritized closure program and time frame
15 for the completion of the program, and shall adopt
16 rules to implement the program.""

HURLEY W. HALL
JACK W. HESTER
BERL E. PRIEBE
PATRICK J. DELUHERY

S-3802

- 1 Amend amendment, S-3535, to House File 210 as
- 2 amended, passed and reprinted by the House as follows:
- 3 1. Page 1, by striking lines 22 through 26.

EUGENE FRAISE

S-3803

- 2 reprinted by the House as follows:
- 3 1. Page 4, by striking lines 14 through 16 and
- 4 inserting the following: "civil fine of ~~five dollars~~
- 5 ~~for the first violation and not less than ten nor more~~
- 6 ~~than one hundred dollars pursuant to section 805.8,~~
- 7 ~~subsection 11 for each subsequent violation."~~
- 8 2. Page 4, by inserting after line 19 the
- 9 following:
- 10 "Sec. ____ . Section 805.8, Code 1987, is amended by
- 11 adding the following new subsection:
- 12 NEW SUBSECTION. 11. SMOKING VIOLATIONS. For
- 13 violations of section 98A.6, the scheduled fine is ten
- 14 dollars, and is a civil penalty, and the criminal
- 15 penalty surcharge under section 911.2 shall not be
- 16 added to the penalty, and the court costs pursuant to
- 17 section 805.9, subsection 6, shall not be imposed. If
- 18 the civil fine is not paid in a timely manner, a
- 19 citation shall be issued for the violation in the
- 20 manner provided in section 804.1."

JOE J. WELSH

S-3804

- 1 Amend House File 631 as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 23, line 12, by inserting after the word
- 4 "dealer" the following: "who sells pesticides at
- 5 retail".
- 6 2. Page 23, line 18, by inserting after the word
- 7 "in" the following: "this state during".
- 8 3. Page 25, line 26, by inserting after the word
- 9 "fund." the following: "Payment of this fee by the
- 10 registrant shall entitle the registrant to a pesticide
- 11 license for distribution of registered products,
- 12 manufactured by the registrant, which are not sold at
- 13 retail in the state by the registrant."

RICHARD F. DRAKE
MICHAEL E. GRONSTAL

S-3805

1 Amend House File 631 as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 25, by striking lines 29 through 33 and
 4 inserting the following:
 5 "NEW SUBSECTION. Persons licensed under this
 6 chapter who sell pesticides at retail for application
 7 in this state or to an applicator licensed under this
 8 chapter for application in this state shall file an
 9 annual report with the secretary of agriculture
 10 listing the amount of pesticides sold by the following
 11 generic categories: herbicides, insecticides, and
 12 fungicides. The report shall be compiled on a
 13 quarterly basis and shall be".

RICHARD F. DRAKE
 MICHAEL E. GRONSTAL

S-3806

1 Amend House File 650 as amended, passed and
 2 reprinted by the House as follows:
 3 1. By striking everything after the enacting
 4 clause and inserting the following:
 5 "Section 1. NEW SECTION. 299B.1 PURPOSE.
 6 Notwithstanding chapter 280 and sections 299.1
 7 through 299.23, this chapter regulates instruction in
 8 nonpublic schools and private instruction not
 9 regulated in chapter 280. This chapter shall be
 10 administered by the department of education.
 11 Sec. 2. NEW SECTION. 299B.2 DEFINITIONS.
 12 As used in this chapter, unless the context
 13 otherwise requires:
 14 1. "Nonpublic school" means a school with two or
 15 more students, over seven and under sixteen years of
 16 age and not related within the third degree of
 17 consanguinity, in attendance.
 18 2. "Private instruction" means an educational
 19 program conforming to the requirements of section
 20 299B.4, provided in the home of one or more students
 21 over seven and under sixteen years of age who are
 22 related.
 23 3. "Public school" means a school directly
 24 supported in whole or in part by taxation and approved
 25 by the state board of education pursuant to section
 26 256.11.
 27 4. "Dual enrollment" means the matriculation of a

28 child in one public school or accredited nonpublic
29 school and one nonpublic school, in one public school
30 while receiving private instruction, or in one
31 accredited nonpublic school while receiving private
32 instruction, in subjects, courses, or programs not
33 available to the child otherwise.

34 5. "Department" means the department of education.

35 6. "Accredited nonpublic school" means a nonpublic
36 school which is approved by the state board of
37 education pursuant to section 256.11.

38 7. "Instructor" means an instructor employed by a
39 nonpublic school, who has or has not been issued a
40 teaching certificate or the appropriate endorsement or
41 approval by the state board of education, but who is
42 approved by the department to provide private
43 instruction or instruction in a nonpublic school.
44 "Instructor" includes the person in charge of the
45 nonpublic school.

46 8. "Local school district" means the school
47 district of the child's residency.

48 Sec. 3. **NEW SECTION. 229B.3 DUAL ENROLLMENT.**

49 A child who is receiving private instruction or who
50 is enrolled in a nonpublic school pursuant to section

Page 2

1 299B.5 may also enroll in a public or accredited
2 nonpublic school for dual enrollment purposes. The
3 public or accredited nonpublic school may establish a
4 fee for the child who is attending through a dual
5 enrollment agreement, provided that a child in a
6 public school is not included in the basic enrollment
7 pursuant to section 442.4. The fee shall not exceed
8 the per pupil cost of the subject, course, or program.

9 If such a child enrolls in a public or accredited
10 nonpublic school on a full-time basis, the board of
11 directors of the local school district or the
12 authorities in charge of the accredited nonpublic
13 school may determine the appropriate grade level for
14 the child by the administration of tests or other
15 means of evaluation to determine placement.

16 Sec. 4. **NEW SECTION. 299B.4 HOME INSTRUCTION**
17 **ASSISTANCE PROGRAM.**

18 Each public school shall and an accredited
19 nonpublic school may administer a home instruction
20 assistance program if the local school district or
21 accredited nonpublic school is cognizant of a child's
22 receiving private instruction or receiving instruction
23 at a nonpublic school in the district. The local
24 school district shall include each child enrolled in

25 the program in its basic enrollment pursuant to
26 section 442.4. If teachers are shared between
27 districts for purposes of this section, the sharing
28 qualifies for weighting pursuant to section 442.39.
29 The local school district or approved nonpublic school
30 administering the program shall:

- 31 1. Approve the curriculum plans submitted pursuant
32 to section 299B.5.
- 33 2. Provide a curriculum to the instructor
34 providing private instruction or an instructor in a
35 nonpublic school when requested pursuant to section
36 299B.5.
- 37 3. Approve the weekly lesson plans submitted pur-
38 suant to section 299B.5.
- 39 4. Provide a certified teacher who shall meet with
40 each parent or child enrolled in the program at least
41 three hours per week. There shall be at least one
42 certified teacher for every fifteen children enrolled
43 in the program.
- 44 5. Retain copies of the annual assessment report
45 of the pupil's progress submitted by the instructor
46 pursuant to section 299B.5 for at least five years.
- 47 6. Administer student competency tests pursuant to
48 section 299B.5.
- 49 7. Receive an agreement from the instructor pro-
50 viding private instruction or instruction in a

Page 3

1 nonpublic school to submit the child to an appropriate
2 battery of nationally recognized standardized tests at
3 least twice during the school year. In the case of a
4 nonpublic school, the parent or guardian of each child
5 enrolled must also provide the agreement. The
6 department shall select and make a list available to
7 the person providing private instruction or
8 instruction in a nonpublic school of appropriate tests
9 and such person shall select the test from such list
10 to be administered to the child. The tests shall be
11 administered by the superintendent or designee of the
12 local school district at a neutral site or at the
13 local school district. The child may be submitted to
14 additional testing after five days' notice from the
15 board of directors of the local school district if the
16 child is not making satisfactory progress. The
17 additional testing shall be based on the appropriate
18 weekly lesson plans scheduled for the child pursuant
19 to section 299B.5, subsection 1.

20 Sec. 5. NEW SECTION. 299B.5 ENROLLMENT.
21 The person having the control of a child over seven

22 and under sixteen years of age who is not enrolled in
23 a public or accredited nonpublic school shall enroll
24 the child in a home instruction assistance program
25 pursuant to section 299B.4. By September 1 of each
26 year the person shall apply to the department to
27 provide private instruction or to provide instruction
28 in a nonpublic school, agree to the requirements in
29 section 299B.4, and shall provide the department and
30 the local school district with the following:

31 1. By September 1 and December 30 or at the
32 beginning of each semester or trimester, a curriculum
33 and weekly lesson plans for the appropriate semester
34 that reflect chapter 280 and related rules, or notify
35 the district that the person will use the curriculum
36 and lesson plans provided by the district.

37 2. Evidence that the person has a high school
38 diploma or a high school equivalency diploma. If the
39 person is to be an instructor in a nonpublic school,
40 the person must have a bachelors degree from a four-
41 year institution of higher education.

42 3. An assessment report of the child's or each
43 child's progress in each subject taught pursuant to
44 subsection 1.

45 4. An affidavit indicating the reasons the person
46 is providing private instruction for the child or
47 placing the child to obtain instruction in a nonpublic
48 school and eliminating the local school district and
49 the state from liability and responsibility for the
50 child's educational attainment.

Page 4

1 Sec. 6. NEW SECTION. 299B.6 DEPARTMENT DUTIES.

2 The department shall:

3 1. Make a determination on all requests for
4 private instruction or instruction in a nonpublic
5 school through a home instruction assistance program
6 based on compliance with sections 299B.4 and 299B.5
7 and rules adopted by the state board of education.

8 2. With approval by the state board of education,
9 adopt rules pursuant to chapter 17A to enforce this
10 chapter and to identify compliance. The rules shall
11 emphasize student achievement test scores and evidence
12 of academic progress. The rules shall also provide a
13 process for altering the determination to permit
14 participation in private instruction or instruction in
15 a nonpublic school through a home instruction
16 assistance program based on noncompliance with
17 sections 299B.4 and 299B.5 and rules adopted by the
18 state board of education which would require a child

19 to be enrolled in a public school or accredited
 20 nonpublic school.
 21 Sec. 7. NEW SECTION. 299B.7 OTHERWISE NOT
 22 QUALIFIED.
 23 An instructor who is approved to provide private
 24 instruction or to provide instruction in a nonpublic
 25 school pursuant to section 299B.6 but does not hold a
 26 teacher's certificate issued by the state board of
 27 education is not a certified teacher.
 28 Sec. 8. The department of education shall monitor
 29 implementation and effectiveness of this chapter and
 30 submit to the general assembly, in January 1990, a
 31 report regarding the success of private instruction
 32 through a home instruction assistance program and a
 33 recommendation whether such programs should be
 34 continued.
 35 Sec. 9. NEW SECTION. 299B.9 REPEAL.
 36 This chapter is repealed July 1, 1990."
 37 2. Title page, line 1, by inserting after the
 38 word "instruction" the following: "and instruction in
 39 nonpublic schools".

WALLY HORN

S-3807

1 Amend the amendment, S-3770, to House File 631 as
 2 amended, passed, and reprinted by the House as
 3 follows:
 4 1. Page 5, line 4, by striking the word "may" and
 5 inserting the following: "shall".
 6 2. Page 5, line 7, by striking the word "input"
 7 and inserting the following: "comment".

PATRICK J. DELUHERY
 HURLEY W. HALL
 BERL E. PRIEBE

S-3808

1 Amend the House amendment, S-3652, to Senate File
 2 282, as amended, passed, and reprinted by the Senate,
 3 as follows:
 4 1. Page 2, by inserting after line 16 the
 5 following:
 6 "____. Page 4, by inserting after line 1 the
 7 following:
 8 "Sec. ____ . Section 809.21, Code 1987, is amended

9 by adding the following new unnumbered paragraph:
10 NEW UNNUMBERED PARAGRAPH. Notwithstanding chapter
11 25A, the state of Iowa and employees of the state are
12 not liable for a claim arising from the retention,
13 sale, gift, or transfer of property pursuant to this
14 section.””
15 2. By renumbering as necessary.

DONALD V. DOYLE

S-3809

1 Amend the amendment, S-3770, to House File 631, as
2 amended, passed, and reprinted by the House, as
3 follows:
4 1. Page 4, line 14, by inserting after the word
5 “following:” the following: “The secretary shall
6 adopt by rule exceptions to the minimum fee if the
7 secretary determines that a particular pesticide,
8 including but not limited to animal health products,
9 rodenticides, and premise disinfectants, does not
10 contaminant the groundwater. If such a determination
11 is made, a registrant shall pay a fee of twenty
12 dollars for deposit in the pesticide fund.”
13 2. Page 4, line 16, by inserting after the word
14 “levied” the following: “for pesticides determined to
15 contaminate the groundwater”.

LEONARD L. BOSWELL

S-3810

1 Amend House File 631 as amended, passed and
2 reprinted by the House as follows:
3 1. Page 32, by inserting after line 5 the
4 following:
5 “Sec. ____ . Section 455B.187, Code 1987, is amended
6 by adding the following new unnumbered paragraph:
7 NEW UNNUMBERED PARAGRAPH. In the case of property
8 owned by a state agency, a person shall not drill for
9 or construct a new water well without first
10 registering with the department the existence of any
11 abandoned wells on the property. The department shall
12 develop a prioritized closure program and time frame
13 for the completion of the program, and shall adopt
14 rules to implement the program.”
15 2. By renumbering as necessary.

HURLEY W. HALL
JACK W. HESTER

BERL E. PRIEBE
PATRICK J. DELUHERY

HOUSE AMENDMENT TO
SENATE FILE 333

S-3811

- 1 Amend Senate File 333, as amended, passed and
2 reprinted by the Senate as follows:
- 3 1. Page 1, line 5, by inserting after the word
4 "students" the following: "enrolled in kindergarten
5 through grade twelve and".
- 6 2. Page 1, line 6, by striking the word "and".
- 7 3. Page 1, line 7, by inserting after the word
8 "schools" the following: ", institutions of higher
9 education under the state board of regents, and
10 independent colleges and universities in elementary
11 and secondary school classes and courses".
- 12 4. Page 1, by striking lines 27 through 32 and
13 inserting the following:
14 "The rules shall provide that telecommunications
15 shall not be used by school districts as the exclusive
16 means to provide curriculum which is required by the
17 minimum educational standards for approval or
18 accreditation."
- 19 5. Page 2, by striking line 14 and inserting the
20 following: "and includes".
- 21 6. Page 2, by striking lines 16 and 17 and
22 inserting the following:
23 **"NEW SUBSECTION. 9. Develop evaluation procedures**
24 **that will measure the effects of instruction".**
- 25 7. Page 2, by striking line 27 and inserting the
26 following: "developing these procedures."
- 27 8. Page 2, by striking lines 28 and 29 and
28 inserting the following:
29 **"Sec. ____ . NEW SECTION. 279.46 PARTICIPATION BY**
30 **SCHOOL DISTRICTS IN DATA BASE DEVELOPMENT."**
- 31 9. By striking page 2, line 32, through page 3,
32 line 3, and inserting the following: "in procedures
33 adopted by the state board of education under section
34 256.7, subsection 9."
- 35 10. Page 3, line 34, by inserting after the word
36 "plans." the following: "The department shall give
37 priority in awarding grants under this section to
38 applications submitted jointly by eligible recipients

39 of grants.”

40 11. Page 4, line 2, by striking the words “rules
41 under chapter 17A” and inserting the following:
42 “policies and procedures”.

43 12. Page 4, line 4, by striking the word “rules”
44 and inserting the following: “policies and
45 procedures”.

46 13. Page 4, line 5, by striking the word “rules”
47 and inserting the following: “policies and
48 procedures”.

49 14. Page 4, by inserting after line 7 the
50 following:

Page 2

1 “Sec. ____ . Section 280A.23, Code 1987, is amended
2 by adding the following new subsection:

3 NEW SUBSECTION. 13. Adopt policies and procedures
4 for the use of telecommunications as an instructional
5 tool at the area school. The policies and procedures
6 shall include but not be limited to policies and
7 procedures relating to programs, educational policy,
8 practices, staff development, use of pilot projects,
9 and the instructional application of the technology.”

10 15. By numbering and renumbering sections as
11 necessary.

S-3812

1 Amend House File 631 as amended, passed and
2 reprinted by the House as follows:

3 1. Page 32, by inserting after line 5 the
4 following:

5 “____ . Notwithstanding the prohibitions of section
6 455B.267, subsection 4, an owner of an agricultural
7 drainage well may raise the tile or make
8 improvements to an agricultural drainage well upon the
9 approval of the county board of supervisors which has
10 jurisdiction over the property on which the
11 agricultural drainage well is located. If approval is
12 granted to an owner for tile raising or improvements
13 to an agricultural drainage well, the county board of
14 supervisors granting the approval shall notify the
15 department of agriculture and land stewardship and the
16 department of natural resources of the approval within
17 thirty days of the decision.”

BERL PRIEBE

S-3813

1 Amend the amendment, S-3775, to House File 599 as
2 amended, passed, and reprinted by the House, as
3 follows:
4 1. Page 2, by inserting after line 3 the fol-
5 lowing:
6 "___ . Page 6, by inserting after line 13 the
7 following:
8 "The notice shall contain the following in capital
9 letters of the same type or print size as the rest of
10 the notice:
11 WITHIN THIRTY DAYS AFTER YOUR RECEIPT OF THIS
12 NOTICE, YOU MUST EITHER CURE THE DEFAULTS DESCRIBED IN
13 THIS NOTICE OR FILE WITH THE RECORDER OF THE COUNTY
14 WHERE THE MORTGAGED PROPERTY IS LOCATED A REJECTION
15 OF
16 THIS NOTICE AND SERVE A COPY OF YOUR REJECTION ON THE
17 MORTGAGEE IN THE MANNER PROVIDED BY THE RULES OF CIVIL
18 PROCEDURE FOR SERVICE OF ORIGINAL NOTICES. IF YOU
19 WISH TO REJECT THIS NOTICE, YOU SHOULD CONSULT AN
20 ATTORNEY AS TO THE PROPER MANNER TO MAKE THE
21 REJECTION.
22 IF YOU DO NOT TAKE EITHER OF THE ACTIONS DESCRIBED
23 ABOVE WITHIN THE THIRTY-DAY PERIOD, THE FORECLOSURE
24 WILL BE COMPLETE AND YOU WILL LOSE TITLE TO THE
25 MORTGAGED PROPERTY. AFTER THE FORECLOSURE IS COMPLETE
26 THE DEBT SECURED BY THE MORTGAGED PROPERTY WILL BE
EXTINGUISHED."

RICHARD VARN
DONALD V. DOYLE
RAY TAYLOR

S-3814

1 Amend the amendment, S-3781, to House File 567, as
2 amended, passed, and reprinted by the House as
3 follows:
4 1. Page 1, by striking lines 9 through 14 and
5 inserting the following: "are provided in the report;
6 and provided further that no hearsay evidence".
7 2. Page 1, line 18, by striking the words "or
8 recommendations".
9 3. Page 1, by inserting after line 22 the
10 following:
11 "___ . Page 1, by inserting after line 15 the
12 following:

13 "The provisions of this subsection regarding
 14 inadmissibility of evidence do not apply to written
 15 reports of volunteer officers of the court appointed
 16 by the court."

17 4. Page 1, by striking lines 33 through 37 and
 18 inserting the following: "report; and provided
 19 further that".

20 5. Page 1, line 42, by striking the words "or
 21 recommendations".

22 6. Page 1, line 46, by inserting after the word
 23 "conditions," the following: "The provisions of this
 24 subsection regarding inadmissibility of evidence do
 25 not apply to written reports of volunteer officers of
 26 the court appointed by the court."

RICHARD VARN

S-3815

1 Amend the House amendment, S-3730, to Senate File
 2 139 as amended, passed and reprinted by the Senate as
 3 follows:

4 1. Page 2, by inserting after line 46 the
 5 following:

6 " . Page 3, by inserting after line 18 the
 7 following:

8 "Sec. . NEW SECTION. 404A.1 SHORT TITLE.

9 This chapter may be cited as the "Enterprise Zone
 10 Act".

11 Sec. . NEW SECTION. 404A.2 STATEMENT OF
 12 PURPOSE AND OBJECTIVE.

13 The general assembly finds and declares that the
 14 creation of enterprise zones are public purposes as
 15 described in chapter 15A and that the health, safety,
 16 and welfare of the people of this state are dependent
 17 upon the continual encouragement, development, growth,
 18 and expansion of the private sector within the state.
 19 There are certain depressed areas in this state that
 20 need the particular attention of government to help
 21 attract private sector investment into these areas.
 22 Therefore, it is declared to be the purpose and
 23 objective of this chapter to stimulate business and
 24 industrial growth, stimulate job creation and
 25 retention, develop public and private partnerships to
 26 create a favorable business climate, encourage new
 27 private investment, and stimulate neighborhood
 28 revitalization in the depressed areas of this state by
 29 means of tax incentives, financial assistance, and
 30 relaxed governmental controls in those areas.

31 Sec. ____ . NEW SECTION. 404A.3 DEFINITIONS.

32 As used in this chapter unless the context
33 otherwise requires:

34 1. "Department" means the Iowa department of
35 economic development.

36 2. "Enterprise zone" means an area declared by the
37 department to be eligible for the benefits of this
38 chapter.

39 3. "Designating jurisdiction" means the city,
40 county, or counties that apply for the designation of
41 an area or whose area has been designated as an
42 enterprise zone.

43 4. "Eligible business" means a business meeting
44 the conditions of section 404A.9.

45 Sec. ____ . NEW SECTION. 404A.4 POWERS AND DUTIES
46 OF THE DEPARTMENT.

47 The department shall administer this chapter and
48 shall:

49 1. Establish criteria for determining what areas
50 qualify as enterprise zones.

Page 2

1 2. Establish minimum guidelines regarding zoning,
2 health, structural safety, and pollution for
3 enterprise zones.

4 3. Monitor the implementation and operation of
5 this chapter.

6 4. Conduct a continuing evaluation program of
7 enterprise zones.

8 5. Assist units of local government in obtaining
9 demonstration project status and assistance from the
10 federal government within the enterprise zones.

11 6. Submit reports evaluating the effectiveness of
12 the program and any suggestions for legislation to the
13 governor and the general assembly by February 1 of
14 each year.

15 7. Adopt rules and prescribe procedures to
16 effectuate the purposes of this chapter.

17 Sec. ____ . NEW SECTION. 404A.5 ELIGIBILITY
18 CRITERIA.

19 The department in establishing criteria for
20 determining what areas qualify as enterprise zones
21 shall require, in addition to other criteria it may
22 establish, that an area meets the conditions of
23 subsections 1 and 2 and the designating jurisdiction
24 will offer the incentives in subsection 3.

25 1. The area must have at least one of the
26 following:

27 a. An inordinately large number of vacant or

28 underutilized lands or buildings.

29 b. At least fifteen percent of the residential
30 housing units within the area which are substandard
31 based on the latest data collected by the United
32 States bureau of the census.

33 c. A decline in the total market value of the
34 commercial and industrial property in the area over
35 three of the preceding five years or the total market
36 value of all property in the area over the preceding
37 three-year period.

38 2. The area must have at least one of the fol-
39 lowing:

40 a. An annual average unemployment rate in the
41 area, as derived from the most recent federal census,
42 of at least one hundred fifty percent of the national
43 average.

44 b. A poverty rate of twenty percent or more for
45 each census tract, minor civil division, or census
46 county division, as determined by the most recent
47 federal census.

48 c. At least seventy percent of the households in
49 the area with incomes below eighty percent of the
50 median income of the households in the designating

Page 3

1 jurisdiction.

2 d. A decrease in the population of the area of at
3 least twenty percent between the two most recent
4 federal censuses, as determined by those two most
5 recent federal censuses.

6 3. The designating jurisdiction shall offer all of
7 the following to eligible businesses within the area
8 if the area is designated an enterprise zone:

9 a. Special incentive rates for providing water,
10 sewer, electricity, gas, garbage collection, and other
11 forms of public utilities.

12 b. Waiver, in each jurisdiction in which the zone
13 is located, of local building permits, zoning
14 requirements, and local fees required to operate the
15 business.

16 4. The designating jurisdiction may grant a
17 partial exemption from taxation of the actual value
18 added by improvements to real property used in the
19 operations of an eligible business located within the
20 zone. The exemption shall only apply to that portion
21 of the taxes levied for the designating jurisdiction.
22 The exemption may apply to taxes levied for any of the
23 other taxing jurisdictions in which the property is
24 located provided the governing body of the other

25 taxing district agrees to the exemption. The
26 exemption shall be for at least three years but for
27 not more than five years. A renewal of the exemption
28 may be granted for a period not to exceed five years.
29 Before the exemption or renewal may be granted, the
30 eligible business must supply information as may be
31 required to show why it needs the exemption. The
32 eligible business shall sign a statement, under
33 penalty of perjury, that the information provided is
34 accurate to the extent known or could be known by the
35 eligible business. The amount of the exemption shall
36 be a percentage set by the designating jurisdiction of
37 the actual value added by the improvement for the
38 first year the improvement is assessed for taxation
39 and for each year thereafter the exemption percentage
40 set by the designating jurisdiction may be the same or
41 a lesser amount. For purposes of this paragraph,
42 "improvements" includes the rehabilitation of and
43 additions to existing structures as well as new
44 construction on vacant land or on land with existing
45 structures which were started during the period the
46 area was designated an enterprise zone.

47 Sec. ____ . NEW SECTION. 404A.6 APPLICATIONS FOR
48 DESIGNATION OF ENTERPRISE ZONES.

49 A city or county may designate an area within its
50 jurisdiction as eligible to be an enterprise zone.

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1 Two or more counties may designate an area which is
2 astride their common boundaries as eligible to be an
3 enterprise zone. However, if a county seeks to
4 designate an area within a city as an enterprise zone,
5 the county must first receive the written consent of
6 the governing body of the city. The city, county, or
7 counties jointly, where appropriate, shall designate
8 an area as eligible by passing an ordinance that
9 designates the area as eligible to be an enterprise
10 zone. The ordinance shall include a description of
11 the area designated and the tax incentives and other
12 benefits to be offered to eligible businesses in that
13 area. Before passage of the ordinance a public
14 hearing shall be held within the area. A county's
15 public hearing may be held at the same time and same
16 place as the city's. After passage of the ordinance,
17 the city, county, or counties jointly, where
18 appropriate, may then make written application to the
19 department to have the area declared to be an enter-
20 prise zone. The application shall include the
21 following:

22 1. A description of the location of the area in
23 question.
24 2. A description of the input, assistance,
25 resources, and commitments which public and private
26 sector entities provided in the development of the
27 application and will provide in the implementation of
28 the zone.
29 3. A description of local social and economic
30 conditions and trends that impact economic development
31 including, but not limited to:
32 a. Areas or sectors of recent local and zone area
33 growth, such as types of commercial activity or new
34 industries.
35 b. Areas or sectors of recent local and zone area
36 decline. Describe the most significant layoffs, plant
37 closings, and estimated jobs lost over the last three
38 years and the expectations for recovery or for
39 stability.
40 c. Types of industries that the area may be
41 heavily dependent on and that are currently in periods
42 of significant change or that are highly subject to
43 regional or national business cycles.
44 d. Resources available to stimulate economic
45 development, such as people, expertise, money,
46 facilities, market assets, training and education
47 programs, technical assistance related to financial
48 packaging, and marketing, for entrepreneurs, small
49 businesses, and businesses owned by women and
50 minorities.

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1 e. Characteristics of the community, including
2 local government fiscal stability, local policy
3 choices, and bonding authority.
4 f. Locational factors.
5 4. An assessment of the quality of public services
6 and infrastructure necessary for the economic vitality
7 of the area including, but not limited to:
8 a. Security and police services.
9 b. Land use planning.
10 c. Transportation.
11 d. Street maintenance.
12 e. Parks and recreation.
13 f. Utility services.
14 g. Medical and hospital services.
15 h. Fire protection.
16 i. Flood control.
17 j. Solid waste disposal.
18 k. Child care services.

19 1. Financing.

20 5. Other information required by the department.

21 The application may also request the department to
22 apply to the appropriate federal agency for foreign
23 trade zone status for the area if it is designated an
24 enterprise zone.

25 Sec. ____ . NEW SECTION. 404A.7 REVIEW OF
26 APPLICATIONS.

27 1. Upon receipt of an application from a
28 designating jurisdiction, the department shall review
29 the application and secure additional information it
30 deems necessary for the purpose of determining whether
31 the area described in the application qualifies to be
32 declared an enterprise zone. If the area qualifies,
33 the department shall designate it as an enterprise
34 zone. However, the department shall not designate
35 more than two areas in a county as enterprise zones.
36 An enterprise zone which encompasses two or more
37 counties is counted as one enterprise zone in each of
38 those counties.

39 2. If the department denies the application, it
40 shall inform the designating jurisdiction of that fact
41 along with the reasons for the denial.

42 3. If the application has requested the department
43 to seek foreign trade zone status for the area, then
44 upon designation of the area as an enterprise zone,
45 the department shall apply to the appropriate federal
46 agency for designation as a foreign trade zone. The
47 department may establish criteria which it will use to
48 determine which enterprise zones may seek foreign
49 trade zone status.

50 4. An area designated as an enterprise zone shall

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1 remain an enterprise zone for seven years from the
2 date of designation.

3 Sec. ____ . NEW SECTION. 404A.8 MONITORING OF
4 ZONE.

5 As part of the department's duty to monitor the im-
6 plementation and operation of this chapter, the
7 following apply:

8 1. The department shall require an annual report
9 be filed by the designating jurisdiction with the
10 department during the first quarter of each calendar
11 year, except when designation of the area as an
12 enterprise zone occurred less than twelve months prior
13 to the first day of the first three-month period in
14 which case the governing authority shall submit the
15 report during the first quarter of the following

16 calendar year.

17 2. The report shall include:

18 a. A review of improvements to residential and
19 commercial structures.

20 b. A review of improvements or expansions to
21 infrastructure.

22 c. An update on crime statistics.

23 d. A list of newly established businesses,
24 employment created, and local incentives established.

25 e. A progress report describing efforts set forth
26 in the application under section 404A.6, subsection 2.

27 f. A narrative outlining the effect of zone desig-
28 nation on the social and economic environment.

29 g. A description from the local assessor of the
30 effects on the property tax base as a result of tax
31 benefits granted under this chapter.

32 h. Additional information the department
33 determines necessary for monitoring procedures.

34 3. A field review to be conducted at the
35 discretion of the department. The review shall
36 include analysis of plan implementation and related
37 enterprise zone activities.

38 Sec. ____ . NEW SECTION. 404A.9 ELIGIBLE BUSINESS.

39 A business with operations or facilities within an
40 enterprise zone is eligible to receive the benefits
41 provided in sections 404A.10 through 404A.13 if the
42 following conditions apply:

43 1. The designating jurisdiction has approved the
44 startup or expansion of the business within the
45 enterprise zone for purposes of receiving the benefits
46 of this chapter.

47 2. The business has not closed or substantially
48 reduced its operation in one area of the state of Iowa
49 and relocated substantially the same operation in the
50 zone. This subsection does not prohibit a business

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1 from expanding its operations in the zone if existing
2 operations of a similar nature in the state of Iowa
3 are not closed or substantially reduced.

4 3. The department, in consultation with the
5 designating jurisdiction, concludes that the business
6 with operations or facilities in the zone will not
7 receive an unfair advantage over its competitors as a
8 result of benefits received under this chapter.

9 Sec. ____ . NEW SECTION. 404A.10 INCOME TAX CREDIT
10 -- NEW JOBS.

11 An eligible business is entitled to an income tax
12 credit for the first tax year commencing after either

13 the designation of the area as an enterprise zone or
14 the location of the business entity in the enterprise
15 zone, whichever is the later, equal to one thousand
16 dollars for each new job added within the area during
17 the period beginning with the date of the designation
18 of the area as an enterprise zone and ending with the
19 final day of the tax year. An individual may claim
20 the income tax credit allowed a partnership,
21 subchapter S corporation, or estate or trust electing
22 to have the income taxed directly to the individual.
23 The amount claimed by the individual shall be based
24 upon the pro rata share of the individual's earnings
25 of the partnership, subchapter S corporation, or
26 estate or trust. Any credit in excess of the tax
27 liability for the tax year may be credited to the tax
28 liability for the following ten tax years or until
29 depleted, whichever occurs earlier. For purposes of
30 this section, "new job" means a full-time job in a new
31 or expanding business but does not include jobs of
32 recalled workers, replacement jobs, or other jobs that
33 formerly existed in the business in the state of Iowa.
34 Sec. ____ . NEW SECTION. 404A.11 INVESTMENT TAX
35 CREDIT.

36 An eligible business is entitled to an income tax
37 credit for the first tax year commencing after either
38 the designation of the area as an enterprise zone, or
39 the location of the business entity in the enterprise
40 zone, whichever is the later, equal to five percent of
41 the first one hundred thousand dollars of new
42 investment made within the area during the period
43 beginning with the date of the designation of the area
44 as an enterprise zone and ending with the final day of
45 the tax year. An individual may claim the tax credit
46 allowed a partnership, subchapter S corporation, or
47 estate or trust electing to have the income taxed
48 directly to the individual. The amount claimed by the
49 individual shall be based upon the pro rata share of
50 the individual's earnings of a partnership, subchapter

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1 S corporation, or estate or trust. Any credit in
2 excess of the tax liability for the tax year may be
3 credited to the tax liability for the following ten
4 tax years or until depleted, whichever occurs earlier.
5 For purposes of this section, "new investment" means
6 the cost of improvements made to real property located
7 within the zone which is used in the operation of the
8 business and which receives or would be eligible to
9 receive, but for the designating jurisdiction's

10 decision not to grant, a partial property tax
11 exemption for the actual value added under section
12 404A.5, subsection 4, and the cost of machinery and
13 equipment purchased, during the time the area is an
14 enterprise zone, for use in the zone in the operation
15 of the business, the sales price of which is
16 depreciated in accordance with generally accepted
17 accounting practices.

18 Sec. ____ . NEW SECTION. 404A.12 SALES TAX REFUND
19 -- MACHINERY AND EQUIPMENT.

20 An eligible business that purchases for use in the
21 enterprise zone in the operation of the business,
22 during the time the area is an enterprise zone,
23 machinery or equipment, the sales price of which is
24 depreciated in accordance with generally accepted
25 accounting practices, is entitled to a refund of state
26 gross receipts tax paid under division IV of chapter
27 422 or chapter 423 on the purchase or use of the
28 machinery or equipment. To receive the refund a claim
29 must be filed with the department of revenue and
30 finance not later than six months after the machinery
31 or equipment is first used in the operation of the
32 business in the enterprise zone. However, a claim
33 filed later than two years after the purchase of the
34 machinery or equipment is not entitled to payment. A
35 claim shall be filed on forms provided by the
36 department of revenue and finance and a receipt or
37 other evidence that the gross receipts tax has been
38 paid shall be attached to the forms. Any tax paid on
39 industrial machinery and equipment within the scope of
40 section 427A.1, subsection 1, paragraphs "h" and "i"
41 are not eligible for the refund.

42 Sec. ____ . NEW SECTION. 404A.13 SALES TAX REFUND
43 -- CONSTRUCTION MATERIALS.

44 An eligible business that makes improvements to
45 real property located in an enterprise zone is
46 entitled to a refund of the state gross receipts tax
47 paid under division IV of chapter 422 or under chapter
48 423 on the purchase or use of the materials used in
49 making the improvements if the real property is used
50 in the operations of the business and the actual value

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1 added by the improvements is partially exempt or would
2 be partially exempt, but for the designating
3 jurisdiction's decision not to grant an exemption,
4 from property taxation under section 404A.5,
5 subsection 4. To receive the refund a claim must be
6 filed with the department of revenue and finance not

7 later than six months after completion of the im-
8 provements or if the materials are purchased or used
9 by a contractor under a written contract then not
10 later than six months after final settlement of the
11 contract has been made. The contractor shall provide
12 a statement to the business listing the gross receipts
13 tax paid for which a claim may be filed under this
14 section. A contractor who willfully makes a false
15 report on the amount of gross receipts tax paid is
16 guilty of a simple misdemeanor and is liable for the
17 payment of the tax with penalty and interest.

18 Sec. ____ . Section 7B.3, Code 1987, is amended by
19 adding the following new subsection:

20 NEW SUBSECTION. Give preference in providing ser-
21 vices and awarding grants that will benefit enterprise
22 zones, as defined in section 404A.3.

23 Sec. ____ . Section 8.41, subsection 1, Code 1987,
24 is amended to read as follows:

25 1. Commencing with the fiscal year beginning July
26 1, 1981, federal funds received in the form of block
27 grants shall be deposited in a special fund in the
28 state treasury and are subject to appropriation by the
29 general assembly upon a recommendation by the
30 governor. In determining a general fund balance, the
31 federal funds deposited in the special fund shall not
32 be included, but shall remain segregated in the
33 special fund until appropriated by the general
34 assembly. In making an appropriation from the special
35 fund of federal funds received as a community
36 development block grant, the general assembly shall
37 give preference to communities with enterprise zones,
38 as defined in section 404A.3.

39 Sec. ____ . Section 28.88, subsection 1, Code 1987,
40 is amended by adding the following new lettered
41 paragraph:

42 NEW LETTERED PARAGRAPH. h. Whether the applicant
43 is located in an enterprise zone, as defined in
44 section 404A.3. This information shall be used to
45 provide a preference for financial aid to an applicant
46 located in an enterprise zone although the location in
47 an enterprise zone is not a requirement for financial
48 aid.

49 Sec. ____ . Section 220.64, Code 1987, is amended by
50 adding the following new subsection:

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1 NEW SUBSECTION. Whether the small business is
2 located in an enterprise zone as defined in section
3 404A.3. This criterion shall be used to provide a
4 preference for loans to small businesses located in
5 enterprise zones although the location in an
6 enterprise zone is not a requirement for a loan.

7 Sec. ____ . Section 315.3, subsection 1, paragraph
8 a, Code 1987, is amended to read as follows:

9 a. Improving or maintaining highway access to
10 specific development sites, including existing and
11 future industrial locations and enterprise zones, as
12 defined in section 404A.3.

13 Sec. ____ . Section 315.5, Code 1987, is amended to
14 read as follows:

15 315.5 ADMINISTRATION OF FUND.

16 Qualifying road and street projects shall be
17 selected by the state transportation commission for
18 full or partial financing from the fund after
19 consultation with organizations representing interests
20 of counties and cities. Counties and cities may make
21 application for qualifying road and street projects
22 with the department. In ranking applications for
23 funds, the department shall, in addition to effects
24 listed in section 315.3, subsection 1, consider the
25 proportion of political subdivision matching funds to
26 be provided, if any, the proportion of private
27 contributions to be provided, if any, the total number
28 of jobs to be created, the level of need, if an
29 enterprise zone, as defined in section 404A.3, will be
30 benefited, and the impact of the proposed project on
31 the economy of the area affected. The proportion of
32 funding shall be determined by the department or, in
33 the case of cooperative projects, by agreement between
34 the department and the city councils of participating
35 cities, or boards of supervisors of participating
36 counties, or other participating public agencies or
37 private parties.

38 Sec. ____ . NEW SECTION. 422.11B ENTERPRISE ZONE
39 CREDITS.

40 The taxes imposed under this division shall be
41 reduced by the following:

42 1. The new jobs tax credit as provided in section
43 404A.10. However, the taxpayer shall not receive both
44 the tax credit provided in section 404A.10 and section
45 422.11A for the same new jobs.

46 2. The investment tax credit as provided in
47 section 404A.11.

48 Sec. ____ . Section 422.33, Code 1987, is amended by
49 adding the following new subsection:

50 NEW SUBSECTION. The taxes imposed under this

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1 division shall be reduced by the following:

2 a. The new jobs tax credit as provided in section
3 404A.10. However, the taxpayer shall not receive both
4 the tax credit provided in section 404A.10 and
5 subsection 7 of this section for the same new jobs.

6 b. The investment tax credit as provided in
7 section 404A.11.

8 Sec. ____ . Section 422.47, Code 1987, is amended by
9 adding the following new subsection:

10 **NEW SUBSECTION.** Refunds may be claimed as provided
11 in section 404A.12 for machinery and equipment and in
12 section 404A.13 for construction materials.””

13 2. By renumbering as necessary.

EDGAR H. HOLDEN

S-3816

1 Amend House File 567 as amended, passed and
2 reprinted by the House as follows:

3 1. Page 10, by inserting after line 15 the
4 following:

5 “Sec. ____ . Section 598.35, Code 1987, is amended
6 to read as follows:

7 598.35 GRANDPARENTS VISITATION RIGHTS.

8 The ~~grandparents~~ grandparent of a child may
9 petition the district court for grandchild visitation
10 rights when any of the following circumstances occur:

11 1. The parents of the child are divorced; ~~or,~~

12 2. A petition for dissolution of marriage has been
13 filed by one of the parents of the child; ~~or,~~

14 3. The parent of the child, who is the child of
15 the ~~grandparents~~ grandparent, has died; ~~or,~~

16 4. The child has been placed in a foster home.

17 5. The parents of the child are divorced, and the
18 parent who is not the child of the grandparent has
19 legal custody of the child, and the spouse of the
20 child's custodial parent has been issued a final
21 adoption decree pursuant to section 600.13.

22 6. The paternity of a child born out of wedlock is
23 judicially established and the grandparent of the
24 child is the parent of the father of the child and the
25 mother of the child has custody of the child, or the
26 grandparent of a child born out of wedlock is the
27 parent of the mother of the child and custody has been
28 awarded to the father of the child.

29 A petition for grandchild visitation rights shall

30 be granted only upon a finding that the visitation is
31 in the best interests of the child and that the
32 grandparent had established a substantial relationship
33 with the child prior to the filing of the petition.
34 Sec. ____ . Section 600A.10, Code 1987, is
35 repealed.”
36 2. Title page, line 6, by inserting after the word
37 “rights” the following: “and for the granting of
38 grandparent visitation rights”.
39 3. By renumbering as necessary.

JULIA B. GENTLEMAN
DONALD V. DOYLE
DAVID READINGER
AL STURGEON
TOM MANN, Jr.
CALVIN HULTMAN
RICHARD DRAKE
JIM LIND
C. JOSEPH COLEMAN
WALLY HORN
JACK HESTER
PATRICK J. DELUHERY
RICHARD VARN
RAY TAYLOR
ROBERT CARR
EUGENE FRAISE
LEE HOLT
JOHN JENSEN
LINN FUHRMAN

S-3817

1 Amend House File 567 as amended, passed, and
2 reprinted by the House as follows:
3 1. Page 4, line 16, by striking the words “clear
4 and convincing” and inserting the following: “a
5 preponderance of the”.

ROBERT M. CARR
TOM MANN, Jr.
JULIA GENTELMAN

S-3818

1 Amend the amendment, S-3698, to House File 631, as
2 amended, passed, and reprinted by the House, as
3 follows:

- 4 1. By striking page 8, line 48 through page 9,
5 line 5 and inserting the following:
6 "____. By striking page 27, line 28 through page
7 28, line 29, and inserting the following:
8 "2. The agricultural resource management research
9 center is established at the Iowa State University of
10 science and technology. The center shall conduct and
11 sponsor research and education programs in conjunction
12 with the Iowa agriculture and home economics
13 experiment station and its outlying research centers
14 to improve the management of fertilizers and
15 pesticides, to develop management practices to reduce
16 nitrate and pesticide infiltration into groundwater,
17 to evaluate pesticide and fertilizer application
18 methods and their impact upon groundwater quality, and
19 to otherwise assist in the development of agricultural
20 practices designed to reduce negative environmental
21 impacts. The center may also conduct research and
22 assist in the development of agricultural practices
23 that are consistent with a sustainable agriculture.
24 The center shall solicit input from individuals;
25 federal, state and local agencies; and other
26 institutions and entities conducting similar research
27 and education activities so as to complement and
28 coordinate efforts.""
29 2. By renumbering as necessary.

HURLEY W. HALL

S-3819

1 Amend House File 518, as passed by the House, as
2 follows:

- 3 1. Page 4, line 28, by striking the words
4 "entitlement to the use of" and inserting in lieu
5 thereof the words "a leasehold interest in".
6 2. Page 4, line 33, by striking the words "use
7 of" and inserting in lieu thereof the word "lease".
8 3. Page 4, line 34, by striking the word
9 "entitlement" and inserting in lieu thereof the words
10 "leasehold interest".
11 4. Page 5, line 3, by striking the words "the use
12 of" and inserting in lieu thereof the word "lease".

RAY TAYLOR

S-3820

1 Amend Senate File 501 as follows:

2 1. Page 49, by inserting after line 3 the
3 following:

4 "Sec. ____ . Section 173.1, Code 1987, is amended by
5 striking the section and inserting in lieu thereof the
6 following:

7 173.1 STATE FAIR AUTHORITY.

8 The Iowa state fair authority is established as a
9 public instrumentality of the state. The authority is
10 not an agency of state government. However, the
11 authority is considered a state agency and its
12 employees state employees for the purposes of chapters
13 17A and 25A. The authority is established to conduct
14 an annual state fair and exposition on the Iowa state
15 fairgrounds and to conduct other interim events
16 consistent with its rules. The powers of the
17 authority are vested in the Iowa state fair board.

18 The Iowa state fair board consists of the following:

19 1. The governor of the state, the secretary of
20 agriculture, and the president of the Iowa State
21 University of science and technology or their
22 qualified representatives.

23 2. One director from each congressional district
24 and three directors at large, to be elected at a
25 convention as provided in section 173.2.

26 3. A president and vice president to be elected by
27 the state fair board from the nine elected directors.

28 4. A secretary and a treasurer to be elected by
29 the board, and who shall be nonvoting members.

30 Sec. ____ . Section 173.9, Code 1987, is amended by
31 striking the section and inserting in lieu thereof the
32 following:

33 173.9 SECRETARY.

34 The board shall appoint a secretary who shall hold
35 office for one year. The secretary shall:

36 1. Administer the policies set by the board.

37 2. Employ other employees and agents as the
38 secretary deems necessary for carrying out the
39 policies of the board and to conduct the affairs of
40 the state fair. The secretary may fix the duties and
41 compensation of any employees or agents with the
42 approval of the board.

43 3. Keep a complete record of the annual convention
44 and of all meetings of the board.

45 4. Draw all warrants on the treasurer of the board
46 and keep a correct account of them.

47 5. Perform other duties as the board directs.

48 Sec. ____ . Section 173.10, Code 1987, is amended to
49 read as follows:
50 173.10 SALARY OF SECRETARY.

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1 The secretary shall receive ~~such~~ the salary as
2 fixed by the ~~general assembly board~~.

3 Sec. ____ . Section 173.14, Code 1987, is amended by
4 striking the section and inserting in lieu thereof the
5 following:

6 173.14 FUNCTIONS OF THE BOARD.

7 The state fair board has the custody and control of
8 the state fairgrounds, including the buildings and
9 equipment on it belonging to the state, and may:

10 1. Hold an annual fair and exposition on those
11 grounds. All revenue generated by the fair and any
12 interim uses shall be retained solely by the board.

13 2. Prepare premium lists and establish rules of
14 exhibitors for the fair which shall be published by
15 the board not later than sixty days prior to the
16 opening of the fair.

17 3. Grant a written permit to persons as it deems
18 proper to sell fruit, provisions, and other lawful
19 articles under rules the board prescribes.

20 4. Appoint security personnel as the president
21 deems necessary.

22 5. Take and hold property by gift, devise, or
23 bequest for fair purposes. The president, secretary,
24 and treasurer of the board shall have custody and
25 control of the property, subject to the action of the
26 board. Those officers shall give bonds as required in
27 the case of executors, to be approved by the board and
28 filed with the secretary of state.

29 6. Erect and repair buildings on the grounds and
30 make other necessary improvements.

31 7. Grant written permission to persons to use the
32 fairgrounds when the fair is not in progress.

33 8. Take, acquire, hold, and dispose of property by
34 deed, gift, devise, bequest, lease, or eminent domain.
35 The title to real estate acquired under this
36 subsection and improvements erected on the real estate
37 shall be taken and held in the name of the state of
38 Iowa and shall be under the custody and control of the
39 board. In the exercise of the power of eminent domain
40 the board shall proceed in the manner provided in
41 chapters 471 and 472.

42 9. Solicit and accept contributions from private
43 sources for the purpose of financing and supporting
44 the fair.

45 10. Make an agreement with the Iowa highway safety
46 patrol to provide for security during the annual fair
47 and exposition and interim events.
48 Sec. ____ . NEW SECTION. 173.14A GENERAL CORPORATE
49 POWERS OF THE AUTHORITY.
50 The authority has all of the general corporate

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1 powers needed to carry out its purposes and duties,
2 and to exercise its specific powers including, but not
3 limited to, the power to:
4 1. Issue its negotiable bonds and notes as
5 provided in this chapter.
6 2. Sue and be sued in its own name.
7 3. Have and alter a corporate seal.
8 4. Make and alter bylaws for its management
9 consistent with this chapter.
10 5. Make and execute agreements, contracts, and
11 other instruments, with any public or private entity.
12 6. Accept appropriations, gifts, grants, loans, or
13 other aid from public or private entities.
14 7. Make, alter, and repeal rules consistent with
15 this chapter, subject to chapter 17A.
16 Sec. ____ . NEW SECTION. 173.14B BONDS AND NOTES.
17 1. The board may issue and sell negotiable revenue
18 bonds of the authority in denominations and amounts as
19 the board deems for the best interests of the fair,
20 for any of the following purposes:
21 a. To acquire real estate to be devoted to uses
22 for the fair.
23 b. To pay any expenses or costs incidental to a
24 building or repair project.
25 c. To provide sufficient funds for the advancement
26 of any of its corporate purposes.
27 2. The board may issue negotiable bonds and notes
28 of the authority in principal amounts which are
29 necessary to provide sufficient funds for achievement
30 of its corporate purposes, the payment of interest on
31 its bonds and notes, the establishment of reserves to
32 secure its bonds and notes, and all other expenditures
33 of the board incident to and necessary or convenient
34 to carry out its purposes and powers. However, the
35 total principal amount of bonds and notes outstanding
36 at any time shall not exceed one hundred fifty million
37 dollars. The bonds and notes are deemed to be
38 investment securities and negotiable instruments
39 within the meaning of and for all purposes of the
40 uniform commercial code.
41 3. Bonds and notes are payable solely out of the

42 moneys, assets, or revenues of the authority and as
43 provided in the agreement with bondholders or
44 noteholders pledging any particular moneys, assets, or
45 revenues. Bonds or notes are not an obligation of
46 this state or its political subdivisions other than
47 the authority within the meaning of any constitutional
48 or statutory debt limitations, but are special
49 obligations of the authority payable solely from
50 sources provided in this chapter, and the authority

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1 shall not pledge the credit or taxing power of this
2 state or its political subdivisions other than the
3 authority or make its debts payable out of any moneys
4 except those of the authority.
5 4. Bonds shall:
6 a. State the date and series of the issue, be
7 consecutively numbered, and state on their face that
8 they are payable both as to principal and interest
9 solely out of the assets of the authority and do not
10 constitute an indebtedness of this state or its
11 political subdivisions other than the authority within
12 the meaning of any constitutional or statutory debt
13 limit.
14 b. Be either registered, registered as to
15 principal only, or in coupon form, issued in
16 denominations as the board prescribes, fully
17 negotiable instruments under the laws of this state,
18 signed on behalf of the authority with the manual or
19 facsimile signature of the president or vice
20 president, attested by the manual or facsimile
21 signature of the secretary, have impressed or
22 imprinted on it the seal of the authority or facsimile
23 of it, and coupons attached shall be signed with the
24 facsimile signature of the president or vice
25 president, be payable as to interest at rates and at
26 times as the authority determines, be payable as to
27 principal at times over a period not to exceed fifty
28 years from the date of issuance, at places and with
29 reserved rights of prior redemption, as the board
30 prescribes, be sold at prices, at public or private
31 sale, and in a manner as the board prescribes, and the
32 board may pay all expenses, premiums, and commissions
33 which it deems necessary or advantageous in connection
34 with the issuance and sale; and be issued subject to
35 the terms, conditions, and covenant providing for the
36 payment of the principal, redemption premiums, if any,
37 interest, and other terms, conditions, covenants, and
38 protective provisions safeguarding payment, not

39 inconsistent with this chapter, as are found to be
40 necessary by the board for the most advantageous sale,
41 which may include, but are not limited to, covenants
42 with the holders of the bonds as to those matters set
43 forth in section 220.26, subsection 4, paragraph "b".
44 5. The board may issue bonds of the authority for
45 the purpose of refunding any bonds or notes of the
46 authority then outstanding, including the payment of
47 any redemption premiums and any interest accrued or to
48 accrue to the date of redemption of the outstanding
49 bonds or notes. Until the proceeds of the bonds
50 issued for the purpose of refunding outstanding bonds

Page 5

1 or notes are applied to the purchase or retirement of
2 outstanding bonds or notes or the redemption of
3 outstanding bonds or notes, the proceeds may be placed
4 in escrow and be invested and reinvested in accordance
5 with this chapter. The interest, income, and profits
6 earned or realized on an investment may also be
7 applied to the payment of the outstanding bonds or
8 notes to be refunded by purchase, retirement, or
9 redemption. After the terms of the escrow have been
10 fully satisfied and carried out, any balance of
11 proceeds and interest earned or realized on the
12 investments may be returned to the authority for use
13 by it in any lawful manner. All refunding bonds shall
14 be issued and secured and subject to this chapter in
15 the same manner and to the same extent as other bonds.
16 6. The board may issue negotiable bond
17 anticipation notes of the authority and may renew them
18 from time to time but the maximum maturity of the
19 notes, including renewals, shall not exceed ten years
20 from the date of issue of the original notes. Notes
21 are payable from any available moneys of the authority
22 not otherwise pledged or from the proceeds of the sale
23 of bonds in anticipation of which the notes were
24 issued. Notes may be issued for any corporate purpose
25 of the authority. Notes shall be issued in the same
26 manner as bonds and notes and the resolution of the
27 board may contain any provisions, conditions, or
28 limitations, not inconsistent with this subsection,
29 which the bonds or a bond resolution of the board may
30 contain. Notes may be sold at public or private sale.
31 In case of default on its notes or violation of any
32 obligations of the authority to the noteholders, the
33 noteholders have all the remedies provided in this
34 chapter for bondholders. Notes shall be as fully
35 negotiable as bonds of the authority.

36 7. A copy of each pledge agreement by or to the
37 authority, including without limitation each bond
38 resolution, indenture of trust, or similar agreement,
39 or any revisions or supplements to it shall be filed
40 with the secretary of state and no further filing or
41 other action under article 9 of the uniform commercial
42 code or any other law of the state is required to
43 perfect the security interest in the collateral or any
44 additions to it or substitutions for it, and the lien
45 and trust so created is binding from and after the
46 time it is made against all parties having claims of
47 any kind in tort, contract, or otherwise against the
48 pledgor.
49 8. Members of the board and any person executing
50 the authority's bonds, notes, or other obligations are

Page 6

1 not liable personally on the bonds, notes, or other
2 obligations or subject to personal liability or
3 accountability by reason of the issuance of the
4 authority's bonds or notes.
5 9. The board shall publish a notice of intention
6 to issue bonds or notes in a newspaper published and
7 of general circulation in the state. The notice shall
8 include a statement of the maximum amount of bonds or
9 notes proposed to be issued, and in general, what net
10 revenues will be pledged to pay the bonds or notes and
11 interest on them. An action shall not be brought
12 questioning the legality of the bonds or notes, the
13 power of the board to issue the bonds or notes, or the
14 legality of any proceedings in connection with the
15 authorization or issuance of the bonds or notes after
16 sixty days from the date of publication of the notice.
17 Sec. ____ . Section 173.16, Code 1987, is amended to
18 read as follows:
19 173.16 MAINTENANCE OF STATE FAIR.
20 All expenses incurred in maintaining the state
21 fairgrounds and in conducting the annual fair ~~thereon~~
22 on it, including the compensation and expenses of the
23 officers, members, and employees of the board, shall
24 be recorded by the secretary and paid from the state
25 fair receipts, unless a specific appropriation has
26 been provided for ~~such that~~ purpose. ~~An individual~~
27 ~~member of the state fair board shall not be personally~~
28 ~~liable because of any act performed or debt created by~~
29 ~~action of the board in carrying out the purposes and~~
30 ~~provisions of this chapter. The board may request~~
31 special capital improvement appropriations from the
32 state and may request emergency funding from the

33 executive council for natural disasters. The board
34 may request that the department of transportation
35 provide maintenance in accordance with section 307A.2,
36 subsection 11.

37 Sec. ____ . Section 173.21, unnumbered paragraph 1,
38 Code 1987, is amended to read as follows:

39 The state fair board shall file with the governor
40 each year at the time provided by law make by February
41 15 a report to the governor containing the following
42 information relative to the state fair and exposition
43 and the district and county fairs:

44 Sec. ____ . NEW SECTION. 173.23 LIEN ON PROPERTY.

45 The board has a prior lien upon the property of any
46 concessionaire, exhibitor, or person, immediately upon
47 the property being brought onto the grounds, to secure
48 existing or future indebtedness.

49 Sec. ____ . NEW SECTION. 173.24 INAPPLICABILITY OF
50 THE STATE MERIT SYSTEM.

Page 7

1 The fair's secretary and persons employed by the
2 board are not subject to the state merit system of
3 personnel administration of chapter 19A or the
4 collective bargaining provision of chapter 20.

5 Sec. ____ . NEW SECTION. 173.25 EXEMPTION OF STATE
6 FAIR BY THE STATE'S PURCHASING PROCEDURES.

7 The state fair is exempt from the state system of
8 uniform purchasing procedures. However, the board may
9 contract with the department of general services to
10 purchase any items through the state system. The
11 board shall adopt its own system of uniform standards
12 and specifications for purchasing.

13 Sec. ____ . NEW SECTION. 173.26 RETIREMENT SYSTEM.

14 A person who was an employee of the Iowa state fair
15 on the effective date of this Act, who becomes an
16 employee of the authority on or after that date is
17 subject to chapters 91B, 97B, and 509A."

18 2. Page 113, line 26, by inserting after the
19 figure "97A.11," the following: "173.20,"

20 3. Page 113, by inserting after line 28 the
21 following:

22 "Sec. ____ . STATE FAIR BOARD -- BONDS AND NOTES.

23 The Iowa state fair board shall conduct a study and
24 file its recommendations with the general assembly by
25 January 15, 1988. The study shall examine whether the
26 cultural and exposition objectives of the state fair
27 would, in the long term, be better served by a
28 relocation of the state fairgrounds and by the
29 development of more multipurpose buildings on a new or

- 30 the present fairgrounds.
- 31 Only fifteen million dollars of the bonds and notes
- 32 authorized by section 173.14B, as enacted in this Act,
- 33 may be issued before and by January 15, 1988."
- 34 4. By renumbering as necessary.

JOHN SOORHOLTZ
BERL PRIEBE
JACK RIFE
WILLIAM PALMER

S-3821

- 1 Amend Senate File 501 as follows:

DIVISION S—3821A

- 2 1. Page 16, by striking line 23 through page 17,
- 3 line 20.

DIVISION S—3821B

- 4 2. Page 17, by striking lines 21 through 26.

DIVISION S—3821A (cont'd.)

- 5 3. Page 17, by striking lines 34 and 35.
- 6 4. Page 45, by striking line 21 through page 48,
- 7 line 12.

JACK RIFE

S-3822

- 1 Amend amendment S-3765 to Senate File 501 as
- 2 follows:
- 3 1. Page 11, by striking lines 23 through 30.
- 4 2. Page 12, by striking line 2 through page 13,
- 5 line 9.

JACK RIFE

S-3823

- 1 Amend Senate File 511 as follows:
 2 1. Page 64, by striking line 4, and inserting the
 3 following: "full-time nonadministrative".
 4 2. Page 64, by striking lines 7 through 18 and
 5 inserting the following: "allocation shall be
 6 distributed to merged area schools as follows:
 7 a. Merged Area I \$ 134,454
 8 b. Merged Area II \$ 171,821
 9 c. Merged Area III \$ 127,785
 10 d. Merged Area IV \$ 47,919
 11 e. Merged Area V \$ 401,485
 12 f. Merged Area VI \$ 141,477
 13 g. Merged Area VII \$ 164,296
 14 h. Merged Area IX \$ 184,832
 15 i. Merged Area X \$ 278,390
 16 j. Merged Area XI \$ 966,727
 17 k. Merged Area XII \$ 114,094
 18 l. Merged Area XIII \$ 470,076
 19 m. Merged Area XIV \$ 54,765
 20 n. Merged Area XV \$ 134,631
 21 o. Merged Area XVI \$ 107,248".
 22 3. Page 64, line 20, by striking the word "and".
 23 4. Page 64, by striking line 21, and inserting
 24 the following: "nonadministrative employee and
 25 shall".

WALLY E. HORN
 CALVIN O. HULTMAN
 EMIL J. HUSAK
 MICHAEL E. GRONSTAL
 DAVID M. READINGER
 JACK NYSTROM
 LEONARD L. BOSWELL
 WILMER RENSINK

S-3824

- 1 Amend Senate 511 as follows:
 2 1. By striking page 80, line 1 through page 81,
 3 line 11.
 4 2. Page 82, by striking lines 5 through 7 and
 5 inserting the following: "their enactment."

JACK RIFE

S-3825

- 1 Amend Senate File 511 as follows:
- 2 1. Page 81, by striking lines 26 through 31.

MICHAEL E. GRONSTAL

S-3826

- 1 Amend House File 429 as amended, passed and
- 2 reprinted by the House as follows:
- 3 1. Page 1, line 30, by inserting after the word
- 4 "vehicle" the following: "if the owner was the actual
- 5 driver or had authorized its use".

TOM MANN, Jr.

S-3827

- 1 Amend House File 666, as passed by the House as
- 2 follows:
- 3 1. Page 1, line 13, by inserting after the word
- 4 "credit." the following: "Property divided pursuant
- 5 to chapter 598 cannot be modified following the
- 6 division of the property."
- 7 2. Page 1, by inserting after line 20 the
- 8 following:
- 9 "Sec. ____ . Section 598.21, subsection 8, paragraph
- 10 k, Code 1987, is amended by inserting after unnumbered
- 11 paragraph 2 the following new unnumbered paragraph:
- 12 NEW UNNUMBERED PARAGRAPH. Property divisions made
- 13 under this chapter are not subject to modification."
- 14 3. Renumber as necessary.

DONALD V. DOYLE

S-3828

- 1 Amend amendment S-3765 to Senate File 501 as
- 2 follows:

DIVISION S—3828A

- 3 1. Page 11, by striking lines 27 through 30.

DIVISION S—3828B

- 4 2. Page 12, by striking line 2 through page 13,
- 5 line 9.

JACK RIFE

S-3829

- 1 Amend Senate File 511 as follows:
- 2 1. Page 30, by inserting after line 20 the
- 3 following:
- 4 "Sec. ____ . Chapter 109, Code 1987, is amended by
- 5 adding the following new section:
- 6 **NEW SECTION. 109.10A FARMER ADVISORY COMMITTEE.**
- 7 The director shall establish a farmer advisory
- 8 committee for the purpose of providing information to
- 9 the department regarding crop and tree damage caused
- 10 by deer, wild turkey, and other predators. The
- 11 committee shall serve without compensation or
- 12 reimbursement for expenses."

FORREST V. SCHWENGELS

S-3830

- 1 Amend Senate File 511 as follows:
- 2 1. Page 42, by striking lines 17 through 20.
- 3 2. By striking page 69, line 18 through page 70,
- 4 line 20.
- 5 3. Page 81, by striking lines 18 through 25.
- 6 4. Renumber sections and correct internal
- 7 references as necessary.

JOHN W. JENSEN

S-3831

- 1 Amend Senate File 511 as follows:
- 2 1. Page 37, by inserting after line 35 the
- 3 following:
- 4 "____ . For the historical di-
- 5 vision for capital improvements
- 6 and operational contract services
- 7 for the Matthew Edel blacksmith
- 8 shop in Haverhill \$ 30,000"
- 9 2. Renumber sections and correct internal
- 10 references as necessary in accordance with this
- 11 amendment.

JOHN E. SOORHOLTZ

S-3832

- 1 Amend Senate File 511 as follows:
- 2 1. Page 51, line 20, by inserting after the word
- 3 "regents" the following: ", of which five hundred
- 4 thousand (500,000) dollars shall be expended for the
- 5 meat export technology and policy center".

WILLIAM W. DIELEMAN
LEONARD BOSWELL
JOHN W. JENSEN
EUGENE FRAISE
LEE W. HOLT
JOHN SOORHOLTZ
BERL E. PRIEBE
JACK W. HESTER

S-3833

- 1 Amend Senate File 511 as follows:
- 2 1. Page 1, line 35, by striking the figure
- 3 "68,246" and inserting the following: "79,554".

BERL E. PRIEBE
JOHN W. JENSEN

S-3834

- 1 Amend Senate File 511 as follows:
- 2 1. Page 37, line 35, by striking the figure
- 3 "1,412,685" and inserting the following: "1,442,685".

JOE WELSH
JOHN SOORHOLTZ

S-3835

- 1 Amend Senate File 511 as follows:
- 2 1. Page 33, by inserting after line 25 the
- 3 following:
- 4 "___ . The division of financial assistance of the
- 5 department of economic development shall maintain a
- 6 list of all state programs, grants, and other
- 7 assistance available to the political subdivisions of
- 8 the state. The division shall work with other state
- 9 agencies in developing the list, including but not
- 10 limited to, the department of management, the
- 11 department of natural resources, the Iowa department

12 of public health, and the department of human
13 services.”

MICHAEL E. GRONSTAL

S-3836

- 1 Amend Senate File 511 as follows:
- 2 1. Page 34, line 27, by striking the word
- 3 “division” and inserting in lieu thereof the word
- 4 “college”.

LEONARD L. BOSWELL

S-3837

- 1 Amend Senate File 511 as follows:
- 2 1. Page 14, line 34, by striking the word and
- 3 figures “19, 20, and 21” and inserting the following:
- 4 “119, 120, and 121”.

JOE J. WELSH

S-3838

- 1 Amend Senate File 511 as follows:
- 2 1. Page 27, by inserting after line 31 the
- 3 following:
- 4 “Sec. ____ . There is appropriated from the general
- 5 fund of the state to the department of natural
- 6 resources for the payment of assessments to the
- 7 midwest interstate low-level radioactive waste compact
- 8 the following amounts, or so much thereof as is
- 9 necessary, for the fiscal periods indicated:
- 10 1. Assessment for the fiscal year beginning
- 11 July 1, 1986 and ending June 30, 1987 \$ 45,000
- 12 2. Assessment for the fiscal year beginning
- 13 July 1, 1987 and ending June 30, 1988 \$ 60,000”.
- 14 2. Page 82, line 3, by inserting after the word
- 15 “Sections” the following: “207,”.

JIM RIORDAN

S-3839

1 Amend Senate File 511 as follows:
2 1. Page 24, by inserting after line 12 the
3 following:
4 "5. It is the intention of the general assembly in
5 adopting the appropriation under subsection 1 and this
6 subsection to cease funding for the department's
7 implementation of the federal Resource Conservation
8 and Recovery Act permit program for hazardous waste
9 facilities in this state. Section 455B.411,
10 subsections 6, 9, and 10, section 455B.412,
11 subsections 2 through 4, and sections 455B.413 through
12 455B.421 are suspended and do not apply as they
13 pertain to that permit program, but are not suspended
14 and do apply as they pertain to abandoned and
15 uncontrolled sites, used oil, and site licensing under
16 chapter 455B, division IV, part 6. The suspension
17 provided by this subsection begins July 1, 1987 and
18 ends June 30, 1989."

MICHAEL E. GRONSTAL

S-3840

1 Amend Senate File 511 as follows:
2 1. Page 32, by inserting after line 11 the
3 following:
4 "Of the funds appropriated under this subsection,
5 fifteen thousand (15,000) dollars, or so much thereof
6 as is necessary, shall be used for the construction of
7 a storage and multi-use facility in Stone City, Iowa
8 for the storage of replicas of Grant Wood ice wagons
9 in which artists lived in Stone City, Iowa. The funds
10 available under this unnumbered paragraph shall be
11 matched on a dollar-for-dollar basis with moneys or
12 in-kind contributions from other sources.
13 Of the funds appropriated under this subsection,
14 twenty-five thousand (25,000) dollars, or so much
15 thereof as is necessary, shall be used for providing a
16 permanent Grant Wood information center and art
17 gallery in Anamosa, Iowa. The funds available under
18 this unnumbered paragraph shall be matched on a
19 dollar-for-dollar basis with moneys or in-kind
20 contributions from other sources."

BEVERLY HANNON

S-3841

1 Amend Senate File 511 as follows:
2 1. Page 43, by inserting after line 21 the
3 following:
4 "11A. LAW-RELATED EDUCATION
5 CENTERS.
6 To provide funds for the sup-
7 port of existing law-related
8 education centers \$ 50,000
9 Funds appropriated by this subsection are to be
10 used to support existing programs, including but not
11 limited to, training seminars and workshops in law-
12 related education, summer institutes relating to law-
13 related education methodology and substance, and mock
14 trial competitions for junior and senior high school
15 students."

TOM MANN, Jr.

S-3842

1 Amend Senate File 511 as follows:
2 1. Page 15, by striking lines 30 through 32.
3 2. Page 16, line 12, by striking the word
4 "commission" and inserting the following: "governor".
5 3. Page 16, line 13, by striking the word
6 "commission" and inserting the following: "governor".

ROBERT M. CARR

S-3843

1 Amend the amendment, S-3823, to Senate File 511 as
2 follows:
3 1. Page 1, line 4, by striking the figure "18"
4 and inserting the following: "11".
5 2. Page 1, by inserting after line 21 the
6 following:
7 "However, the department shall only".

RICHARD J. VARN

S-3844

1 Amend House File 617 as amended, passed and
2 reprinted by the House as follows:
3 1. By striking everything after the enacting
4 clause and inserting in lieu thereof the following:
5 "Section 1. Section 524.1805, Code 1987, is
6 amended to read as follows:
7 524.1805 OUT-OF-STATE HOLDING COMPANIES.
8 ~~Nothing in this division shall be construed to~~
9 ~~authorize a bank holding company which is with respect~~
10 ~~to the state of Iowa an An "out-of-state bank holding~~
11 ~~company", as defined or referred to in 12 U.S.C. §~~
12 ~~1842(d), as amended to January 1, 1971, to may~~
13 ~~directly or indirectly acquire any of the voting~~
14 ~~shares of, all or a portion of the voting securities~~
15 ~~or other capital stock of, or any interest in; all or~~
16 ~~substantially all of the assets of, or power to~~
17 ~~control in any manner the election of any of the~~
18 ~~directors of, any bank in this state, unless such bank~~
19 ~~holding company was on January 1, 1971 registered with~~
20 ~~the federal reserve board as a bank holding company,~~
21 ~~and on that date owned at least two banks in this~~
22 ~~state one or more state banks or national banking~~
23 ~~associations conducting a banking business in this~~
24 ~~state or one or more bank holding companies located in~~
25 ~~this state controlling one or more state banks or~~
26 ~~national banks conducting a banking business in this~~
27 ~~state."~~

JACK RIFE

S-3845

1 Amend the amendment, S-3570, to House File 617 as
2 amended, passed, and reprinted by the House as
3 follows:
4 1. Page 1, line 27 by inserting after the word
5 "state." the following: "As a condition of an
6 acquisition pursuant to this section, an out-of-state
7 bank holding company must file a statement with the
8 superintendent describing how the acquisition will
9 make available a minimum of one hundred million
10 dollars of net new funds to this state. The statement
11 must state the amount of capital funds, including the
12 increase in equity capital that will result from the
13 acquisition. The statement must also include a
14 discussion of initial capital investments, loan
15 policy, investment policy, dividend policy, and the
16 general plan of business, including the full range of
17 consumer and business services which will be offered

18 by the bank or banks owned by the bank holding company
19 after the acquisition. A description of compliance or
20 progress towards compliance with the net new funds
21 statement filed at the time of acquisition must be
22 filed with the superintendent annually after an
23 acquisition. The description must state the increase
24 in net new funds for both the last year of operations
25 and since the acquisition. For the purposes of this
26 section, "net new funds" means an increase in loanable
27 funds expressed as an increase in the total loan to
28 asset ratio of Iowa loans and assets of the acquired
29 bank or acquiring bank or bank holding company. If
30 the superintendent finds that the acquisition will not
31 make available one hundred million dollars in net new
32 funds to this state, the superintendent shall disallow
33 the acquisition."

FORREST V. SCHWENGENS

S-3846

1 Amend Senate File 501 as follows:
2 1. Page 61, by striking lines 22 and 23 and
3 inserting the following: "provisions of chapter 19A
4 and shall be employed pursuant subject to section
5 256.10."

ROBERT M. CARR

S-3847

1 Amend Senate File 511 as follows:
2 1. Page 1, line 14, by striking the figure
3 "1,308,292" and inserting in lieu thereof the figure
4 "1,268,292".

JOHN W. JENSEN

S-3848

1 Amend Senate File 511 as follows:
2 1. Page 30, line 35, by striking the figure
3 "1,771,788" and inserting in lieu thereof the
4 following: "1,691,788".
5 2. Page 31, line 9, by striking the word "five"
6 and inserting in lieu thereof the following: "six".
7 3. Page 31, line 10, by striking the figure

- 8 "239,533" and inserting in lieu thereof the following:
- 9 "319,533".
- 10 4. Page 31, line 17, by striking the word "eight"
- 11 and inserting in lieu thereof the word "nine".

LEONARD L. BOSWELL

S-3849

- 1 Amend Senate File 511 as follows:
- 2 1. Page 41, line 18, by striking the word "For"
- 3 and inserting the following:
- 4 "1. For".
- 5 2. Page 41, by inserting after line 21 the
- 6 following:
- 7 "2. For salaries and support for
- 8 one additional full-time equivalent
- 9 state consultant position to assist in
- 10 the implementation and improvement of
- 11 secondary school vocational agriculture
- 12 programs \$ 40,000".

WILMER RENSINK

S-3850

- 1 Amend Senate File 511 as follows:
- 2 1. Page 41, line 18, by striking the word "For"
- 3 and inserting the following:
- 4 "1. For".
- 5 2. Page 41, by inserting after line 21 the
- 6 following:
- 7 "2. For salaries and support for
- 8 two additional full-time equivalent
- 9 state consultant positions to assist in
- 10 the implementation and improvement of
- 11 secondary school vocational agriculture
- 12 programs \$ 80,000".

WILMER RENSINK

S-3851

- 1 Amend House File 649 as amended, passed and
- 2 reprinted by the House as follows:

AMENDMENTS FILED

2737

- 3 1. Page 1, line 27, by striking the word "one"
- 4 and inserting in lieu thereof the word "nineteen".

KENNETH D. SCOTT
RICHARD VANDE HOEF
JAMES R. RIORDAN
JOHN W. JENSEN
ALVIN V. MILLER
JAMES D. WELLS
WALLY E. HORN

S-3852

- 1 Amend Senate File 511 as follows:
- 2 1. Page 18, by striking lines 14 through 16.

JAMES RIORDAN

S-3853

- 1 Amend Senate File 511 as follows:

DIVISION S—3853B

- 2 1. Page 39, by inserting after line 6 the
- 3 following:
- 4 "Sec. ____ . There is appropriated from the general
- 5 fund of the state to the department of cultural
- 6 affairs for the historical division for the fiscal
- 7 year beginning July 1, 1987 and ending June 30, 1988
- 8 the sum of one hundred twenty-five thousand (125,000)
- 9 dollars, or so much thereof as is necessary, to
- 10 acquire by negotiated sale part of the land
- 11 encompassing the Blood Run national historic landmark
- 12 in Lyon county, Iowa."

DIVISION S—3853A

- 13 2. Page 59, by inserting after line 25 the
- 14 following:
- 15 "Sec. ____ . 1986 Iowa Acts, chapter 1246, section
- 16 2, unnumbered paragraph 1, is amended to read as
- 17 follows:
- 18 There is appropriated from the general fund of the
- 19 state to the department of cultural affairs for the
- 20 historical division for the fiscal period beginning
- 21 July 1, 1986 and ending June 30, 1988 the sum of one
- 22 hundred twenty-five thousand (125,000) dollars, or so
- 23 much thereof as is necessary, to acquire by negotiated
- 24 sale part of the land encompassing the Blood Run
- 25 national historic landmark in Lyon county, Iowa. This

26 appropriation shall be matched by revenue from other
27 sources.”

28 3. Renumber sections and correct internal
29 references as necessary.

RICHARD VANDE HOEF

HOUSE AMENDMENT TO
SENATE FILE 359

S-3854

1 Amend Senate File 359 as passed by the Senate as
2 follows:

3 1. Page 1, by striking lines 1 through 14 and
4 inserting the following:

5 “Sec. ____ . Section 321.1, subsection 16, paragraph
6 b, Code 1987, is amended to read as follows:

7 b. Any vehicle which is principally designed for
8 agricultural purposes and which is moved during
9 daylight hours for a distance not to exceed one
10 hundred miles by a person either:

11 (1) From a place at which the vehicles are
12 manufactured, fabricated, repaired, or sold to a farm
13 site or a retail seller or from a retail seller to a
14 farm site;

15 (2) To a place at which the vehicles are
16 manufactured, fabricated, repaired, or sold to from a
17 farm site or a retail seller or from to a retail
18 seller from a farm site; or

19 (3) From one farm site to another farm site.

20 PARAGRAPH DIVIDED. For the purpose of this
21 subsection the term and sections 321.383 and 321.453,
22 “farm site” means a place or location at which
23 vehicles principally designed for agricultural
24 purposes are used or intended to be used in
25 agricultural operations or for the purpose of
26 exhibiting, demonstrating, testing, or experimenting
27 with ~~the same, provided, however, that said place or~~
28 ~~location shall not be deemed a “farm site” if the~~
29 ~~movement of said vehicle, from or to the place at~~
30 ~~which vehicles principally designed for agricultural~~
31 ~~purposes are manufactured, fabricated, repaired, or~~
32 ~~sold at retail, exceeds a distance of fifty miles the~~
33 ~~vehicles.”~~

34 2. Page 1, by inserting before line 15 the
35 following:

36 “Sec. 711. Section 321.1, subsection 69, Code

37 1987, is amended to read as follows:

38 69. "Tandem axle" means any two or more
39 consecutive axles whose centers are more than forty
40 inches but not more than ~~eighty-four~~ ninety-six inches
41 apart."

42 3. Page 2, by inserting after line 14 the
43 following:

44 "Sec. ____ . Section 321.454, subsection 2, Code
45 1987, is amended to read as follows:

46 2. The total outside width of any vehicle and load
47 shall not exceed eight feet six inches, exclusive of
48 safety equipment determined necessary for safe and
49 efficient operation by the secretary of the United
50 States department of transportation, on highways

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1 designated by the transportation commission. The
2 ~~department commission~~ shall adopt rules to designate
3 the highways; ~~in compliance with the highways~~
4 ~~designated by the secretary of the United States~~
5 ~~department of transportation as a part of the national~~
6 ~~system of interstate and defense highways and any~~
7 ~~other qualifying highways.~~ The rules adopted under
8 this subsection are exempt from chapter 17A.

9 Sec. ____ . Section 321.457, subsection 2, paragraph
10 c, Code 1987, is amended to read as follows:

11 c. Except for combinations of vehicles, provisions
12 for which are otherwise made in this chapter, no
13 combination of a truck tractor and a semitrailer
14 coupled together ~~or a motor truck and a trailer or~~
15 ~~semitrailer coupled together~~ unladen or with load,
16 shall have an overall length, inclusive of front and
17 rear bumpers, in excess of sixty feet.

18 Sec. ____ . Section 321.457, subsection 2, paragraph
19 e, Code 1987, is amended to read as follows:

20 e. Combinations of vehicles coupled together which
21 are used exclusively for the transportation of
22 passenger vehicles, light delivery trucks, panel
23 delivery trucks, pickup trucks, recreational vehicle
24 chassis, and boats shall not exceed sixty-five feet in
25 overall length. However, the load carried on a truck-
26 semitrailer combination may extend up to ~~two~~ three
27 feet beyond the front bumper and up to ~~three~~ four feet
28 beyond the rear bumper.

29 Sec. ____ . Section 321.457, subsection 3,
30 unnumbered paragraph 1, Code 1987, is amended to read
31 as follows:

32 The maximum length of any motor vehicle or
33 combination of vehicles operated on the highways of

34 this state which are designated by the secretary of
 35 the United States department of transportation and the
 36 transportation commission as a part of the national
 37 system of interstate and defense highways and the
 38 federal-aid primary system shall be as follows:
 39 Sec. ____ . Section 321.457, subsection 3, paragraph
 40 d, Code 1987, is amended to read as follows:
 41 d. The department ~~commission~~ shall adopt rules to
 42 designate ~~those the~~ highways ~~designated by the~~
 43 ~~secretary of the United States department of~~
 44 ~~transportation as a part of the national system of~~
 45 ~~interstate and defense highways and the federal-aid~~
 46 ~~primary system~~. The rules adopted by the department
 47 under this paragraph are exempt from chapter 17A.
 48 Sec. ____ . Section 321.457, subsection 5, Code
 49 1987, is amended by striking the subsection."
 50 4. Page 2, by inserting after line 19 the

Page 3

1 following:
 2 "Sec. ____ . This Act, being deemed of immediate
 3 importance, takes effect upon its enactment. Section
 4 711 of this Act applies to motor vehicles registered
 5 on or after the effective date of this Act."
 6 5. Title page, line 2, by inserting after the
 7 word "load" the following: "and providing an
 8 effective date".

S-3855

1 Amend the amendment, S-3712, to House File 633, as
 2 passed by the House, as follows:
 3 1. Page 1, by striking lines 5 through 8 and
 4 inserting the following: "not apply to the following:
 5 1. Land that is held or acquired and maintained to
 6 protect significant elements of the state's natural
 7 open space heritage, including but not limited to
 8 significant river, lake, wetland, prairie, forest
 9 areas, other biologically significant areas, land
 10 containing significant archaeological, historical, or
 11 cultural value, or fish or wildlife habitats, as
 12 defined in rules adopted by the department of natural
 13 resources.""

JIM RIORDAN
 AL STURGEON
 RICHARD VANDE HOEF

S-3856

1 Amend Senate File 511 as follows:

2 1. Page 57, by inserting after line 6 the
3 following:

4 "Sec. ____ . The director of the department of
5 education shall review the number and type of
6 consultant positions that can be funded with moneys
7 appropriated under section 405, subsections 1 and 2,
8 of this Act, and report to the general assembly by
9 January 15, 1988 if additional consultant positions
10 are needed and the costs associated with their
11 employment."

12 2. By numbering and renumbering sections as
13 necessary.

WILMER RENSINK

S-3857

1 Amend Senate File 511 as follows:

2 1. Page 14, line 34, by striking the word and
3 figures "19, 20, and 21" and inserting the following:
4 "119, 120, and 121".

JOE J. WELSH

S-3858

1 Amend amendment S-3840 to Senate File 511 as
2 follows:

3 1. Page 1, line 6, by striking the word "shall"
4 and inserting in lieu thereof the word "may".

LEONARD L. BOSWELL

S-3859

1 Amend Senate File 511 as follows:

2 1. Page 36, line 18, by inserting after the word
3 "to:" the following: "representatives of the State
4 University of Iowa, representatives of the University
5 of Northern Iowa,".

JIM LIND
JOY C. CORNING

RICHARD VARN
JEAN LLOYD-JONES

S-3860

- 1 Amend Senate File 511 as follows:
- 2 1. Page 30, by inserting after line 20 the
- 3 following:
- 4 "Sec. 216. NEW SECTION. 321.416 LIGHTING BY LAW
- 5 ENFORCEMENT VEHICLES OF CONSERVATION OFFICERS AND
- 6 SIGNALING REQUIREMENTS.
- 7 The required usage of lighting devices set out in
- 8 sections 321.384 through 321.409 and section 321.415,
- 9 and sections 321.314 through 321.318 do not apply to
- 10 official law enforcement vehicles operated by
- 11 conservation officers appointed under section 107.13,
- 12 while these vehicles are being used in attempting to
- 13 apprehend suspected criminals."

JIM LIND
HURLEY W. HALL

S-3861

- 1 Amend Senate File 511 as follows:
- 2 1. Page 29, line 7, by striking the word
- 3 "growing" and inserting the following: "production,
- 4 marketing, and distribution".
- 5 2. Page 29, line 11, by striking the word
- 6 "growing" and inserting the following: "production,
- 7 marketing, and distribution".
- 8 3. Page 29, line 14, by striking the word
- 9 "growing" and inserting the following: "production,
- 10 marketing, and distribution".

JIM LIND

S-3862

- 1 Amend Senate File 511 as follows:
- 2 1. Page 39, lines 33 and 34, by striking the
- 3 words and figure "three hundred forty-eight thousand
- 4 seven hundred fifty (348,750)" and inserting the
- 5 following: "seven hundred twenty-five thousand four
- 6 hundred ten (725,410)".
- 7 2. Page 40, line 2, by inserting after the figure
- 8 "261.19." the following: "Notwithstanding section

- 9 261.19, for the fiscal year beginning July 1, 1987,
10 the subvention shall be used for the admission and
11 education of students enrolled in each of the four
12 years of classes in the college of osteopathic
13 medicine and surgery.”
14 3. By striking page 59, line 26 through page 60,
15 line 9.
16 4. By striking page 65, line 27 through page 66,
17 line 14.
18 5. Renumber sections and correct internal
19 references as necessary.

DAVID M. READINGER

S-3863

- 1 Amend Senate File 511 as follows:
2 1. Page 20, by inserting after line 1 the
3 following:
4 “Notwithstanding chapters 198, 200, 201, and 206,
5 the secretary of agriculture may increase fees and
6 tonnage taxes by rule sufficient to cover the cost of
7 administering the fertilizer and pesticide sections
8 and the commercial feed programs of the laboratory
9 division of the department. The department shall
10 report any proposed fee or tonnage tax increase to the
11 legislative council prior to its adoption. The
12 department shall report to the legislative fiscal
13 bureau and the department of management monthly as to
14 the disposition of the fee and tonnage tax receipts.
15 The department of agriculture and land stewardship
16 shall report to the agriculture and natural resources
17 appropriation subcommittee by February 1, 1988 on the
18 amounts of the fee and tonnage tax increases and the
19 projected expenses.”
20 2. Page 20, by inserting after line 14 the
21 following:
22 “Notwithstanding chapter 83A, the secretary of
23 agriculture may increase fees by rule. The department
24 shall report any proposed fee increase to the
25 legislative council prior to its adoption. The
26 increase in the fee receipts shall not exceed forty-
27 two thousand seven hundred fifty (42,750) dollars.
28 The amount of the fee increase will be retained by the
29 department and used to fund the position of a noncoal
30 mines inspector. The department shall report to the
31 legislative fiscal bureau and the department of
32 management monthly as to the disposition of the fee
33 receipts. The department of agriculture and land

34 stewardship shall report to the agriculture and
35 natural resources appropriations subcommittees by
36 February 1, 1988 on the amounts of the fee increases
37 and the projected expenses."

JIM RIORDAN

S-3864

- 1 Amend amendment S-3840 to Senate File 511 as
- 2 follows:
- 3 1. Page 1, line 6, by striking the word "shall"
- 4 and inserting in lieu thereof the word "may".
- 5 2. Page 1, line 15, by striking the word "shall"
- 6 and inserting in lieu thereof the word "may".

LEONARD L. BOSWELL

S-3865

- 1 Amend Senate File 511 as follows:

DIVISION S—3865A

- 2 1. Page 43, line 30, by striking the word "fifty-
- 3 three" and inserting the following: "fifty-two".
- 4 2. By striking page 43, line 31 through page 44,
- 5 line 12 and inserting the following: "seven hundred
- 6 seventy-seven thousand three hundred nine (52,777,309)
- 7 dollars to be allocated as follows:

8	a. Merged Area I	\$ 2,436,434
9	b. Merged Area II	\$ 2,952,226
10	c. Merged Area III	\$ 2,831,298
11	d. Merged Area IV	\$ 1,362,535
12	e. Merged Area V	\$ 3,241,957
13	f. Merged Area VI	\$ 3,142,360
14	g. Merged Area VII	\$ 4,214,363
15	h. Merged Area IX	\$ 4,345,039
16	i. Merged Area X	\$ 7,057,496
17	j. Merged Area XI	\$ 6,854,784
18	k. Merged Area XII	\$ 3,099,604
19	l. Merged Area XIII	\$ 3,342,548
20	m. Merged Area XIV	\$ 1,367,270
21	n. Merged Area XV	\$ 4,018,116
22	o. Merged Area XVI	\$ 2,511,279".

- 23 3. Page 44, by striking lines 17 and 18 and
- 24 inserting the following: "million six hundred
- 25 eighteen thousand eight hundred forty-five

26 (22,618,845) dollars, to be accrued as income and
 27 used”.

28 4. By striking page 44, line 22, through page 45,
 29 line 1, and inserting the following:

30	“1. Merged Area I	\$ 1,044,186
31	2. Merged Area II	\$ 1,265,240
32	3. Merged Area III	\$ 1,213,414
33	4. Merged Area IV	\$ 583,943
34	5. Merged Area V	\$ 1,389,410
35	6. Merged Area VI	\$ 1,346,726
36	7. Merged Area VII	\$ 1,806,155
37	8. Merged Area IX	\$ 1,862,159
38	9. Merged Area X	\$ 3,024,641
39	10. Merged Area XI	\$ 2,937,764
40	11. Merged Area XII	\$ 1,328,402
41	12. Merged Area XIII	\$ 1,432,520
42	13. Merged Area XIV	\$ 585,973
43	14. Merged Area XV	\$ 1,722,050
44	15. Merged Area XVI	\$ 1,076,262”.

45 5. Page 45, line 35, by striking the words “and
 46 to” and inserting the following: “, to”.

47 6. Page 46, line 1, by inserting after the word
 48 “bureau” the following: “, and to the department of
 49 management”.

50 7. Page 51, line 6, by striking the word “six”

Page 2

DIVISION S—3865A (cont’d.)

1 and inserting the following: “seven”.

2 8. Page 52, line 9, by striking the words “four
 3 point five” and inserting the following: “eleven”.

4 9. Page 52, by striking lines 22 through 24 and
 5 inserting the following: “three hundred twenty-four
 6 full-time equivalent”.

7 10. Page 55, line 32, by striking the figure “8”
 8 and inserting the following: “408”.

9 11. By striking page 56, line 29 through page 57,
 10 line 1.

11 12. Page 57, by inserting after line 35 the
 12 following:

13 “Sec. ____ . The state historical society,
 14 historical division of the department of cultural
 15 affairs, may sell all or a portion of lot 6, in block
 16 45, in Iowa City, Iowa, and the proceeds from the sale
 17 are appropriated to the historical division of the
 18 department of cultural affairs.”

19 13. Page 65, by striking lines 2 through 7 and
 20 inserting the following:

21 "c. Which was eligible to participate in the
 22 tuition grant program during the school year beginning
 23 July 1, 1986 under section 261.9, subsection 5,
 24 paragraph "c", Code 1987, and continues to be eligible
 25 under that paragraph during the school year beginning
 26 July 1, 1987, and which is making satisfactory
 27 progress to achieve accreditation from the North
 28 Central Association of Colleges and Secondary Schools
 29 accrediting agency, and the institution meets the
 30 thirteen general institutional requirements of the
 31 North Central Association of Colleges and Secondary
 32 Schools accrediting agency by July 1, 1988 and meets
 33 the requirements for candidacy status of the North
 34 Central Association of Colleges and Secondary Schools
 35 accrediting agency by July 1, 1989, and attains full
 36 accreditation under a time period established by the
 37 North Central Association."

38 14. Page 70, by striking lines 34 and 35 and in-
 39 serting the following: "of the merged area. If the
 40 tax levy is approved under this section, the costs of
 41 utilities shall be paid from the proceeds of the levy.
 42 The tax shall be collected by the".

43 15. Page 72, line 26, by striking the word and
 44 figure "subsection 2" and inserting the following:
 45 "subsections 2 or 3".

46 16. Page 74, line 10, by striking the word and
 47 figure "subsection 2" and inserting the following:
 48 "subsections 2 or 3".

49 17. Page 77, line 34, by striking the words
 50 "throughout the school year" and inserting the

Page 3

DIVISION S—3865 (cont'd.)

1 following: "during the summer".

DIVISION S—3865B

2 18. Page 80, line 3, by inserting after the word
 3 "PARAGRAPH." the following: "g."

4 19. Page 80, line 24, by inserting after the word
 5 "SUBSECTION." the following: "4."

6 20. Page 81, by inserting after line 17 the fol-
 7 lowing:

8 "Sec. ____ . Section 427A.12, subsection 6, Code
 9 1987, is amended to read as follows:

10 6. For each state fiscal year beginning on or
 11 after July 1, 1987, each taxing district shall be
 12 reimbursed from the personal property tax replacement

13 fund in an amount equal to its personal property tax
 14 replacement base. However, the treasurer of state
 15 shall deduct the costs of implementing sections 422.9,
 16 subsection 2, paragraph "g", and 422.12, subsection 4,
 17 from the payments made to school districts as taxing
 18 districts under this subsection. The payments to
 19 school districts shall be reduced proportionally based
 20 upon annual estimates transmitted to the treasurer of
 21 state by the department of revenue and finance. For
 22 each state fiscal year beginning on or after July 1,
 23 1988, the department of revenue and finance shall
 24 determine the actual costs for the previous state
 25 fiscal year and adjust its estimates for the next
 26 fiscal year accordingly.

27 Sec. ____ . Section 442.2, subsection 3, Code 1987,
 28 is amended to read as follows:

29 3. The amount that would have been paid to each
 30 school district from the personal property tax
 31 replacement fund established by sections 427A.9 to
 32 427A.14 under section 427A.12, subsection 6, without
 33 subtracting the reduction made under that subsection
 34 shall be regarded as property tax. For budget years
 35 beginning after the year in which the ninth increase
 36 in the additional personal property tax credit becomes
 37 effective as provided in said sections, the portion of
 38 the payment which is foundation property tax shall be
 39 determined by applying the foundation property tax
 40 rate to the total actual value of all personal
 41 property assessed for taxation in the district as of
 42 January 1, 1973, excluding livestock, but including
 43 other personal property eligible for tax credits
 44 granted by sections 427A.9 to 427A.14. For budget
 45 years to and including the year in which the ninth
 46 increase in the additional personal property tax
 47 credit becomes effective as provided in said sections,
 48 the portion of the payment which is foundation
 49 property tax shall be determined by the department of
 50 management pursuant to uniform methods established by

Page 4

DIVISION S—3865B (cont'd.)

1 the department."

RICHARD VARN

S-3866

1 Amend Senate File 511 as follows:

2 1. Page 9, by striking lines 15 through 20 and
3 inserting the following:

4 "For salaries and support for not
5 more than six hundred thirteen point
6 twenty-eight full-time equivalent
7 positions, maintenance and miscellaneous
8 purposes, provided that an amount of at
9 least one million (1,000,000) dollars,
10 or so much thereof as is necessary, shall
11 be spent to add additional auditing staff
12 to increase the auditing and enforcement
13 activities of the department to achieve
14 a minimum of a three to one revenue
15 recovery ratio and the department shall
16 report quarterly beginning July 1, 1987
17 to the legislative fiscal bureau, the
18 estimates of additional revenue collected
19 as a result of any increase in auditing
20 and enforcement activities provided for
21 under this appropriation \$ 18,316,998

22 It is the intent of the general assembly that the
23 limitation on full-time equivalent positions does not
24 apply to audit staff required to increase the audit
25 and enforcement activities required by this section."

26 2. Page 17, by inserting after line 29 the
27 following:

28 "Sec. ____ . NEW SECTION. 421.45 AUDIT EXPENSE
29 FUND.

30 There is created in the office of the treasurer of
31 state an "audit expense fund" for the use of the
32 department to fund audit expenses as authorized in
33 this section. The department may employ up to twenty-
34 five full-time equivalent positions in its tax audit
35 staff to increase tax audits. Positions filled under
36 authority of this section shall be paid from funds in
37 the audit expense fund.

38 Of the funds appropriated to the department under
39 section 111 of this Act, one million dollars shall be
40 credited to the audit expense fund on July 1, 1987.

41 The moneys in the fund shall be used for salaries,
42 support, maintenance, and miscellaneous purposes for
43 the additional audit staff authorized by this section.
44 Moneys received by the department of revenue and
45 finance from audits conducted by audit staff employed
46 with moneys available under this section shall be
47 credited to the general fund of the state and this
48 fund. Of the moneys received, three-fourths of the
49 moneys shall be credited to the general fund of the
50 state and the remaining moneys shall be credited to

Page 2

1 the audit expense fund.”

JOE J. WELSH

S-3867

1 Amend the amendment, S-3701 to House File 649 as
2 amended, passed, and reprinted by the House as
3 follows:

4 1. Page 1, by striking lines 3 through 7 and
5 inserting the following:

6 “___ . Page 2, by inserting after line 32 the
7 following:

8 “Sec. ___ . APPLICABILITY.

9 1. The provisions of this Act relating to
10 exemptions for the proceeds of a life insurance policy
11 payable upon the death of the insured apply to
12 proceeds payable on or after the effective date of
13 this Act.

14 2. The provisions of this Act relating to
15 exemptions for interests in life insurance policies,
16 other than interests in the proceeds of a policy
17 payable upon the death of the insured, apply to
18 interests acquired on or after April 30, 1987.”

19 ___ . Title page, line 5, by inserting after the
20 word “matters” the following: “, and providing for
21 the applicability of the Act”.”

22 2. By numbering and renumbering as necessary.

KENNETH SCOTT
JOHN W. JENSEN

S-3868

1 Amend Senate File 511 as follows:

2 1. Page 39, by striking lines 21 through 25.

3 2. Page 67, by striking lines 6 through 34.

4 3. Page 68, by striking line 34 through page 69,
5 line 17.

JULIA GENTLEMAN

S-3869

- 1 Amend Senate File 511 as follows:
- 2 1. Page 40, line 25, by striking the figure
- 3 "5,300,708" and inserting in lieu thereof the figure
- 4 "4,450,708".
- 5 2. Page 40, by striking line 26 through page 41,
- 6 line 11.
- 7 3. Page 47, by striking lines 4 through 26.

JULIA GENTLEMAN

S-3870

- 1 Amend Senate File 511 as follows:
- 2 1. Page 29, line 32, by striking the words "sixty
- 3 forty-five" and inserting in lieu thereof the word
- 4 "sixty".

FORREST SCHWENGELS

S-3871

- 1 Amend House File 469 as amended, passed and
- 2 reprinted by the House as follows:
- 3 1. By striking everything after the enacting
- 4 clause and inserting the following:
- 5 "Section 1. NEW SECTION. 730.5 DRUG TESTING BY
- 6 EMPLOYER PROHIBITED -- EXCEPTIONS -- REMEDIES --
- 7 PENALTY.
- 8 1. As used in this section, "drug test" means any
- 9 blood, urine, saliva, chemical, or skin tissue test
- 10 conducted for the purpose of detecting the presence of
- 11 a chemical substance in an individual.
- 12 2. An employer shall not request, require,
- 13 conduct, or cause to be conducted random or blanket
- 14 drug testing of employees.
- 15 3. An employer shall not as a condition of
- 16 employment, promotion, or change in status of
- 17 employment, as an express or implied condition of a
- 18 benefit or privilege of employment, or as a pre-
- 19 employment condition, do any of the following:
- 20 a. Request or require that an employee or
- 21 applicant for employment take, submit to, or undergo a
- 22 drug test.
- 23 b. Conduct, cause to be conducted, threaten to
- 24 conduct, or attempt to conduct a drug test to detect

25 the presence of a chemical subwtance in an employee or
26 applicant for employment.

27 c. Request or require that an employee or
28 applicant for employment give an express or implied
29 waiver with respect to a practice prohibited by this
30 section.

31 4. Subsection 3 does not prohibit an employer from
32 requiring a specific employee to submit to a drug test
33 if all of the following requirements are met:

34 a. The employer has a reasonable suspicion that
35 the employee's faculties are impaired on the job and
36 that the impairment is attributable in whole or in
37 part to the presence of a chemical substance in the
38 body.

39 b. The employee is in a position where the
40 impairment presents a clear and present danger to the
41 physical safety of the employee, another employee or a
42 member of the public.

43 c. The employer provides the employee, at the
44 employer's expense, the opportunity to have the sample
45 tested or evaluated by an independent laboratory or
46 testing facility and provides the employee with a
47 reasonable opportunity to rebut or explain the
48 results.

49 5. In conducting a test designed to identify the
50 presence of chemical substances in the body, and not

Page 2

1 prohibited by this section, the employer shall ensure
2 to the extent feasible that the test only measure and
3 that its records only show or make use of information
4 regarding chemical substances in the body which are
5 likely to affect the ability of the employee to
6 perform safely the employee's duties while on the job.

7 6. This section does not:

8 a. Restrict an employer's ability to prohibit the
9 use of intoxicating substances during work hours or to
10 discipline employees for being under the influence of
11 intoxicating substances during work hours.

12 b. Prevent an employer from conducting medical
13 screening, with the express written consent of the
14 employees, to monitor exposure to toxic or other
15 unhealthy substances in the workplace or in the
16 performance of their job responsibilities. Any such
17 screening or test shall be limited to the specific
18 substances expressly identified in the employee
19 consent form.

20 7. This section may be enforced through a civil
21 action under section 730.6. In an action brought

22 under this subsection alleging that an employer has
 23 required or requested a drug test in violation of this
 24 section, the employer has the burden of proving that
 25 the requirements of this section were met.

26 8. An employee shall not be discharged,
 27 disciplined, or discriminated against in any manner
 28 for filing a complaint or testifying in any proceeding
 29 or action involving violations of this section. An
 30 employee discharged, disciplined, or otherwise
 31 discriminated against in violation of this section
 32 shall be compensated by the employer in the amount of
 33 any loss of wages and benefits arising out of the
 34 discrimination and shall be restored to the employee's
 35 previous position of employment.

36 9. A person who violates this section is guilty of
 37 a serious misdemeanor.

38 Sec. 2. NEW SECTION. 730.6 PUBLIC POLICY
 39 VIOLATION -- EMPLOYEE ACTION FOR DAMAGES.

40 1. As used in this section, unless the context
 41 otherwise requires:

42 a. "Public policy" means an expression of public
 43 will as found in a statute, ordinance, administrative
 44 regulation or decision, judicial decision, or standard
 45 of professional conduct or ethics.

46 b. "Act against public policy" includes, but is
 47 not limited to, the following:

48 (1) An act intended to induce or compel an
 49 employee to violate public policy.

50 (2) An act intended to deprive an employee of a

Page 3

1 right or benefit conferred by public policy.
 2 (3) An act intended to induce or compel an
 3 employee to refuse to perform an obligation created by
 4 public policy.

5 (4) An act committed in reckless disregard of the
 6 probability of violating a public policy designed for
 7 the protection of the employee.

8 2. A person who has been injured as a result of an
 9 act against public policy may, within two years from
 10 the date of the act, bring an action for damages sus-
 11 tained, and this action may be joined with any other
 12 action, except an administrative proceeding, which
 13 arises from the employment or act against public
 14 policy.

15 a. A person who violates this section or who aids
 16 in the violation of this section is liable to an
 17 aggrieved employee or applicant for employment for
 18 affirmative relief including reinstatement or hiring,

19 with or without back pay, or any other equitable
20 relief as the court deems appropriate including
21 attorney fees and court costs.

22 b. When a person commits, is committing, or
23 proposes to commit, an act in violation of this
24 section, an injunction may be granted through an
25 action in district court to prohibit the person from
26 continuing such acts. The action for injunctive
27 relief may be brought by an aggrieved employee or
28 applicant for employment, the county attorney, or the
29 attorney general.”

30 2. Title page, line 1, by striking the words “to
31 regulate” and inserting the following: “relating to
32 employment practices and employee rights, by providing
33 civil damages for employees injured as a result of
34 employer acts which violate public policy or result in
35 the wrongful discharge of an employee, and by
36 regulating”.

TOM MANN, Jr.

S-3872

1 Amend Senate File 501 as follows:

2 1. Page 34, by inserting after line 26 the
3 following:

4 “Sec. 65. Section 93.7, subsections 1, 2, 3, 4, 5,
5 6, 9, 11, 12, 13, and 14, Code 1987, are amended by
6 striking the subsections.

7 Sec. 66. Section 93.7, subsection 10, is amended
8 to read as follows:

9 10. Promulgate rules necessary to carry out the
10 provisions of this chapter, subject to review in
11 accordance with chapter 17A. ~~Rules promulgated by the~~
12 ~~governor pursuant to a proclamation issued under the~~
13 ~~provisions of section 93.8 shall not be subject to~~
14 ~~review or a public hearing as required in chapter 17A;~~
15 ~~however, agency rules for implementation of the~~
16 ~~governor's proclamation are subject to the~~
17 ~~requirements of chapter 17A.~~

18 Sec. 67. Section 323A.2, subsection 1, paragraph
19 c, Code 1987, is amended by striking the paragraph.

20 Sec. 68. Section 556.18, subsection 3, Code 1987,
21 is amended to read as follows:

22 3. After July 1, 1983, the treasurer of state
23 shall credit all funds received under section 556.4,
24 after a proportional amount has been deducted for the
25 trust fund under subsection 1 and any costs have been
26 deducted under subsection 2, to the ~~energy research~~

27 ~~and development petroleum overcharge~~ fund created
 28 under section ~~93.14~~ 93.15.
 29 Sec. 69. Section 805.8, subsection 8, Code 1987,
 30 is amended by striking the subsection.
 31 Sec. 70. Sections 93.8 through 93.10, 93.14,
 32 93.16, and 93.21 through 93.30, Code 1987, are
 33 repealed.”

EDGAR H. HOLDEN

S-3873

1 Amend Senate File 511 as follows:
 2 1. Page 41, line 21, by striking the figure
 3 “851,399” and inserting the following: “891,399”.
 4 2. Page 41, by inserting after line 21 the
 5 following:
 6 “It is the intent of the general assembly that an
 7 amount up to forty thousand (40,000) dollars, or so
 8 much thereof as is necessary, be used for salaries and
 9 support for two additional full-time equivalent
 10 consultant positions to assist in the implementation
 11 and improvement of secondary school vocational
 12 agriculture programs.”
 13 3. Page 41, line 24, by striking the figure
 14 “3,723,061” and inserting the following: “3,683,061”.

WILMER RENSINK
 RICHARD VARN

S-3874

1 Amend Senate File 511 as follows:
 2 1. Page 51, line 20, by inserting after the word
 3 “regents” the following: “for the general university,
 4 agricultural experiment station or the cooperative
 5 extension service in agriculture and home economics”.

RICHARD VARN

S-3875

1 Amend Senate File 511 as follows:
 2 1. Page 37, line 31, by striking the figure

3 "467,586" and inserting in lieu thereof the figure
4 "481,590".

JULIA GENTLEMAN
JOY CORNING

S-3876

1 Amend Senate File 511 as follows:
2 1. Page 56, by striking lines 22 through 28.

AL STURGEON

S-3877

1 Amend amendment S-3871 to House File 469 as
2 amended, passed and reprinted by the House as follows:
3 1. Page 2, by inserting after line 19 the
4 following:
5 "c. Apply to drug tests conducted pursuant to a
6 nuclear regulatory commission policy statement."

JAMES D. WELLS

S-3878

1 Amend Senate File 511 as follows:
2 1. Page 7, by inserting after line 22 the fol-
3 lowing:
4 "Sec. ____ . There is appropriated from the general
5 fund of the state to the department of general
6 services for the fiscal year beginning July 1, 1987
7 and ending June 30, 1988, the sum of two million
8 (2,000,000) dollars, or so much thereof as is
9 necessary, for the planning and construction of a
10 governor's residence to be located on the capitol
11 complex south of the state house.
12 Notwithstanding section 8.33, the funds which
13 remain unobligated or unencumbered for the purposes
14 provided in this section for the fiscal year beginning
15 July 1, 1987 and ending June 30, 1988 shall remain
16 available for expenditure by the department of general
17 services for the purposes specified in subsequent
18 fiscal years. The funds appropriated under this
19 section shall not revert to the general fund of the
20 state until September 30, 1990."

- 21 2. Renumber sections and correct internal
22 references as necessary.

BERL E. PRIEBE
JOE J. WELSH

S-3879

- 1 Amend House File 601 as amended, passed, and
2 reprinted by the House as follows:
3 1. Page 5, lines 25 and 26, by striking the words
4 "of organs or tissue to each center designated in
5 paragraph "e"" and inserting the following: "to
6 appropriate patients of organs or tissue".

LARRY MURPHY

S-3880

- 1 Amend Senate File 511 as follows:
2 1. Page 49, line 3, by inserting after the figure
3 "255." the following: "It is the intent of the
4 general assembly that university hospitals shall not
5 perform heart, liver, pancreas, artificial heart, or
6 heart/lung transplantations on indigent patients
7 referred under chapter 255 unless the patient meets
8 criteria developed by the national heart, lung and
9 blood institute's special advisory group for heart
10 recipients, or the 1983 national institute of health's
11 consensus conference on liver transplants for liver
12 recipients, or unless the patient meets nationally
13 recognized criteria for pancreas transplantations."

BEVERLY HANNON
MICHAEL E. GRONSTAL
JAMES RIORDAN
CHARLES BRUNER
JULIA GENTLEMAN
LINN FUHRMAN
JACK W. HESTER
WILMER RENSINK
C. JOSEPH COLEMAN

S-3881

1 Amend House File 601 as amended, passed and
2 reprinted by the House as follows:
3 1. By striking page 6, line 34 through page 7,
4 line 10 and inserting the following:
5 "f. INFORMED CONSENT. A transplant shall not be
6 performed until the responsible physician has obtained
7 the patient's informed consent for the procedure. The
8 patient's consent shall not be considered to be
9 informed unless the responsible physician has made a
10 reasonable effort to provide information concerning
11 the potential side effects of all drugs and treatment
12 associated with the transplant procedure; the one-year
13 survival rates for recipients and the specific organ
14 or tissue experienced by the transplant center and the
15 transplant surgeon; similar information, if available,
16 regarding national survival rates and waiting periods
17 for availability of an organ or tissue; and
18 information concerning the ability of the recipient of
19 a successful transplant to resume a normal lifestyle."

LARRY MURPHY

S-3882

1 Amend House File 601, as amended, passed, and re-
2 printed by the House, as follows:
3 1. Page 6, by striking lines 21 through 33 and
4 inserting the following:
5 "e. TRANSPLANT CENTER ELIGIBILITY. The state plan
6 shall specify criteria for the designation of
7 hospitals eligible to perform different organ or
8 tissue transplants. Hospitals eligible for
9 reimbursement under Title XIX shall be designated by
10 the department of human services, based on compliance
11 with the criteria specified in the state plan and
12 decisions made regarding institutional health
13 facilities pursuant to section 135.61, subsection 19,
14 if applicable. A hospital which has not been so
15 designated shall not be reimbursed under Title XIX for
16 transplants. Transplant centers shall comply with any
17 Title XIX requirements for a specific organ or tissue
18 transplant. The state plan shall require equal access
19 and availability of organs or tissues to appropriate
20 patients."

LARRY MURPHY

S-3883

1 Amend the Senate amendment, S-3871, to House File
2 469 as amended, passed, and reprinted by the House as
3 follows:

4 1. By striking page 1, line 5 through page 2,
5 line 37, and inserting the following:

6 "Sec. 1. NEW SECTION. 730.5 DRUG TESTING OF
7 EMPLOYEES OR APPLICANTS REGULATED.

8 1. As used in this section, "drug test" means any
9 blood, urine, saliva, chemical, or skin tissue test
10 conducted for the purpose of detecting the presence of
11 a chemical substance in an individual.

12 2. Except as provided in subsection 7, an employer
13 shall not require or request employees or applicants
14 for employment to submit to a drug test as a condition
15 of employment, preemployment, promotion, or change in
16 status of employment. An employer shall not request,
17 require, or conduct random or blanket drug testing of
18 employees. However, this section does not apply to
19 preemployment drug tests authorized for peace officers
20 or correctional officers of the state, or to drug
21 tests required under federal statutes, or to drug
22 tests conducted pursuant to a nuclear regulatory
23 commission policy statement, or to drug tests
24 conducted to determine if an employee is ineligible to
25 receive workers' compensation under section 85.16,
26 subsection 2.

27 3. This section does not prohibit an employer from
28 requiring a specific employee to submit to a drug test
29 if all of the following conditions are met:

30 a. The employer has probable cause to believe that
31 an employee's faculties are impaired on the job.

32 b. The employee is in a position where such
33 impairment restricts the ability of the employee to
34 meet the performance standards imposed by the
35 employer, or presents a danger to the safety of the
36 employee, another employee, a member of the public, or
37 the property of the employer, or when impairment due
38 to intoxication is a violation of a known rule of the
39 employer.

40 c. The test sample withdrawn from the employee is
41 analyzed by a laboratory or testing facility that has
42 been approved under rules adopted by the department of
43 public health or is duly licensed or approved under
44 applicable state laws where the laboratory or testing
45 facility is located.

46 d. If a test is conducted and the results indicate
47 that the employee is under the influence of alcohol or
48 a controlled substance or indicate the presence of
49 alcohol or a controlled substance, a second test using
50 an alternative method of analysis shall be conducted.

Page 2

1 When possible and practical, the second test shall use
2 a portion of the same test sample withdrawn from the
3 employee for use in the first test.

4 e. An employee shall be accorded a reasonable
5 opportunity to rebut or explain the results of a drug
6 test.

7 f. The employer shall provide substance abuse
8 evaluation, and treatment if recommended by the
9 evaluation, with costs apportioned as provided under
10 the employee benefit plan or at employer expense, if
11 there is no employee benefit plan, for those employees
12 whose drug test indicates the presence of alcohol or a
13 controlled substance. If an employee whose drug test
14 indicates the presence of alcohol or a controlled
15 substance undergoes substance abuse evaluation which
16 indicates an addiction for which substance abuse
17 treatment is recommended, and if the employee
18 successfully completes substance abuse treatment, if
19 recommended by the evaluation, the employer shall take
20 no disciplinary action against the employee. However,
21 if an employee fails to undergo substance abuse
22 evaluation when required under the results of a drug
23 test, or fails to successfully complete substance
24 abuse treatment when recommended by an evaluation, the
25 employee may be disciplined up to and including
26 discharge. The substance abuse evaluation and
27 treatment provided by the employer shall take place
28 under a program approved by the department of public
29 health or accredited by the joint commission on
30 accreditation of hospitals.

31 4. In conducting those tests designed to identify
32 the presence of chemical substances in the body, the
33 employer shall ensure to the extent feasible that the
34 tests only measure and that the records of the tests
35 only show or make use of information regarding
36 chemical substances in the body which are likely to
37 affect the ability of the employee to perform safely
38 the employee's duties while on the job or to meet
39 performance standards imposed by the employer.

40 5. This section does not restrict an employer's
41 ability to prohibit the use of alcohol or controlled
42 substances during work hours or to discipline
43 employees for being under the influence of alcohol or
44 controlled substances during work hours.

45 6. This section does not prevent an employer from
46 conducting medical screening in order to monitor
47 exposure to toxic or other unhealthy substances
48 encountered in the workplace or in the performance of

49 their job responsibilities. Any such screening must
50 be limited to the specific substances required to be

Page 3

1 monitored.

2 7. A drug test conducted as a part of a physical
3 examination performed as a part of a preemployment
4 physical or a physical in connection with a promotion
5 or a change of status in employment or as a part of a
6 regularly scheduled physical is only permissible under
7 the following circumstances:

8 a. For a preemployment physical, the employer
9 shall notify the job applicant of the requirement for
10 a drug test at the time of the interview and hiring.

11 b. For a regularly scheduled physical, the
12 employer shall give notice that a drug test will be
13 part of the physical at least fifteen days prior to
14 the date the physical is scheduled.

15 Drug testing conducted under this subsection shall
16 conform to the requirements of subsection 3,
17 paragraphs "c", "d", "e", and "f"; however, paragraph
18 "f" shall not apply to drug tests conducted as a part
19 of a preemployment physical.

20 8. An employer shall protect the confidentiality
21 of the results of any drug test conducted on an
22 employee. The results of the test may be recorded in
23 the employee's medical and personnel records; however,
24 if an employee whose test indicated the employee was
25 under the influence of alcohol or a controlled
26 substance or indicated the presence of a controlled
27 substance has undergone substance abuse evaluation
28 and, when treatment is indicated under the substance
29 abuse evaluation, successfully completed treatment for
30 substance abuse, the employee's personnel records
31 shall be expunged of any reference to the test or its
32 results when the employee leaves employment.

33 9. This section may be enforced through a civil
34 action under section 730.6. In an action brought
35 under this subsection alleging that an employer has
36 required or requested a drug test in violation of this
37 section, the employer has the burden of proving that
38 the requirements of this section were met.

39 10. An employee shall not be discharged,
40 disciplined, or discriminated against in any manner
41 for filing a complaint or testifying in any proceeding
42 or action involving violations of this section. An
43 employee discharged, disciplined, or otherwise
44 discriminated against in violation of this section
45 shall be compensated by the employer in the amount of

46 any loss of wages and benefits arising out of the
47 discrimination and shall be restored to the employee's
48 previous position of employment.
49 11. A person who violates this section is, upon
50 conviction, guilty of a simple misdemeanor."

Page 4

1 2. Page 3, by striking lines 16 through 18 and
2 inserting the following: "in the violation of this
3 section is liable for affirmative relief for damages
4 sustained including but not limited to reinstatement
5 or hiring,".

JIM RIORDAN

S-3884

1 Amend Senate File 501 as follows:
2 1. Page 17, line 1, by inserting after the word
3 "universities" the following: ", and one
4 superintendent, or the superintendent's designee, of a
5 merged area school, appointed by the Iowa association
6 of community college presidents".

CALVIN O. HULTMAN

S-3885

1 Amend Senate File 511 as follows:
2 1. Page 55, by striking lines 12 through 18.

BEVERLY HANNON
EDGAR H. HOLDEN

S-3886

1 Amend House File 617, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 1, by striking lines 1 through 11.
4 2. By striking page 1, line 24 through page 2,
5 line 21.
6 3. Page 2, lines 26 and 27 by striking the words
7 and figure "and section 524.825".
8 4. Page 2, line 31, by striking the words
9 "without limitation" and inserting the following: "up
10 to a maximum of twenty percent of capital and surplus

11 of the state bank”.

12 5. Page 3, line 12, by inserting after the word

13 “payment.” the following: “The cash value life

14 insurance contracts purchased from any one company

15 shall not exceed twenty percent of capital and surplus

16 of the state bank.”

EDGAR HOLDEN
PATRICK DELUHERY

S-3887

1 Amend Senate File 501 as follows:

2 1. Page 42, by inserting before line 1, the

3 following:

4 “Sec. ____ . Section 135C.2, Code 1987 is amended by

5 adding the following new subsection:

6 NEW SUBSECTION. 4. The protection and advocacy

7 agency designated in the state, under Pub. L. No. 98-

8 527, the developmental disabilities Act of 1984, and

9 Pub. L. No. 99-319, the protection and advocacy for

10 mentally ill individuals Act of 1986, is recognized as

11 an agency legally authorized and constituted to ensure

12 the implementation of the purposes of this chapter for

13 populations under its authority and in the manner

14 designated by Pub. L. No. 98-527 and Pub. L. No. 99-

15 319 and in the assurances of the governor of the

16 state.”

17 2. Page 42, by inserting after line 18, the

18 following:

19 “Sec. ____ . Section 135C.16, subsection 3, Code

20 1987, is amended to read as follows:

21 3. An inspector of the department may enter any

22 licensed health care facility without a warrant, and

23 may examine all records pertaining to the care

24 provided residents of the facility. An inspector of

25 the department may contact or interview any resident,

26 employee, or any other person who might have knowledge

27 about the operation of a health care facility. An

28 inspector of the department of human services shall

29 have the same right with respect to any facility where

30 one or more residents are cared for entirely or

31 partially at public expense, and an investigator of

32 the designated protection and advocacy agency shall

33 have the same right with respect to any facility where

34 one or more residents have developmental disabilities

35 or mental illnesses, and the state fire marshal or a

36 deputy appointed pursuant to section 135C.9,

37 subsection 1, paragraph “b” shall have the same right

38 of entry into any facility and the right to inspect
39 any records pertinent to fire safety practices and
40 conditions within that facility. If any such
41 inspector has probable cause to believe that any
42 institution, building, or agency not licensed as a
43 health care facility is in fact a health care facility
44 as defined by this chapter, and upon producing
45 identification that the individual is an inspector is
46 denied entry thereto for the purpose of making an
47 inspection, the inspector may, with the assistance of
48 the county attorney of the county in which the
49 purported health care facility is located, apply to
50 the district court for an order requiring the owner or

Page 2

1 occupant to permit entry and inspection of the
2 premises to determine whether there have been any
3 violations of this chapter.

4 Sec. ____ . Section 135C.17, Code 1987, is amended
5 to read as follows:

6 135C.17 DUTIES OF OTHER DEPARTMENTS.

7 It shall be the duty of the department of human
8 services, state fire marshal, and the officers and
9 agents of other state and local governmental units,
10 and the designated protection and advocacy agency to
11 assist the department in carrying out the provisions
12 of this chapter, insofar as the functions of these
13 respective offices and departments are concerned with
14 the health, welfare, and safety of any resident of any
15 health care facility. It shall be the duty of the
16 department to cooperate with the protection and
17 advocacy agency by responding to all reasonable
18 requests for assistance and information as required by
19 federal law and this chapter.

20 Sec. ____ . Section 135C.19, subsection 3, Code
21 1987, is amended to read as follows:

22 3. A copy of each citation required to be posted
23 by this subsection shall be sent by the department to
24 the department of human services and to the designated
25 protection and advocacy agency if the facility has one
26 or more residents with developmental disabilities or
27 mental illness."

28 3. Page 43, by inserting after line 5, the
29 following:

30 Sec. ____ . Section 135C.38, subsection 1, Code
31 1987, is amended to read as follows:

32 1. Upon receipt of a complaint made in accordance
33 with section 135C.37, the department or care review
34 committee shall make a preliminary review of the

35 complaint. Unless the department or committee
 36 concludes that the complaint is intended to harass a
 37 facility or a licensee or is without reasonable basis,
 38 it shall within twenty working days of receipt of the
 39 complaint make or cause to be made an on-site
 40 inspection of the health care facility which is the
 41 subject of the complaint. The department may refer to
 42 the care review committee of a facility any complaint
 43 received by the department regarding that facility,
 44 for initial evaluation and appropriate action by the
 45 committee. In any case, the complainant shall be
 46 promptly informed of the result of any action taken by
 47 the department or committee in the matter. The
 48 complainant shall also be notified of the name,
 49 address, and telephone number of the designated
 50 protection and advocacy agency if the alleged

Page 3

1 violation involves a facility with one or more
 2 residents with developmental disabilities or mental
 3 illness."
 4 4. By renumbering as necessary.

JOE J. WELSH

S-3888

1 Amend Senate File 501 as follows:
 2 1. By striking page 20, line 27 through page 21,
 3 line 17.
 4 2. Page 109, by inserting after line 1 the
 5 following:
 6 "Sec. ____ . Section 602.4201, Code 1987, is amended
 7 by adding the following new subsection:
 8 NEW SUBSECTION. 3. Notwithstanding the provisions
 9 of section 17A.2, subsections 1 and 7, which define
 10 the terms "agency" and "rule", the supreme court shall
 11 adopt rules pursuant to chapter 17A relating to the
 12 organization, operation, or functions of the offices
 13 of the clerks of the district court."
 14 3. By renumbering as necessary.

JOE J. WELSH

S-3889

S-3889

1 Amend the House amendment, S-3751, to Senate File
2 461 as amended, passed, and reprinted by the Senate,
3 as follows:

4 1. Page 1, line 3 by inserting after the word and
5 figure "through 6" the following: "and by inserting
6 the following:

7 "(5) At any retail sales location in this state if
8 any of the following apply:

9 (a) The satellite terminal is not designed,
10 configured, or operated to accept deposits or to
11 dispense script or other negotiable instruments.

12 (b) The satellite terminal is not designed,
13 configured, or operated to dispense cash except when
14 operated by the retailer as part of a retail sales
15 transaction.

16 (c) The satellite terminal is utilized for the
17 purpose of making payment to the retailer for goods or
18 services purchased at the location of the satellite
19 terminal.

20 (d) The financial institution controls a satellite
21 terminal described under subparagraph part (c) at a
22 location of the retailer established pursuant to
23 subparagraph (1), (2), (3), or (4)."

24 2. Page 1, line 26 by inserting after the word
25 "authorization" the following: "of the retailer on
26 whose premises the terminal is located, or".

PATRICK J. DELUHERY
RICHARD F. DRAKE
WILLIAM D. PALMER
DALE L. TIEDEN
WILLIAM W. DIELEMAN
JOHN JENSEN

S-3890

1 Amend Senate File 511 as follows:

2 1. Page 80, line 10, by inserting after the
3 figure "601A." the following: "As used in this
4 paragraph, "school" means a school that does not
5 refuse or deny enrollment to any person, or
6 discriminate in any program or activity, because of
7 race, creed, color, sex, national origin, religion,
8 disability, or economic disadvantage. The school may
9 discriminate on the basis of sex in athletic programs,
10 except that the school shall provide comparable

11 opportunities in intramural and interscholastic
 12 athletic programs. Any school which does not have the
 13 capacity to serve the categories of students listed in
 14 this paragraph shall provide services for those
 15 students either through shared arrangements with other
 16 schools or through the area education agencies. Non-
 17 public schools may also require different wearing
 18 apparel requirements on the basis of sex.”
 19 2. Page 80, line 32, by inserting after the
 20 figure “601A.” the following: “As used in this
 21 subsection, “school” means a school that does not
 22 refuse or deny enrollment to any person, or
 23 discriminate in any program or activity, because of
 24 race, creed, color, sex, national origin, religion,
 25 disability, or economic disadvantage. The school may
 26 discriminate on the basis of sex in athletic programs,
 27 except that the school shall provide comparable
 28 opportunities in intramural and interscholastic
 29 athletic programs. Any school which does not have the
 30 capacity to serve the categories of students listed in
 31 this paragraph shall provide services for those
 32 students either through shared arrangements with other
 33 schools or through the area education agencies. Non-
 34 public schools may also require different wearing
 35 apparel requirements on the basis of sex.”

MICHAEL E. GRONSTAL
 TOM MANN, Jr.
 BEVERLY A. HANNON
 CHARLES BRUNER

S-3891

1 Amend the amendment, S-3719, to House File 599, as
 2 amended, passed, and reprinted by the House, as
 3 follows:
 4 1. Page 1, by striking lines 10 through 14, and
 5 inserting the following: “entitled to redeem.””
 6 2. Page 1, line 20, by inserting after the word
 7 “possession” the following: “of agricultural land as
 8 defined in section 172C.1”.
 9 3. By striking page 1, line 42 through page 2,
 10 line 2, and inserting the following:
 11 “If the designated homestead is ~~not~~ sold
 12 ~~separately, but rather is sold in conjunction with the~~
 13 ~~nonhomestead property at a foreclosure sale~~ in order
 14 to satisfy the judgment, the court shall determine the
 15 fair market value of the designated homestead. The
 16 court may consult with the county appraisers appointed

17 pursuant to section 450.24, or with one or more
18 independent appraisers, to determine the fair market
19 value of the designated homestead. The mortgagor may
20 redeem the homestead separately by tendering the fair
21 market value of the homestead pursuant to chapter 628.

22 Sec. 103. Section 654.16, Code 1987, is amended by
23 adding the following new unnumbered paragraphs:

24 NEW UNNUMBERED PARAGRAPH. The mortgagor may redeem
25 the designated homestead by tendering the fair market
26 value of the designated homestead at any time within
27 two years from the date of the foreclosure sale,
28 pursuant to the procedures set forth in chapter 628.

29 However, this paragraph shall not apply to a member
30 institution purchasing a designated homestead.

31 NEW UNNUMBERED PARAGRAPH. The mortgagor may redeem
32 the designated homestead from a member institution
33 purchasing the designated homestead by tendering the
34 fair market value of the designated homestead within
35 one year from the date of the foreclosure sale,
36 pursuant to the procedures set forth in chapter 628.

37 NEW UNNUMBERED PARAGRAPH. If the member
38 institution purchasing the designated homestead at a
39 foreclosure sale is not a state bank as defined in
40 section 524.103, the following shall apply:

41 1. At the time of acquisition of the designated
42 homestead by the institution, the institution shall
43 notify the mortgagor of the mortgagor's right of first
44 refusal. A copy of subsections 1 through 5 and titled
45 "Notice of Right of First Refusal" is sufficient
46 notice.

47 2. If within one year after a sheriff's deed is
48 issued to the institution, the institution proposes to
49 sell or otherwise dispose of the designated homestead,
50 in a transaction other than a public auction, the

Page 2

1 institution shall first offer the mortgagor the
2 opportunity to repurchase the designated homestead on
3 the same terms the institution proposes to sell or
4 dispose of the designated homestead. If the
5 institution seeks to sell or otherwise dispose of the
6 designated homestead by public auction within one year
7 after a sheriff's deed is issued to the institution,
8 the mortgagor must be given sixty days' notice of all
9 of the following:

10 a. The date, time, place, and procedures of the
11 auction sale.

12 b. Any minimum terms or limitations imposed upon
13 the auction.

14 3. The institution is not required to offer the
15 mortgage financing for the purchase of the homestead.

16 4. The mortgagor has ten business days after being
17 given notice of the terms of the proposed sale or
18 disposition, other than a public auction, in which to
19 exercise the right to repurchase the homestead by
20 submitting a binding offer to the institution on the
21 same terms as the proposed sale or other disposition,
22 with closing to occur within thirty days after the
23 offer unless otherwise agreed by the institution.
24 After the expiration of either the period for offers
25 or the period for closing, without submission of an
26 offer or a closing occurring, the institution may sell
27 or otherwise dispose of the designated homestead to
28 any other person on the terms upon which it was
29 offered to the mortgagor.

30 5. Notice of the mortgagor's right of first
31 refusal, a proposed sale, auction, or other
32 disposition, or the submission of a binding offer by
33 the mortgagor, is considered given on the date the
34 notice or offer is personally served on the other
35 party or on the date the notice or offer is mailed to
36 the other party's last known address by registered or
37 certified mail, return receipt requested. The right
38 of first refusal provided in this section is not
39 assignable, but may be exercised by the mortgagor's
40 successor in interest, receiver, personal represen-
41 tative, executor, or heir only in case of bankruptcy,
42 receivership, or death of the mortgagor.

43 NEW UNNUMBERED PARAGRAPH. As used in this section,
44 "member institution" means any lending institution or
45 an affiliate of such institution that is a member of
46 the federal deposit insurance corporation, the federal
47 savings and loan insurance corporation, or the
48 national credit union administration.""

49 4. Page 2, line 12, by striking the word and
50 figure "section 102" and inserting the following:

Page 3

1 "sections 102 and 103".

2 5. Page 2, line 17, by inserting after the word
3 "mortgagee" the following: "who has not sold or
4 otherwise disposed of the agricultural land and".

5 6. Page 2, line 30, by inserting after the word
6 "homestead," the following: "providing for a right of
7 repurchase,".

S-3892

- 1 Amend amendment, S-3765, to Senate File 501 as
2 follows:
- 3 1. Page 7, by striking lines 44 through 48.
 - 4 2. Page 7, line 49, by striking the figure “,
 - 5 9,”.
 - 6 3. Page 8, by striking lines 9 through 13.
 - 7 4. Page 9, by striking lines 3 through 9.
 - 8 5. Page 10, by striking lines 27 through 33.
 - 9 6. Page 11, by striking lines 16 through 22.
 - 10 7. By renumbering as necessary.

ROBERT M. CARR

S-3893

- 1 Amend Senate File 501 as follows:
- 2 1. Page 41, by inserting after line 35 the
 - 3 following:
 - 4 “Sec. ____ . Section 135B.7, unnumbered paragraph 1,
 - 5 Code 1987, is amended to read as follows:
 - 6 The ~~state~~ department of ~~health~~ inspections and
 - 7 appeals, with the advice of the hospital licensing
 - 8 board and upon review and consultation with the state
 - 9 board of health, shall adopt and enforce rules ~~and~~
 - 10 containing standards for the different types of
 - 11 hospitals to be licensed under this chapter, to
 - 12 further the purposes of the chapter. Rules ~~or~~
 - 13 ~~standards~~ shall not be adopted or enforced which would
 - 14 have the effect of denying a license to a hospital or
 - 15 other institution required to be licensed, solely by
 - 16 reason of the school or system of practice employed or
 - 17 permitted to be employed by physicians in the hospital
 - 18 if the school or system of practice is recognized by
 - 19 the laws of this state.”
 - 20 2. By renumbering as necessary.

ROBERT M. CARR

S-3894

- 1 Amend the Committee amendment, S-3765, to Senate
2 File 501 as follows:
- 3 1. Page 2, by inserting after line 29 the
 - 4 following:
 - 5 “____ . Page 25, by inserting after line 30 the

6 following:

7 "24. All professional employees in the farm
8 commodities division of the department of agriculture
9 and land stewardship.

10 25. All professional employees in the
11 administrative division of the department of
12 agriculture and land stewardship, except that the
13 following are subject to the merit system:

14 a. Temporary apiary inspectors.
15 b. Professional employees of the statistics bureau
16 who are on assignment to work with the national
17 agricultural statistics service of the United States
18 department of agriculture."

19 2. Page 2, by inserting after line 42 the
20 following:

21 "____. Page 27, line 31, by inserting after the
22 word "VACANCIES" the following: "AND CHANGES IN
23 POSITION CLASSIFICATIONS".

24 ____ . Page 27, line 34, by inserting after the
25 word "directly" the following: "and only".

26 ____ . Page 27, line 34, by inserting after the
27 word "processing." the following: "All requests by an
28 elected official to change a position classification
29 shall be sent directly and only to the department of
30 personnel for processing, but shall be subject to the
31 review and approval of the executive council."

32 3. By renumbering as necessary.

ROBERT M. CARR

S-3895

1 Amend Senate File 501 as follows:

2 1. Page 9, by striking lines 3 through 5 and
3 inserting the following: "members."
4 2. By striking page 29, line 25 through page 30,
5 line 12.

6 3. By striking page 37, line 19 through page 38,
7 line 7.

8 4. Page 62, by striking lines 4 through 26.

9 5. By striking page 64, line 34 through page 65,
10 line 10.

11 6. Page 67, by striking lines 30 and 31.

12 7. By striking page 68, line 23 through page 69,
13 line 8.

14 8. By renumbering as necessary.

ROBERT M. CARR

HOUSE AMENDMENT TO
SENATE AMENDMENT TO
HOUSE FILE 130

S-3896

- 1 Amend the Senate Amendment H-3130 to House File 130
- 2 as passed by the House as follows:
- 3 1. Page 1, line 5, by striking the word
- 4 "mortgages" and inserting the word "mortgagees".
- 5 2. Page 1, line 6, by striking the word
- 6 "mortgages" and inserting the word "mortgagees".
- 7 3. Page 1, line 7, by inserting after the word
- 8 "assignees" the words "of record".

HOUSE AMENDMENT TO
SENATE AMENDMENT TO
HOUSE FILE 167

S-3897

- 1 Amend the Senate amendment, H-3896, to House File
- 2 167, as passed by the House, as follows:
- 3 1. Page 1, by striking lines 3 and 4 and
- 4 inserting the following:
- 5 "____. Page 3, by inserting after line 11 the
- 6 following: "
- 7 2. Page 1, line 33, by striking the figure "19"
- 8 and inserting the figure "11".
- 9 3. Page 1, by striking lines 43 through 46 and
- 10 inserting the following:
- 11 "____. Title page, line 1, by striking the word
- 12 "for" and inserting the following: "for, issuance
- 13 of"."
- 14 4. Renumber as necessary.

S-3898

- 1 Amend the amendment, S-3821, to Senate File 501 as
- 2 follows:
- 3 1. Page 1, by striking lines 6 and 7 and insert-
- 4 ing the following:
- 5 "____. By striking page 45, line 25 through page
- 6 47, line 33.
- 7 ____ . Page 113, line 25, by striking the figures

8 "15.201, 15.202, 15.203".

9 2. By renumbering as necessary.

JACK RIFE

S-3899

1 Amend the amendment, S-3765, to Senate File 501 as
2 follows:

- 3 1. Page 24, lines 35 and 36, by striking the
- 4 words "agricultural development authority or".
- 5 2. By renumbering as necessary.

JACK RIFE

S-3900

1 Amend amendment, S-3358, to Senate File 351 as
2 follows:

- 3 1. By striking page 1, line 4 through page 10,
- 4 line 5.
- 5 2. By striking page 10, line 6 through page 12,
- 6 line 12.
- 7 3. By striking page 12, line 22 through page 14,
- 8 line 7.
- 9 4. By striking page 14, line 8.
- 10 5. Page 14, by inserting after line 8 the follow-
- 11 ing:
- 12 "Sec. ____ . The Code editor shall codify new
- 13 sections 525.1 through 525.11 as division I of chapter
- 14 525."
- 15 6. Page 14, by inserting after line 8 the follow-
- 16 ing:
- 17 "Sec. ____ . The Code editor shall codify new
- 18 sections 525.21 through 525.29 as division II of
- 19 chapter 525."
- 20 7. Page 14, by striking lines 9 through 12.

JACK RIFE

S-3901

1 Amend Senate File 501 as follows:

- 2 1. Page 106, by inserting after line 33 the
- 3 following:
- 4 "Sec. 1001. NEW SECTION. 601B.1 MEMBERSHIP.
- 5 The Iowa commission for the blind is established

6 consisting of three members to be appointed by the
7 governor, subject to confirmation by the senate.

8 Sec. 1002. NEW SECTION. 601B.2 TENURE.

9 All appointees shall serve for three-year staggered
10 terms beginning and ending as provided in section
11 69.19. No more than two members shall be of the same
12 political party.

13 Sec. 1003. NEW SECTION. 601B.3 OFFICERS --
14 ASSISTANTS.

15 The commission shall elect its own officers and
16 shall employ a director and such assistants as may be
17 necessary to carry out the provisions of this chapter,
18 and hold such meetings as it may determine.

19 Sec. 1004. NEW SECTION. 601B.4 COMPENSATION AND
20 EXPENSES.

21 The members of the commission shall be reimbursed
22 for actual expenses incurred in the performance of
23 their duties as members of the commission. Members
24 may also be eligible to receive compensation as
25 provided in section 7E.6 All per diem and expense
26 moneys paid to members shall be paid from funds
27 appropriated to the commission.

28 Sec. 1005. NEW SECTION. 601B.5 BUREAU OF
29 INFORMATION -- LIBRARY SERVICES.

30 The commission for the blind may provide library
31 services to blind and physically handicapped persons
32 and shall act as a bureau of information and
33 industrial aid for the blind, such as assisting the
34 blind in finding employment, teaching them industries,
35 giving them such assistance as may be necessary or
36 advisable in helping the adult blind in marketing
37 their products.

38 Sec. 1006. NEW SECTION. 601B.6 DUTIES.

39 The commission shall:

40 1. Prepare and maintain a complete register of the
41 blind of the state which shall describe the condition,
42 cause of blindness, capacity for education and
43 industrial training, and such other facts as the
44 commission deems of value.

45 2. Assist in marketing of products of blind
46 workers of the state.

47 3. Ameliorate the condition of the blind by
48 promoting visits to them in their homes for the
49 purpose of instruction and by such other lawful method
50 as the commission deems expedient.

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1 4. Make inquiries concerning the causes of
2 blindness to ascertain what portion of such cases are
3 preventable and cooperate with the other organized
4 agents of the state in the adoption and enforcement of
5 proper prevention measures.

6 5. Provide for suitable vocational training
7 whenever the commission shall deem it advisable and
8 necessary. The commission may establish workshops for
9 the employment of the blind, paying suitable wages for
10 work under such employment. The commission may
11 provide or pay for, during their training period, the
12 temporary lodging and support of persons receiving
13 vocational training. The commission, as provided in
14 this chapter, may use any receipts or earnings that
15 accrue from the operation of the workshops, but a
16 detailed statement of receipts or earnings and
17 expenditure shall be made monthly to the department of
18 management.

19 6. Discourage begging, either directly or
20 indirectly, on the part of the blind within the limits
21 of the state.

22 7. Make a report to the governor and general
23 assembly of its activities, studies, conclusions, and
24 recommendations to the general assembly not later than
25 February 15 of each odd-numbered year. The report
26 shall embody a properly classified and tabulated
27 statement of its estimated revenue and expenses for
28 the ensuing year with its own opinion of the necessity
29 or expediency of appropriations in accordance with the
30 estimates. The annual report shall also present a
31 concise review of the work of the commission for the
32 preceding year with suggestions and recommendations
33 for improving the condition of the blind.

34 8. Perform all other duties required by law.

35 9. Establish, manage, and control a special
36 training orientation, and adjustment center or centers
37 for the blind. Training in the centers shall be
38 limited to persons who are sixteen years of age or
39 older, and the commission shall not provide or cause
40 to be provided any academic education or training to
41 children under the age of sixteen except that the
42 commission may provide library services to these
43 children. The commission shall have the power to
44 provide for the maintenance, upkeep, repair, and
45 alteration of the buildings and grounds designated as
46 centers for the blind. The commission may expend
47 moneys as may be appropriated to the commission by the
48 state for the purpose of carrying out the provisions
49 of this chapter. The director of the commission for
50 the blind shall have the power to employ the necessary

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1 personnel to maintain and operate the center or
2 centers, at salaries fixed by the director with the
3 approval of the commission.
4 10. Establish and maintain offices for the
5 commission.
6 11. Accept gifts, grants, devises, or bequests of
7 real or personal property from any source for the use
8 and purposes of the commission.
9 12. Nonresidents may be admitted to Iowa centers
10 for the blind if their presence would not be
11 prejudicial to the interests of residents, and upon
12 terms as may be fixed by the commission.
13 Sec. 1007. NEW SECTION. 601B.7 FEDERAL AID --
14 CONDITIONS EXCLUDED.
15 The Iowa commission for the blind may accept
16 financial aid from the government of the United States
17 for the purpose of assisting in carrying out
18 rehabilitation and physical restoration of the blind
19 and to provide library services to the blind and
20 physically handicapped, and shall have the same powers
21 and duties for that purpose, as provided the state
22 board for vocational education in chapter 259.
23 A contribution or grant shall not be received or
24 accepted if any condition is attached as to its use or
25 administration other than that it be used for
26 assistance to the blind as provided in this section.”
27 2. Page 107, by inserting after line 2 the
28 following:
29 “Sec. 1008. Section 601K.1, subsection 7, Code
30 1987, is amended by striking the subsection.”
31 3. Page 113, by inserting after line 27 the
32 following:
33 “___ . Sections 601K.121 through 601K.127, Code
34 1987, are repealed effective July 1, 1987.”
35 4. Page 113, by inserting after line 28 the
36 following:
37 “Sec. ___ . MEMBERSHIP TRANSITION PROVISION.
38 Members of the commission for the blind immediately
39 prior to the effective date of this Act shall continue
40 to serve until the expiration of their terms as
41 members of the Iowa commission for the blind.”
42 5. Page 114, by inserting after line 2 the
43 following:
44 “However, sections 1001 through 1008 take effect

45 July 1, 1987.”

46 6. By renumbering as necessary.

GEORGE KINLEY
 JACK RIFE
 JOHN E. SOORHOLTZ

S-3902

1 Amend Senate File 501 as follows:

DIVISION S—3902A

2 1. By striking page 20, line 27 through page 21,
 3 line 17.

DIVISION S—3902B

4 2. Page 109, by inserting after line 1 the
 5 following:
 6 “Sec. ____ . Section 602.4201, Code 1987, is amended
 7 by adding the following new subsection:
 8 NEW SUBSECTION. 3. Notwithstanding the provisions
 9 of section 17A.2, subsections 1 and 7, which define
 10 the terms “agency” and “rule”, the supreme court shall
 11 adopt rules pursuant to chapter 17A relating to the
 12 organization and internal operation of the offices of
 13 the clerks of the district court.”
 14 3. By renumbering as necessary.

JOE J. WELSH

S-3903

1 Amend Senate File 501 as follows:
 2 1. Page 17, by striking lines 13 through 20 and
 3 inserting the following: “appointments shall include
 4 persons knowledgeable of the various elements of the
 5 department’s responsibilities.”

JACK RIFE

S-3904

1 Amend Senate File 501 as follows:
 2 1. Page 21, by striking lines 4 through 17.

TOM MANN, JR.

S-3905

- 1 Amend Senate File 501 as follows:
- 2 1. Page 113, by striking line 28.

WILLIAM W. DIELEMAN

S-3906

- 1 Amend amendment S-3765 to Senate File 501 as
- 2 follows:
- 3 1. Page 20, by striking line 50 through page 22,
- 4 line 27.

JACK RIFE

S-3907

- 1 Amend Senate File 501 as follows:
- 2 1. Page 16, by striking line 33 and inserting the
- 3 following: "designated by the state board of regents
- 4 on a rotating basis, and one president, or".

BEVERLY HANNON

S-3908

- 1 Amend Senate File 501 as follows:
- 2 1. Page 20, by striking line 27 through page 21,
- 3 line 17.

TOM MANN, JR.

S-3909

- 1 Amend Senate File 501 as follows:
- 2 1. Page 1, by inserting after line 24 the
- 3 following:
- 4 "Sec. ____ . Section 2.42, subsection 4, Code 1987,
- 5 is amended by adding the following new unnumbered
- 6 paragraph:
- 7 NEW UNNUMBERED PARAGRAPH. Members of interim study
- 8 committees appointed by the legislative council shall
- 9 reflect the minority and gender representation in the
- 10 general assembly."
- 11 2. By renumbering as necessary.

BEVERLY HANNON

S-3910

- 1 Amend Senate File 501 as follows:
 2 1. Page 113, by inserting after line 35 the
 3 following:
 4 "Sec. ____ . CRIMINAL AND JUVENILE JUSTICE PLANNING
 5 AGENCY -- STUDY.
 6 The legislative fiscal bureau shall conduct a study
 7 and evaluation of the criminal and juvenile justice
 8 planning agency within the department of management
 9 and shall report its findings to the general assembly.
 10 The study and evaluation shall include a review of the
 11 following:
 12 1. The appropriate organization and location of
 13 the agency.
 14 2. The agency's progress in meeting the
 15 requirements of chapter 80C.
 16 3. The coordination and expenditure of federal
 17 justice-related grant moneys.
 18 4. The activity of the criminal and juvenile
 19 justice advisory council.
 20 5. The staffing pattern and needs of the agency.
 21 6. Assistance provided by the agency to state and
 22 local units of government.
 23 7. Other relevant issues identified by the
 24 legislative council or the legislative fiscal bureau."
 25 2. By renumbering as necessary.

JOE J. WELSH
 ROBERT M. CARR

S-3911

- 1 Amend the amendment, S-3820, to Senate File 501 as
 2 follows:
 3 1. Page 1, lines 12 and 13, by striking the words
 4 "chapters 17A and 25A." and inserting the following:
 5 "chapter 17A, the merit system provisions of chapter
 6 19A, and chapters 20, 25A, 91B, 97B, and 509A. The
 7 authority and not the state shall provide workers'
 8 compensation, unemployment compensation, Iowa public
 9 employees' retirement system, and group insurance
 10 coverages for employees of the authority."
 11 2. By striking page 6, line 49 through page 7,
 12 line 4.

- 13 3. Page 7, by striking lines 13 through 17.
14 4. By renumbering as necessary.

ROBERT M. CARR
JOHN E. SOORHOLTZ

S-3912

- 1 Amend the House amendment S-3571 to Senate File
2 461 as amended, passed and reprinted by the Senate
3 as follows:
4 1. Page 1, by striking lines 4 through 12.

EDGAR H. HOLDEN

S-3913

- 1 Amend House File 617 as amended, passed, and
2 reprinted by the House as follows:
3 1. Page 2, by inserting after line 21 the
4 following:
5 "Sec. ____ . Section 524.901, subsection 1, Code
6 1987, is amended by adding the following new lettered
7 paragraph:
8 NEW LETTERED PARAGRAPH. g. Bonds and securities
9 which are authorized investments under paragraph "a",
10 "b", "c", or "d" include investments in an investment
11 company or investment trust registered under the
12 Investment Company Act of 1940, 15 U.S.C. § 80a, the
13 portfolio of which is limited to the United States
14 government obligations described in paragraph "a",
15 "b", "c", or "d" and to repurchase agreements fully
16 collateralized by the United States government
17 obligations described in paragraph "a", "b", "c", or
18 "d", if the investment company or investment trust
19 takes delivery of the collateral either directly or
20 through an authorized custodian."
21 2. By renumbering as necessary.

EDGAR H. HOLDEN

S-3914

- 1 Amend Senate File 501 as follows:
2 1. Page 34, by inserting after line 26 the
3 following:
4 "Sec. 65. Section 93.7, subsections 4, 5, 9, 11
5 and 12, Code 1987, are amended by striking the
6 subsections.
7 Sec. 66. Section 93.7, subsection 10, is amended

8 to read as follows:

9 10. Promulgate rules necessary to carry out the
 10 provisions of this chapter, subject to review in
 11 accordance with chapter 17A. ~~Rules promulgated by the~~
 12 ~~governor pursuant to a proclamation issued under the~~
 13 ~~provisions of section 93.8 shall not be subject to~~
 14 ~~review or a public hearing as required in chapter 17A;~~
 15 ~~however, agency rules for implementation of the~~
 16 ~~governor's proclamation are subject to the~~
 17 ~~requirements of chapter 17A.~~
 18 Sec. 67. Section 323A.2, subsection 1, paragraph
 19 c, Code 1987, is amended by striking the paragraph.
 20 Sec. 68. Section 805.8, subsection 8, Code 1987,
 21 is amended by striking the subsection.
 22 Sec. 69. Sections 93.9, 93.10, and 93.21 through
 23 93.30, Code 1987, are repealed."

EDGAR H. HOLDEN
 ROBERT M. CARR

S-3915

1 Amend Senate File 509 as follows:
 2 1. Page 2, by striking lines 24 through 34.

JOHN NYSTROM
 ROBERT CARR

S-3916

1 Amend the House amendment, S-3798, to Senate File
 2 471 as amended, passed and reprinted by the Senate as
 3 follows:
 4 1. Page 1, line 4, by inserting after the word
 5 "negligence," the following: "and inserting in lieu
 6 thereof the words ", willful and wanton disregard of
 7 another's rights,""
 8 2. Page 1, line 6, by inserting after the word
 9 "negligence," the following: "and inserting in lieu
 10 thereof the words ", willful and wanton disregard of
 11 another's rights,""
 12 3. Page 1, line 8, by inserting after the word
 13 "or" the following: "and inserting in lieu thereof
 14 the words "willful and wanton disregard of another's
 15 rights or."
 16 4. Page 1, line 10, by inserting after the word
 17 "or" the following: "and inserting in lieu thereof
 18 the words "willful and wanton disregard of another's

19 rights or”.”

20 5. Page 1, line 12, by inserting after the word
21 “or” the following: “and inserting in lieu thereof
22 the words “willful and wanton disregard of another’s
23 rights or”.”

24 6. Page 1, line 23, by inserting after the word
25 “or” the following: “and inserting in lieu thereof
26 the words “willful and wanton disregard of another’s
27 rights or”.”

28 7. Page 1, line 25, by inserting after the word
29 “negligence,” the following: “and inserting in lieu
30 thereof the words “, willful and wanton disregard of
31 another’s rights,”.”

32 8. Page 1, line 27, by inserting after the word
33 “negligence,” the following: “and inserting in lieu
34 thereof the words “, willful and wanton disregard of
35 another’s rights,”.”

TOM MANN, JR.

S-3917

1 Amend the amendment, S-3719, to House File 599, as
2 amended, passed, and reprinted by the House, as
3 follows:

4 1. Page 1, by striking lines 10 through 14, and
5 inserting the following: “entitled to redeem.””

6 2. Page 1, line 20, by inserting after the word
7 “possession” the following: “of agricultural land as
8 defined in section 172C.1”.

9 3. By striking page 1, line 42 through page 2,
10 line 2, and inserting the following:

11 “If the designated homestead is ~~not~~ sold
12 ~~separately, but rather is sold in conjunction with the~~
13 ~~nonhomestead property at a foreclosure sale~~ in order
14 to satisfy the judgment, the court shall determine the
15 fair market value of the designated homestead. The
16 court may consult with the county appraisers appointed
17 pursuant to section 450.24, or with one or more
18 independent appraisers, to determine the fair market
19 value of the designated homestead. ~~The mortgagor may~~
20 ~~redeem the homestead separately by tendering the fair~~
21 ~~market value of the homestead pursuant to chapter 628.~~

22 Sec. 103. Section 654.16, Code 1987, is amended by
23 adding the following new unnumbered paragraphs:
24 NEW UNNUMBERED PARAGRAPH. The mortgagor may redeem
25 the designated homestead by tendering the fair market
26 value, as determined pursuant to this section, of the
27 designated homestead at any time within two years from

28 the date of the foreclosure sale, pursuant to the
29 procedures set forth in chapter 628. However, this
30 paragraph shall not apply to a member institution
31 which has purchased a designated homestead at a
32 foreclosure sale.

33 NEW UNNUMBERED PARAGRAPH. The mortgagor may redeem
34 the designated homestead from a member institution,
35 which has purchased the designated homestead at a
36 foreclosure sale, by tendering the fair market value
37 of the designated homestead within one year from the
38 date of the foreclosure sale, pursuant to the
39 procedures set forth in chapter 628.

40 NEW UNNUMBERED PARAGRAPH. If the member
41 institution which has purchased the designated
42 homestead at a foreclosure sale is not a state bank as
43 defined in section 524.103, the following shall apply:

44 1. At the time the sheriff's deed is issued, the
45 institution shall notify the mortgagor of the
46 mortgagor's right of first refusal. A copy of this
47 unnumbered paragraph and subsections 1 through 5 and
48 titled "Notice of Right of First Refusal" is
49 sufficient notice.

50 2. If within one year after a sheriff's deed is

Page 2

1 issued to the institution, the institution proposes to
2 sell or otherwise dispose of the designated homestead,
3 in a transaction other than a public auction, the
4 institution shall first offer the mortgagor the
5 opportunity to repurchase the designated homestead on
6 the same terms the institution proposes to sell or
7 dispose of the designated homestead. If the
8 institution seeks to sell or otherwise dispose of the
9 designated homestead by public auction within one year
10 after a sheriff's deed is issued to the institution,
11 the mortgagor must be given sixty days' notice of all
12 of the following:

13 a. The date, time, place, and procedures of the
14 auction sale.

15 b. Any minimum terms or limitations imposed upon
16 the auction.

17 3. The institution is not required to offer the
18 mortgagor financing for the purchase of the homestead.

19 4. The mortgagor has ten business days after being
20 given notice of the terms of the proposed sale or
21 disposition, other than a public auction, in which to
22 exercise the right to repurchase the homestead by
23 submitting a binding offer to the institution on the
24 same terms as the proposed sale or other disposition,

25 with closing to occur within thirty days after the
 26 offer unless otherwise agreed by the institution.
 27 After the expiration of either the period for offer or
 28 the period for closing, without submission of an offer
 29 or a closing occurring, the institution may sell or
 30 otherwise dispose of the designated homestead to any
 31 other person on the terms upon which it was offered to
 32 the mortgagor.

33 5. Notice of the mortgagor's right of first
 34 refusal, a proposed sale, auction, or other
 35 disposition, or the submission of a binding offer by
 36 the mortgagor, is considered given on the date the
 37 notice or offer is personally served on the other
 38 party or on the date the notice or offer is mailed to
 39 the other party's last known address by registered or
 40 certified mail, return receipt requested. The right
 41 of first refusal provided in this section is not
 42 assignable, but may be exercised by the mortgagor's
 43 successor in interest, receiver, personal represen-
 44 tative, executor, or heir only in case of bankruptcy,
 45 receivership, or death of the mortgagor.
 46 NEW UNNUMBERED PARAGRAPH. As used in this section,
 47 "member institution" means any lending institution
 48 that is a member of the federal deposit insurance
 49 corporation, the federal savings and loan insurance
 50 corporation, the national credit union administration,

Page 3

1 or an affiliate of such institution."'''

2 4. Page 2, line 12, by striking the word and
 3 figure "section 102" and inserting the following:
 4 "sections 102 and 103".

5 5. Page 2, line 17, by inserting after the word
 6 "mortgagee" the following: "who has not sold or
 7 otherwise disposed of the agricultural land and".

8 6. Page 2, line 30, by inserting after the word
 9 "homestead," the following: "providing for certain
 10 redemption rights, providing for a right of
 11 repurchase,".

JIM RIORDAN

HOUSE AMENDMENT TO
 SENATE AMENDMENT TO
 HOUSE FILE 334

S-3918

1 Amend the Senate amendment, H-3883, to House File
 2 334 as amended, passed and reprinted by the House as

3 follows:

4 1. Page 1, by striking lines 3 through 12.

S-3919

1 Amend House File 518, as passed by the House as
2 follows:

- 3 1. Page 4, line 29, by inserting after the word
4 "persons" the following: "and the purchase of
5 entitlement shall be subject to the contract letting
6 procedures of chapter 384, division VI".
7 2. Page 5, line 5, by inserting after the word
8 "facility" the following: "and the purchase of
9 entitlement shall be subject to the contract letting
10 procedures of chapter 384, division VI".

RICHARD VANDE HOEF

HOUSE AMENDMENT TO
SENATE FILE 274

S-3920

1 Amend Senate File 274 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. 159.31 INTENT.
6 This division is intended to create a state-
7 assisted Iowa agricultural export trading company to
8 assist private enterprise in the sale and export of
9 Iowa agricultural products and commodities. A public-
10 private partnership, the company shall act as an
11 intermediary for suppliers, shippers, private export
12 trading companies, and other persons within the state,
13 and for members of the interstate compact on
14 agricultural grain marketing. As an interim measure
15 an Iowa agricultural trading board will assist in the
16 organization of the Iowa agricultural export trading
17 company and prior to the organization, facilitate
18 sales to the extent possible with state assistance.
19 The department of agriculture and land stewardship and
20 other state departments and agencies shall assist the
21 company in dealings with foreign governments and other
22 purchasers. The company's services shall include, but
23 are not limited to, marketing and negotiation,
24 information and coordination, and other sale

25 facilitation services.

26 This division will further uniquely identify Iowa
27 quality agricultural products and commodities through
28 an inspection and certification program intended to be
29 responsive to individual buyers' specifications. The
30 bureau of agriquality inspection will assure delivery
31 to the buyer with quality undiminished.

32 An agrimarketing data bank is established. The
33 data bank will provide information on the
34 availability, kind, quality, and price of agricultural
35 products, commodities, and storage and transportation
36 facilities. The information is designed to enhance
37 sales of the export trading company and other sellers.

38 This division is intended to take advantage of the
39 federal Export Trading Company Act of 1982, Pub. L.
40 No. 97-290.

41 Sec. 2. NEW SECTION. 159.32 IOWA AGRICULTURAL
42 TRADING BOARD.

43 1. FORMATION. The Iowa-agricultural trading board
44 is created within the department of agriculture and
45 land stewardship.

46 The board shall consist of the following members:

47 a. The secretary, who shall be the chairperson of
48 the board.

49 b. The director of the agricultural marketing
50 division.

Page 2

1 c. The director of the Iowa department of economic
2 development.

3 d. Four additional nonvoting members from the
4 private sector appointed by the secretary, who shall
5 be knowledgeable in the area of farming, exporting,
6 agricultural product or commodity storage,
7 transportation, marketing, or finance.

8 The board shall reflect, to the maximum extent
9 practicable, a gender balance.

10 2. The board shall meet monthly or more often as
11 directed by the secretary. The agricultural export
12 trading board shall begin its function immediately
13 upon formation.

14 Sec. 3. NEW SECTION. 159.33 PURPOSES AND POWERS.

15 1. GENERAL. The purposes of the Iowa agricultural
16 trading board are to assist producers, shippers, and
17 sellers of Iowa agricultural products and commodities;
18 to further the goals and purposes of the interstate
19 compact on agricultural grain marketing; to expand
20 existing markets; and to develop new markets both
21 foreign and domestic through, but not limited to, the

22 following:

23 a. Direct negotiation with foreign governments or
24 their agencies, and other buyers, foreign or domestic,
25 as an agent for persons approved by the board.

26 b. Acceptance of orders from persons to be placed
27 with Iowa sellers, if possible.

28 c. Exploration and development of specialty-type
29 deliveries which include small deliveries of grains or
30 other agricultural products and commodities to
31 countries with inadequate storage capacities or high
32 quality grain deliveries through reduced blending or
33 under the certified Iowa grain program.

34 d. Arrangement of counter trade or barter options
35 as an agent.

36 2. SECRETARY AS AGENT. The secretary, or the
37 secretary's designee, may serve as an agent for a
38 person engaged in trade within the scope of the
39 board's powers, if assistance to that person has been
40 approved by the board. Terms of assistance may
41 include, but are not limited to, terms specifying
42 available services, fees for services, and
43 compensation for expenses. When the Iowa agricultural
44 export trading company is organized pursuant to
45 sections 159.34 through 159.35, the Iowa agricultural
46 trading board shall be dissolved and cease to operate.
47 The Iowa department of economic development, and other
48 departments and agencies of the state, including the
49 state board of regents and its institutions, shall
50 cooperate with and assist the board upon the

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1 secretary's request.

2 3. FEDERAL EXPORT TRADING COMPANY ACT. The Iowa
3 agricultural trading board has the powers necessary to
4 fulfill the purposes of this division and shall be
5 organized to comply with the requirements of the
6 federal Export Trading Company Act of 1982, Pub. L.
7 No. 97-290, which do not conflict with or are not
8 further limited by this division so as to enjoy the
9 benefits of that Act if possible.

10 4. INTERSTATE GRAIN COMPACT. The Iowa
11 agricultural trading board has the powers and shall be
12 organized to complement and further the goals and
13 purposes of the interstate compact on agricultural
14 grain marketing. However, the board shall not
15 exercise any powers described in chapter 183, unless
16 acting pursuant to an agreement entered into by the
17 board and the agricultural grain marketing commission.

18 5. SOVEREIGN IMMUNITY. The state of Iowa, and its

19 elected officials, employees, and agents, are not
20 liable for any civil causes of action, including but
21 not limited to actions related to contracts, arising
22 out of the operations of the Iowa agricultural trading
23 board, including actions in which the state, and its
24 elected officials, employees, and agents, act as an
25 agent of a person or act to assist a person.

26 Sec. 4. NEW SECTION. 159.34 AUTHORIZED
27 CORPORATION.

28 1. INCORPORATION. There may be incorporated by
29 the Iowa agricultural trading board under chapter 496A
30 a corporation which shall be known as the Iowa
31 agricultural export trading company. If incorporated,
32 this corporation shall be established by the
33 secretary. The initial board of directors shall
34 consist of the following persons:

35 a. The secretary.

36 b. The director of the agricultural marketing
37 division.

38 c. The director of the Iowa department of economic
39 development.

40 d. Six additional members appointed by the
41 secretary, who shall be knowledgeable in the area of
42 farming, exporting, agricultural product or commodity
43 storage, transportation, marketing, or finance.

44 2. INITIAL ORGANIZATION AND CAPITALIZATION.

45 Financing of the export trading company shall
46 initially come from its public offering of stock to
47 residents of this state. In preparation for this
48 sale, the secretary in conjunction with the Iowa
49 agricultural trading board shall prepare a detailed
50 marketing study to serve as the basis for the company

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1 work plan and the company prospectus.

2 3. PUBLIC STOCK OFFERING. The public sale of
3 stock in the Iowa agricultural export trading company
4 is exempt from the requirements of chapter 502. After
5 the sale of stock to the public, provision shall be
6 made for the election of a board of directors by the
7 stockholders to replace the initial board of
8 directors.

9 However, the secretary and the director of the
10 agricultural marketing division shall be ex officio
11 members of the board representing the state of Iowa
12 and the public purposes for which the corporation is
13 created. The secretary shall have the authority to
14 call a meeting of the board of directors at any time
15 provided notice requirements otherwise applicable are

16 followed.

17 4. ARTICLES OF INCORPORATION. The articles of
18 incorporation, and the prospectus in the event of a
19 public offering, may include such limitations on the
20 ownership and transfer of shares as otherwise
21 permitted by law and as deemed reasonable by the
22 secretary, or subsequently by the board of directors.

23 5. REVIEW COMMITTEE. A review committee shall be
24 established August 1 during the fourth year after
25 incorporation of the Iowa agricultural export trading
26 company. The committee shall consist of the following
27 members:

28 a. Two directors of the Iowa agricultural export
29 trading company to be appointed by the chairperson of
30 the board of directors.

31 b. Two persons from the division of agricultural
32 marketing to be appointed by the secretary.

33 c. One senator appointed by the senate majority
34 leader.

35 d. One senator appointed by the senate minority
36 leader.

37 e. One representative appointed by the speaker of
38 the house.

39 f. One representative appointed by the house
40 minority leader.

41 g. One member appointed by the governor.

42 Appointments to the review committee shall comply
43 with all applicable requirements of the Code.

44 The review committee shall file a final report with
45 the secretary and the agricultural committees of the
46 senate and house of representatives no later than
47 December 1, during the fifth year after incorporation
48 of the company. The final report shall contain a
49 summary of the company's marketing activity to date,
50 and a recommendation regarding the state's continued

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1 assistance to the Iowa agricultural export trading
2 company, or other legislative action or corporate
3 action deemed appropriate by the review committee to
4 further the purposes of this chapter in light of the
5 success or prospects for success of the company.

6 6. ANNUAL LEGISLATIVE REPORT. The Iowa
7 agricultural export trading company shall submit an
8 annual report to the agriculture committees of the
9 senate and house of representatives on or before
10 January 31. The report shall contain at least the
11 following information:

12 a. A summary of trading activity in the past year.

13 b. An evaluation of the performance and
14 achievement of goals in the past year of operations.

15 c. A summary of plans and goals for the coming
16 year of operations.

17 d. Proposed legislative action to assist the
18 company in the accomplishment of its stated goals.

19 e. Any other information requested by one or more
20 of the committees, a committee chair, or a ranking
21 member of an agriculture committee.

22 7. SECRETARY AS AGENT. The secretary, or the
23 secretary's designee, shall serve as an agent for the
24 company, unless the secretary determines that a
25 corporate act fails to serve the public purposes for
26 which the corporation was formed, in which case the
27 secretary may withhold any or all state assistance to
28 the corporation. The Iowa department of economic
29 development, and other departments and agencies of the
30 state, including the state board of regents and its
31 institutions, shall cooperate with and assist the
32 company upon the secretary's request.

33 Sec. 5. NEW SECTION. 159.35 PURPOSES AND POWERS.

34 1. GENERAL. The purposes of the Iowa agricultural
35 export trading company are to assist producers,
36 shippers, and exporters of Iowa agricultural products
37 and commodities; to further the goals and purposes of
38 the interstate compact on agricultural grain
39 marketing; to expand existing markets; and to develop
40 new markets through, but not limited to, the
41 following:

42 a. Direct negotiation or contracts with, or
43 acceptance of orders from, foreign governments or
44 their agencies.

45 b. Specialty-type deliveries which include small
46 deliveries of grains or other agricultural products
47 and commodities to countries with inadequate storage
48 capacities or high quality grain deliveries through
49 reduced blending or under the certified Iowa grain
50 program.

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1 c. Counter trade or barter options.

2 2. FEDERAL EXPORT TRADING COMPANY ACT. The Iowa
3 agricultural export trading company has the powers
4 necessary to fulfill the purposes of this division and
5 those provided in chapter 496A and the federal Export
6 Trading Company Act of 1982, Pub. L. No. 97-290, which
7 are not further limited by this division.

8 3. INTERSTATE GRAIN COMPACT. The Iowa
9 agricultural export trading company has the powers and

10 shall be organized to complement and further the goals
 11 and purposes of the interstate compact on agricultural
 12 grain marketing. However, the company shall not
 13 exercise any powers described in chapter 183, unless
 14 acting pursuant to an agreement entered into by the
 15 company and the agricultural grain marketing
 16 commission.

17 4. SOVEREIGN IMMUNITY. The state of Iowa, and its
 18 elected officials, employees, and agents, are not
 19 liable for any civil causes of action, including but
 20 not limited to actions related to contracts, arising
 21 out of the operations of the Iowa agricultural export
 22 trading company, including actions in which the state,
 23 and its elected officials, employees, and agents, act
 24 as an agent of the company or act to assist the
 25 company. The company shall be liable to the same
 26 extent as other chapter 496A corporations unless
 27 otherwise limited by law or contract.

28 Sec. 6. NEW SECTION. 159.36 CERTIFIED IOWA
 29 COMMODITY PROGRAM -- PENALTIES.

30 1. PROGRAM. The secretary shall establish a
 31 certified Iowa commodity program, to facilitate sales
 32 of quality Iowa agricultural products and commodities,
 33 and delivery of Iowa agricultural products and
 34 commodities to the final purchaser with their quality
 35 undiminished. The secretary, or the secretary's
 36 designee, shall administer this section, and establish
 37 policies, guidelines, and rules by which to administer
 38 this section. The secretary may investigate the
 39 handling, weighing, grading, and transportation of
 40 grain, and other agricultural products and
 41 commodities, and adopt rules, including administrative
 42 penalties, for the following:

43 a. Standards of kind, class, quality, and
 44 condition for corn and soybeans, and other
 45 agricultural products and commodities for which, in
 46 the secretary's judgment, the prospects for out-of-
 47 state sales warrant the adoption of standards. A
 48 premium quality grade for grain must at minimum
 49 prohibit any intentional blending of lower grades of
 50 grain, or addition of foreign matter, moisture, or

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1 grain dust. All grades certified to be Iowa quality
 2 must be grown, raised, or marketed in this state.
 3 b. Standards or procedures for accurate weighing
 4 and weight certification and controls, and other
 5 quality and health standards, including safeguards
 6 over equipment calibration and maintenance, for

7 products and commodities certified as Iowa quality.
8 c. Administrative procedures to consider requests
9 to adopt, amend, or revoke standards or procedures
10 when the necessities of the export trade require.

11 2. NOTICE. All policies, guidelines, standards,
12 procedures or other statements of general
13 applicability shall be adopted pursuant to chapter
14 17A. To the extent practicable, all rulemaking
15 required by this Act shall provide for notice and an
16 opportunity for public participation as set out in
17 section 17A.4.

18 3. PENALTY. It is an aggravated misdemeanor for a
19 person to sell or export an agricultural product or
20 commodity purported to be certified Iowa quality, if
21 the product or commodity is not certified Iowa
22 quality.

23 4. WARRANTY. A person who sells or exports an
24 agricultural product or commodity purported to be
25 certified Iowa quality warrants the product or
26 commodity to be accurate in grade and standard. The
27 secretary may adopt rules defining the terms and
28 extent of this warranty, and procedures for enforcing
29 the warranty, in addition to normal contractual
30 remedies.

31 5. ENFORCEMENT. The secretary may, in addition to
32 the adoption of administrative rules, enter into
33 contracts with elevators, terminals, shippers, and any
34 other persons responsible for handling or
35 transportation of grain or other agricultural products
36 or commodities in the supply chain to the final
37 purchaser, to assure delivery to the final purchaser
38 of certified Iowa quality agricultural products and
39 commodities with quality undiminished. The secretary
40 may condition participation in programs under this
41 division upon entry into a contract with the secretary
42 under this subsection. The contract may include
43 agreements regarding participation in the
44 agrimarketing data bank.

45 6. IOWA SEAL. The "Iowa Seal" may be used on
46 qualifying Iowa certified agricultural products and
47 commodities. The secretary shall adopt rules to
48 coordinate the "Iowa Seal" program and the certified
49 Iowa commodity program.

50 Sec. 7. NEW SECTION. 159.37 BUREAU OF

Page 8

1 AGRICALITY INSPECTION.

2 1. PROGRAMS. A bureau of agricality inspection
3 is created within the regulatory division of the
4 department. The bureau is responsible for inspections
5 and enforcement under the following programs:

6 a. Certified Iowa commodity program, section
7 159.36.

8 b. Iowa terminal and shippers program, section
9 159.38.

10 c. Sealed carrier receptacle program, chapter
11 542B.

12 2. INSPECTORS. The bureau may employ inspectors
13 or contract for inspection services both in and
14 outside of this state. A contract shall include terms
15 to assure submission of the contractor to Iowa
16 jurisdiction and liquidated damages provisions
17 parallel to administrative penalties adopted by rule.

18 3. PENALTY. A person who conducts an inspection,
19 or who certifies a program participant or shipment in
20 a fraudulent fashion, or who accepts a bribe commits
21 an aggravated misdemeanor.

22 4. RULES. The department shall adopt rules to
23 implement and administer this section.

24 Sec. 8. NEW SECTION. 159.38 IOWA TERMINAL AND
25 SHIPPERS PROGRAM.

26 The secretary shall establish an Iowa terminal and
27 shippers program to facilitate the export of certified
28 Iowa quality agricultural products and commodities.
29 The secretary shall adopt rules which a qualified
30 terminal or shipper must meet to be eligible for
31 participation in the Iowa terminal and shippers
32 program. The rules may provide for different
33 standards for different agricultural products or
34 commodities. Only qualified terminals may sell or
35 export certified Iowa quality agricultural products or
36 commodities, except grain transported under sections
37 542B.2 through 542B.4. Only qualified shippers may
38 transport certified Iowa quality agricultural products
39 or commodities outside of the state, except grain
40 transported under sections 542B.2 through 542B.4. The
41 secretary shall adopt rules to assure that a qualified
42 terminal or shipper maintains facilities, equipment,
43 and business practices capable of assuring adherence
44 to certified Iowa quality standards for the
45 agricultural product or commodity for which the
46 terminal or shipper is qualified. The secretary may
47 enter into contracts with a qualified terminal or
48 shipper with terms to assure delivery of certified
49 Iowa quality agricultural products or commodities of
50 undiminished quality to the next qualified terminal or

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1 shipper, or the final purchaser. A contract between
2 the secretary and a qualified terminal or shipper may
3 provide for reasonable liquidated damages for
4 violation of a term or condition of the contract or
5 for violation of a rule adopted by the department. A
6 qualified terminal or shipper may be located outside
7 of this state. A qualified terminal or shipper shall
8 agree to permit regular and surprise inspections by an
9 Iowa agriquality inspector. Refusal to permit an
10 inspection shall result in revocation of qualified
11 status and imposition of either administrative
12 penalties or liquidated damages.

13 Sec. 9. NEW SECTION. 159.39 AGRIMARKETING DATA
14 BANK.

15 1. The secretary shall establish an agrimarketing
16 data bank. Participation in the data bank is a
17 condition to certification and participation under the
18 Iowa terminal and shippers program under section
19 159.38. Participants shall supply pertinent data as
20 required by rule by the secretary. Rules shall
21 provide for data collection of at least the following
22 information:

- 23 a. Commodity availability classified by kind,
24 price, and quality.
25 b. Storage availability and price.
26 c. Transportation capacity, schedule, and price.
27 2. Information shall be updated at a minimum on a
28 monthly basis, with a goal of providing real time
29 information through the data bank. The secretary
30 shall adopt administrative rules to implement this
31 section.

32 Sec. 10. NEW SECTION. 542B.1 DEFINITIONS.

33 As used in this chapter, unless the context
34 requires otherwise:

- 35 1. "Carrier" means a vehicle or vessel, including,
36 but not limited to, a wagon, truck, trailer, train,
37 and barge, that is used or usable for transporting
38 agricultural products.
39 2. "Carrier receptacle" means a protected
40 enclosure used or usable for the storage of
41 agricultural products that is part of a carrier or
42 connected to a carrier when it is in motion.
43 3. "Department" means the department of
44 agriculture and land stewardship.
45 4. "Division" means the division of agriquality
46 inspection of the department of agriculture and land
47 stewardship.
48 Sec. 11. NEW SECTION. 542B.2 INSPECTION.

49 Carrier receptacles, to be used to transport from
50 the state grain produced in the state, must be free of

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1 contaminants according to standards established by the
2 department and the United States department of
3 agriculture to be sealed pursuant to this chapter.
4 The division may inspect any sealed carrier receptacle
5 and any carrier receptacle requested to be sealed to
6 ensure compliance with this section. The division
7 shall make periodic inspections of sealed receptacles
8 at times and in a manner the department determines,
9 but not less frequently than at ninety-day intervals.
10 Sec. 12. NEW SECTION. 542B.3 SEAL -- PENALTIES.
11 Before leaving the state, a carrier receptacle that
12 contains grain produced in the state may be sealed
13 upon request if all standards are met upon inspection
14 in a manner provided by the department to ensure that
15 the quality of the grain is preserved during its
16 transport. The division shall mark each carrier
17 receptacle that has been sealed in a manner that will
18 show if the seal has been broken. The mark shall
19 contain the following language:
20 "Sealed by authority of the State of Iowa,
21 Department of Agriculture and Land Stewardship.
22 A person who tampers with this seal or removes any
23 grain in this receptacle before it reaches its
24 destination is guilty of an aggravated misdemeanor and
25 subject to fine and imprisonment as provided by law."
26 Sec. 13. NEW SECTION. 542B.4 VIOLATIONS --
27 PENALTIES.
28 A person who acts, without direction by the
29 department, to break or in any manner interfere or
30 tamper with a seal preserving the contents of a
31 carrier receptacle before it reaches its destination
32 is guilty of an aggravated misdemeanor.
33 Sec. 14. The Code editor shall codify new sections
34 159.31 through 159.39 as a new division of chapter
35 159.
36 Sec. 15. Sections 159.32 and 159.33 are repealed
37 effective July 1, 1989.
38 Sec. 16. This Act, being deemed of immediate
39 importance, takes effect upon enactment."
40 2. Title page, line 1 by striking the word
41 "grain" and inserting the following: "agricultural
42 products and commodities".
43 3. Title page, line 3 by striking the word
44 "grain" and inserting the following: "commodity".
45 4. Title page, line 4 by striking the word

- 46 "division" and inserting the following: "bureau".
47 5. Title page, line 5 by striking the word
48 "grain".
49 6. Title page, line 6 by striking the words "a
50 foreign sale facilitation system" and inserting the

Page 11

- 1 following: "an agrimarketing data bank".
2 7. Title page, line 7 by striking the words "and
3 imposing penalties" and inserting the following:
4 "imposing penalties; and providing an effective date".

S-3921

- 1 Amend House File 518 as passed by the House as
2 follows:
3 1. Page 1, by inserting after line 13 the
4 following:
5 "NEW UNNUMBERED PARAGRAPH. The board of trustees
6 and the governing body of any political subdivision of
7 the state shall not enact an ordinance regulating the
8 ownership, possession, legal transfer, lawful
9 transportation, registration, or licensing of firearms
10 when the ownership, possession, transfer, or
11 transportation is otherwise lawful under the laws of
12 this state. An ordinance existing on or after the
13 effective date of this section is void."

HURLEY W. HALL

S-3922

- 1 Amend the amendment, S-3535, to House File 210, as
2 amended, passed, and reprinted by the House, as
3 follows:
4 1. Page 1, by striking lines 22 through 26 and
5 inserting in lieu thereof the following:
6 " ____ . Page 2, by striking lines 18 through 22 and
7 inserting the following: "of dangerous or disturbing
8 behavior in an intermediate care facility, a skilled
9 nursing facility, or a county care facility shall be
10 approved by the administrator of the facility prior to
11 admittance of the person, pursuant to section
12 135C.23.".

EUGENE FRAISE

HOUSE AMENDMENT TO
SENATE AMENDMENT TO
HOUSE FILE 640

S-3923

1 Amend the Senate amendment, H-3842, to House File
2 640 as passed by the House as follows:
3 1. Page 1, line 23, by striking the words "If
4 requested, a" and inserting the following: "A".
5 2. Page 1, line 24, by striking the word "April"
6 and inserting the following: "September".
7 3. Page 1, line 25, by striking the figure "1988"
8 and inserting the following: "1987".
9 4. Page 1, line 29, by inserting after the word
10 "rates." the following: "A utility having pledged a
11 bond or corporate undertaking pursuant to this section
12 may file for a general rate proceeding by September
13 30, 1987, with the historical test year ending June
14 30, 1987."

HOUSE AMENDMENT TO
SENATE AMENDMENT TO
HOUSE FILE 580

S-3924

1 Amend the Senate amendment, H-3889, to House File
2 580, as amended, passed, and reprinted by the House,
3 as follows:
4 1. Page 1, by striking lines 15 and 16 and
5 inserting the following: "prima facie violation of
6 this chapter."
7 2. Page 2, by striking lines 4 and 5 and
8 inserting the following: "employee's pregnancy."

S-3925

1 Amend House File 671 as amended, passed and
2 reprinted by the House as follows:

DIVISION S—3925A

- 3 1. Page 2, by striking lines 32 and 33 and
4 inserting the following: "Failure of the commission
5 to meet the performance goal shall not be grounds for
6 legal action against the commission, nor shall it
7 serve as a legislative definition of "prompt" as it is
8 used in section 601A.15, subsection 3, nor shall it
9 serve as a defense in any civil rights case."
- 10 2. Page 3, line 13, by striking the figure
11 "750,000" and inserting the following: "530,000".
- 12 3. By striking page 3, line 14 through page 4,
13 line 11.
- 14 4. Page 4, line 12, by striking the figure "(2)"
15 and inserting the following: "(1)".
- 16 5. Page 5, by inserting after line 1 the follow-
17 ing:
18 "The department shall coordinate efforts with the
19 department of human services in exploring options to
20 obtain matching federal support for such teams under
21 the aid to dependent children program, under the work
22 incentive demonstration program or its successor
23 program, or under other programs established under
24 federal law to encourage economic self-sufficiency for
25 families on public assistance. The department may
26 transfer funds appropriated under this subsection to
27 the department of human services in order to qualify
28 for matching federal support under such programs. The
29 department shall work with the department of human
30 services in identifying persons for whom such services
31 are most appropriate.
32 In using funds appropriated under this subsection,
33 the department shall work with persons providing
34 evaluation services to develop a system to assure that
35 appropriate comparison groups of persons receiving
36 services and persons not receiving services are
37 available, in order to allow for evaluation of program
38 effectiveness. It is the intent of the general
39 assembly that the program be conducted for at least a
40 three-year period in order to provide for evaluation
41 of its long-term effectiveness in reducing welfare
42 dependency."
- 43 6. Page 5, line 2, by striking the figure "(3)"
44 and inserting the following: "(2)".
- 45 7. Page 5, line 3, by striking the words and
46 figure "fifty thousand (50,000)" and inserting the
47 following: "thirty thousand (30,000)".
- 48 8. Page 5, line 7, by striking the figure "(5)"
49 and inserting the following: "(4)".
- 50 9. Page 5, line 9, by striking the figure "(4)"

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DIVISION S—3925A (cont'd.)

- 1 and inserting the following: "(3)".
- 2 10. Page 5, line 13, by striking the words and
- 3 figures "subparagraphs (1) and (2)" and inserting the
- 4 following: "subparagraph (1)".
- 5 11. Page 5, line 16, by striking the figure "(5)"
- 6 and inserting the following: "(4)".
- 7 12. Page 5, line 24, by striking the words and
- 8 figures "subparagraphs (1) and (2)" and inserting the
- 9 following "subparagraph (1)".
- 10 13. Page 5, by striking lines 28 through 33.
- 11 14. Page 6, line 31, by striking the figure
- 12 "230,869" and inserting the following: "234,369".
- 13 15. Page 6, by inserting after line 31 the fol-
- 14 lowing:
- 15 "Of the funds appropriated by this subsection, the
- 16 amount of six thousand (6,000) dollars, or so much
- 17 thereof as is necessary, shall be used for contracting
- 18 with interpreters for the deaf."
- 19 16. Page 7, by striking lines 19 through 21.
- 20 17. Page 7, by inserting after line 23 the
- 21 following:
- 22 " . . . For salaries, support,
- 23 and maintenance of the elder law
- 24 education program \$ 95,000".
- 25 18. Page 8, line 6, by striking the figure
- 26 "1,027,195" and inserting the following: "1,227,195".
- 27 19. Page 8, by inserting after line 21, the
- 28 following:
- 29 "Of the funds appropriated in this subsection, two
- 30 hundred thousand (200,000) dollars or so much thereof
- 31 as is necessary, are allocated for a respite care
- 32 program, administered by the department of elder
- 33 affairs."

DIVISION S—3925B

- 34 20. Page 21, lines 33 and 34, by striking the
- 35 word "fifty-five" and inserting the following:
- 36 "forty-nine".
- 37 21. Page 21, line 34, by inserting after the word
- 38 "positions," the following: "of these full-time
- 39 equivalent positions, not more than five shall be in
- 40 the division of the commissioner, not more than two
- 41 hundred six and five-tenths shall be in the division
- 42 of management and budget, not more than twenty-eight
- 43 shall be in the division of planning, not more than
- 44 five shall be in the division of community services,
- 45 not more than eighty shall be in the division of

46 social services, not more than twenty and ninety-five
47 one hundredths shall be in the division of mental
48 health, mental retardation, and developmental
49 disabilities, and not more than four shall be included
50 in a chapter 28E agreement with the office of the

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DIVISION S—3925B (cont'd.)

1 attorney general, and for”.

2 22. Page 22, line 4, by striking the figure
3 “6,900,000” and inserting the following: “6,807,552”.

4 23. Page 22, by inserting after line 15, the
5 following:

6 “1987-1988
7 Fiscal Year

8 There is appropriated from the
9 general fund of the state to the
10 department of human services for
11 the fiscal year beginning July
12 1, 1987 and ending June 30, 1988
13 for six full-time equivalent
14 positions for automation of SOBRA
15 changes and medically needy

16 calculations \$ 92,448”.

17 24. Page 23, by striking lines 21 and 22 and in-
18 serting the following: “two hundred sixty-two point
19 zero five full-time equivalent”.

20 25. Page 23, line 33, by striking the figure
21 “29,000,000” and inserting the following:
22 “26,122,869”.

23 26. Page 24, line 11, by striking the figure
24 “62,208,746” and inserting the following:
25 “61,211,356”.

26 27. Page 24, line 13, by inserting after the word
27 “shall” the following: “establish the schedule of
28 basic needs for one person at one hundred seventy
29 dollars, for two persons at three hundred thirty-five
30 dollars, for three persons at three hundred ninety-six
31 dollars, for four persons at four hundred sixty-one
32 dollars, for five persons at five hundred ten dollars,
33 for six persons at five hundred sixty-seven dollars,
34 for seven persons at six hundred twenty-three dollars,
35 for eight persons at six hundred seventy-nine dollars,
36 for nine persons at seven hundred thirty-five dollars,
37 for ten persons at eight hundred four dollars, and for
38 each additional person eighty dollars, and, effective
39 January 1, 1988, the department shall”.

40 28. Page 26, line 20, by inserting after the word

41 "statewide" the following: "giving priority to the
 42 areas having the highest unemployment rate".
 43 29. Page 29, line 13, by striking the figure
 44 "138,291,254" and inserting the following:
 45 "139,507,254".
 46 30. Page 29, by inserting after line 13, the
 47 following:
 48 "As a condition of the appropriation made under
 49 this subsection, each intermediate care facility shall
 50 meet the minimum number of hours of care per resident

Page 4

DIVISION S—3925B (cont'd.)

1 specified in section 135C.3."
 2 31. Page 31, by inserting after line 33, the
 3 following:
 4 "By October 1, 1987, the department shall submit a
 5 revised medical assistance plan to the United States
 6 department of health and human services for
 7 implementation no later than July 1, 1988."
 8 32. Page 32, line 13, by striking the figure
 9 "2,550,000" and inserting the following: "2,525,000".
 10 33. Page 32, by inserting after line 19, the
 11 following:
 12 "For modifying the claims
 13 payment system to reflect SOBRA
 14 changes \$ 25,000".
 15 34. Page 33, by striking lines 7 through 15.
 16 35. Page 33, line 25, by striking the figure
 17 "11,000,000" and inserting the following:
 18 "10,659,450".
 19 36. Page 34, line 7, by striking the figure
 20 "6,400,000" and inserting the following: "6,145,650".
 21 37. Page 34, lines 8 and 9, by striking the words
 22 and figure "seven hundred twenty-three thousand seven
 23 hundred fifty (723,750)" and inserting the following:
 24 "six hundred seventy-two thousand six hundred fifty
 25 (672,650)".
 26 38. Page 34, by striking line 14 and inserting
 27 the following: "hundred five thousand two hundred
 28 fifty (305,250) dollars or so much".
 29 39. Page 34, by striking lines 17 and 18 and
 30 inserting the following: "million four hundred sixty-
 31 two thousand two hundred (4,462,200) dollars, or so
 32 much thereof as is necessary, is".
 33 40. Page 35, line 29, by striking the figure
 34 "26,830,000" and inserting the following:
 35 "25,475,950".

36 41. Page 36, line 17, by inserting after the word
37 "in" the following: "high".
38 42. By striking page 36, line 26 through page 37,
39 line 34 and inserting the following:
40 "It is the goal of the general assembly that out-
41 of-state placements of children under foster care be
42 reduced by at least fifty percent within the next two
43 years and that standards be established relating to
44 minimum qualifications for out-of-state providers. It
45 is the intent of the general assembly that out-of-
46 state providers not be provided greater reimbursement
47 than is available to in-state providers for similar
48 services initiated after October 1, 1987. It is the
49 goal of the general assembly that out-of-state
50 providers be utilized only when such providers provide

Page 5

DIVISION S—3925B (cont'd.)

1 specialized services that could not be provided
2 efficiently within the state or where such providers
3 have significant advantages in terms of proximity to
4 family and community support.
5 The department shall work with the court and with
6 providers of foster care services within the state in
7 developing guidelines to meet this legislative intent.
8 g. Of the funds appropriated under this section,
9 two hundred thousand (200,000) dollars, or so much
10 thereof as is necessary, may be used to provide
11 supplemental "difficulty of care" per diem rates to
12 providers within the state for their care and
13 treatment of foster care cases that otherwise would
14 have been sent out-of-state. The department shall
15 provide for flexibility in administering this
16 provision and developing such payment differentials,
17 and shall report to the general assembly no later than
18 February 15, 1988 on the manner in which the payment
19 differential has been established and used."
20 43. Page 38, line 30, by striking the figure
21 "2,780,300" and inserting the following: "2,701,750".
22 44. Page 39, lines 25 and 26, by striking the
23 words and figure "eight hundred eight thousand eight
24 hundred (808,000)" and inserting the following:
25 "seven hundred seventy-seven thousand nine hundred
26 fifty (777,950)".
27 45. Page 39, lines 28 and 29, by striking the
28 words and figure "eight hundred thirty-one thousand
29 (831,000)" and inserting the following: "seven
30 hundred eighty-two thousand five hundred (782,500)".

- 31 46. Page 40, by inserting before line 1 the
32 following:
33 "i. Of the funds appropriated in this subsection,
34 one hundred thousand (100,000) dollars, or so much
35 thereof as is necessary, is allocated for community-
36 based juvenile grants. These funds shall be used to
37 reduce the need for out-of-state placements. Grants
38 may be used for start-up costs to establish facilities
39 or additional beds to provide types of services to
40 meet the needs of children now being sent out of
41 state, or to enhance current residential services to
42 meet the needs of the population."
43 47. Page 42, line 24, by striking the figure
44 "36,000,000" and inserting the following:
45 "35,730,000".
46 48. Page 43, by striking lines 21 through 25 and
47 inserting the following:
48 "6. There is appropriated from the general fund of
49 the state one hundred thousand (100,000) dollars, or
50 so much thereof as is necessary, to the department of

Page 6

DIVISION S—3925B (cont'd.)

- 1 human services for rural mental health services. The
2 division of mental health, mental retardation, and
3 developmental disabilities of the department of human
4 services shall allocate these funds to continue or
5 expand existing special allocation project grants
6 providing outreach services to Iowans affected by the
7 continued rural economic decline. The division shall
8 award these funds to agencies that have participated
9 in the 1988 fiscal year mental health and mental
10 retardation services funds special allocation grant
11 application process."
12 49. Page 46, by inserting after line 6 the
13 following: "Persons performing service coordination
14 shall be given caseloads no greater than thirty for
15 clients with mental retardation, developmental
16 disabilities, or chronic mental illness."
17 50. Page 48, line 17, by striking the figure
18 "4,390,000" and inserting the following: "4,038,150".
19 51. Page 48, by striking line 28, and inserting
20 the following: "thirty-eight thousand one hundred
21 fifty (3,038,150) dollars shall be".
22 52. Page 48, lines 29 and 30, by striking words
23 and figure "one million (1,000,000)" and inserting the
24 following: "seven hundred thousand (700,000)".
25 53. Page 48, by inserting after line 31, the

26 following:

27 "Of the funds appropriated in this section, three
28 hundred thousand (300,000) dollars shall be
29 transferred to the department of education to
30 supplement the appropriation for prekindergarten
31 programs for at-risk students under section 279.51 in
32 Senate File 511 if the program is enacted by the
33 Seventy-second General Assembly, 1987 Session, and
34 becomes law."

35 54. Page 49, line 26, by inserting after the word
36 "for" the following: "the local purchase of service
37 portion of".

38 55. Page 50, line 6, by striking the words and
39 figure "or XVIII".

40 56. Page 50, line 8, by striking the words and
41 figures "either Title XIX or XVIII" and inserting the
42 following: "Title XIX".

43 57. Page 50, line 11, by inserting after the word
44 "assembly." the following: "The Iowa department of
45 public health, in consultation with the department of
46 human services, shall adopt rules pursuant to chapter
47 17A for hospital protocol for human organ and tissue
48 transplant requests."

49 58. Page 50, by inserting after line 11 the
50 following:

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DIVISION S—3925B (cont'd.)

1 "It is the intent of the general assembly that
2 hospitals shall not perform heart, liver, pancreas,
3 artificial heart, or heart/lung transplantations on
4 patients financed under Title XIX or Title XVIII
5 unless the patients meet criteria developed by the
6 national heart, lung and blood institute's special
7 advisory group for heart recipients, or the national
8 institute of health's consensus conference on liver
9 transplants for liver recipients, or unless the
10 patient meets nationally recognized criteria for
11 pancreas transplantations."

12 59. Page 50, by striking lines 12 through 25 and
13 inserting the following:

14 "Sec. 213. It is the intent of the general
15 assembly that effective July 1, 1987, the department
16 of human services shall consider fifteen leave days as
17 reimbursable units of service for each of the
18 department's clients receiving sheltered work or work
19 activity service under the local purchase at a
20 CARF/ACDD accredited facility when that client has a

- 21 disability and has been receiving these services for
22 at least one year. The department shall adopt
23 administrative rules pursuant to chapter 17A that
24 establish fifteen leave days as an allowable
25 reimburseable expense and provide for their accrual.
26 The department shall not specify the purpose or
27 otherwise limit the use of leave days when developing
28 and implementing such administrative rules.”
29 60. Page 52, line 3, by striking the word “fifty-
30 fifth” and inserting the following: “sixtieth”.
31 61. Page 52, line 7, by striking the word
32 “sixtieth” and inserting the following: “seventy-
33 fourth”.
34 62. Page 52, line 25, by striking the word “four”
35 and inserting the following: “two”.
36 63. Page 52, line 28, by striking the words
37 “eighty-four” and inserting the following: “sixty”.
38 64. Page 52, line 33, by striking the word “four”
39 and inserting the word “two”.
40 65. Page 52, line 33, by inserting after the word
41 “percent.” the following: “In addition, effective
42 July 1, 1988, the maximum reimbursement rate for the
43 in-home health related care program shall be increased
44 by two percent.”
45 66. Page 53, line 3, by striking the word “four”
46 and inserting the following: “two”.
47 67. Page 53, by striking line 5 and inserting the
48 following: “shall not exceed sixty-seven dollars and
49 forty-six cents per day.”
50 68. Page 53, line 9, by inserting after the word

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DIVISION S—3925B (cont'd.)

- 1 “reports.” the following: “For services given
2 beginning July 1, 1988, rates shall be automatically
3 increased by two percent over the rates in effect on
4 June 30, 1988.”
5 69. Page 53, line 32, by inserting after the
6 figure “211;” the following: “section 213;”.
7 70. Page 55, by inserting after line 24 the
8 following:
9 “Sec. ____ . TRANSFERS PROHIBITED. Funds shall not
10 be transferred from specific appropriations made under
11 this division of this Act for specific programs to any
12 other programs.”
13 71. Page 55, by inserting after line 32 the
14 following:
15 “Sec. ____ . It is the intent of the general

16 assembly that the department of human services shall
17 report to the general assembly on or before January 1,
18 1988 on the feasibility of establishing an annex to
19 the Iowa veterans home on the campus of the Clarinda
20 mental health institute.”

21 72. Page 56, by inserting after line 3 the
22 following:

23 “Sec. ____ . Section 135C.3, Code 1987, is amended
24 by adding the following new unnumbered paragraph:
25 NEW UNNUMBERED PARAGRAPH. The minimum number of
26 hours of care per resident of an intermediate care
27 facility per day shall be two hours per resident per
28 day computed on a seven-day week. The department of
29 inspections and appeals shall establish the minimum
30 number of personnel necessary to provide nursing
31 service and perform required duties at all times
32 during each shift. The department of inspections and
33 appeals shall adopt rules pursuant to chapter 17A to
34 implement these requirements.”

DIVISION S—3925C

35 73. By striking page 56, line 6 through page 68,
36 line 29, and inserting the following:

37 “Sec. 301. There is appropriated from the general
38 fund of the state to the office of the attorney
39 general for the fiscal year beginning July 1, 1987 and
40 ending June 30, 1988, the following amounts, or so
41 much thereof as is necessary, to be used for the
42 purposes designated:

43		1987-1988
44		<u>Fiscal Year</u>
45	1. For the general office of	
46	attorney general for salaries	
47	and support of not more than one	
48	hundred fifty full-time equiva-	
49	lent positions, maintenance, and	
50	miscellaneous purposes	\$ 3,500,000

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DIVISION S—3925C (cont'd.)

1 2. Prosecuting attorney
2 training program for salaries
3 and support of not more than
4 two full-time equivalent po-
5 sitions, maintenance and mis-
6 cellaneous purposes which funds
7 shall be used to attract fed-

8 eral and county funding \$ 88,900
9 3. Prosecuting intern pro-
10 gram; however, counties parti-
11 cipating in the prosecuting in-
12 tern program shall match funds
13 appropriated by this paragraph \$ 47,000
14 4. In addition to the funds appropriated under
15 subsection 1, there is appropriated from the general
16 fund of the state to the department of justice for the
17 fiscal year beginning July 1, 1987 and ending June 30,
18 1988, an amount not exceeding ninety-five thousand
19 (95,000) dollars to be used for the enforcement of the
20 Iowa competition law under chapter 553. The
21 expenditure of the funds appropriated under this sub-
22 section is contingent upon receipt by the general fund
23 of the state of an amount at least equal to either the
24 expenditures from damages awarded to the state or a
25 political subdivision of the state by a civil judgment
26 under chapter 553, if the judgment authorizes the use
27 of the award for enforcement purposes or costs or
28 attorneys fees awarded the state in state or federal
29 antitrust actions.
30 5. In addition to funds appropriated under
31 subsection 1, there is appropriated from the general
32 fund of the state to the department of justice for the
33 fiscal year beginning July 1, 1987 and ending June 30,
34 1988, an amount not exceeding fifty thousand (50,000)
35 dollars to be used for public education relating to
36 consumer fraud and for enforcement of section 714.16.
37 The expenditure of the funds appropriated under this
38 subsection is contingent upon receipt by the general
39 fund of the state of an amount at least equal to the
40 expenditures from damages awarded to the state or a
41 political subdivision of the state by a civil consumer
42 fraud judgment, if the judgment authorizes the use of
43 the award for public education on consumer fraud.
44 Funds received in a previous fiscal year which have
45 not been expended shall be credited to this fiscal
46 year.
47 6. For the legal assistance
48 for farmers program \$ 257,000
49 7. For the farm mediation
50 service program \$ 300,000

1 8. For payment of grants
 2 to dispute resolution programs
 3 under the prosecuting attorney
 4 training program \$ 52,000

5 Sec. 302. There is appropriated from the utilities
 6 trust fund to the consumer advocate office of the
 7 department of justice for the fiscal year beginning
 8 July 1, 1987 and ending June 30, 1988, the sum of one
 9 million one hundred fifty-four thousand four hundred
 10 seventy-five (1,154,475) dollars, or so much thereof
 11 as may be necessary for salaries and support of not
 12 more than twenty-one full-time equivalent positions,
 13 maintenance, and operational purposes of the office.

14 Sec. 303. There is appropriated from the general
 15 fund of the state to the board of parole for the
 16 fiscal year beginning July 1, 1987 and ending June 30,
 17 1988 the following amount, or so much thereof as is
 18 necessary, for the purposes designated:

19		1987-1988	
20		<u>Fiscal Year</u>	
21	For salaries and support of		
22	not more than sixteen full-time		
23	equivalent positions, mainte-		
24	nance and miscellaneous purposes	\$	518,700

25 Sec. 304. There is appropriated from the general
 26 fund of the state to the department of corrections for
 27 the fiscal year beginning July 1, 1987 and ending June
 28 30, 1988, the following amounts, or so much thereof as
 29 is necessary, to be used for the purposes designated:

30		1987-1988	
31		<u>Fiscal Year</u>	

32 1. For operation of adult
 33 correctional institutions, in-
 34 cluding salaries and support
 35 for not more than one thousand
 36 six hundred seventeen point
 37 ninety-three full-time equiva-
 38 lent positions, maintenance,
 39 and miscellaneous purposes,
 40 provided that the director of
 41 corrections, in order to keep
 42 expenditures from exceeding
 43 the amount of funds appro-
 44 priated by this section, shall
 45 declare a prison overcrowding
 46 state of emergency in the state's
 47 prisons when the population of
 48 the prison system exceeds two
 49 thousand eight hundred twenty-five
 50 inmates for sixty consecutive

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DIVISION S—3925C (cont'd.)

1 days. Upon the declaration of
2 a prison overcrowding state of
3 emergency, the board of parole
4 shall consider all inmates, ex-
5 cept for inmates convicted of
6 class "A" felonies, for parole
7 who are within nine months of
8 their tentative discharge date.
9 If the board of parole's actions
10 do not reduce the population of
11 the prison system below two
12 thousand eight hundred inmates
13 within ninety days of the date
14 of the declaration of the
15 prison overcrowding state of
16 emergency, the tentative dis-
17 charge dates of all inmates,
18 whose most serious offenses for
19 which the inmates are currently
20 incarcerated are crimes against
21 property and who are incarcer-
22 ated in state prisons on the
23 date of the declaration, shall
24 be reduced by ninety days by
25 the director of corrections. How-
26 ever, the tentative discharge
27 date of a prisoner sentenced un-
28 der section 204.406, 204.413,
29 902.7, 902.8, or 906.5 shall
30 not be reduced under this sec-
31 tion prior to completion of the
32 mandatory minimum sentence re-
33 quired by the section. The
34 director of corrections shall
35 terminate a prison overcrowd-
36 ing state of emergency in the
37 state's prisons when the popu-
38 lation of the prison system is
39 reduced below two thousand seven
40 hundred twenty inmates. The
41 department shall adopt adminis-
42 trative rules which identify
43 all offenses as either crimes
44 against property or crimes
45 against persons. As used in
46 this section, "prison" means a

47 correctional facility operated
48 by the department of corrections
49 and funded under this section,
50 "prison system" means the pri-

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DIVISION S-3925C (cont'd.)

1 sons of this state which are
2 the Iowa correctional institu-
3 tion for women, the Iowa state
4 men's reformatory, the Iowa
5 state penitentiary, the Iowa
6 medical and classification fa-
7 cility, the north central cor-
8 rectional facility, the Mount
9 Pleasant correctional facility,
10 the Clarinda correctional treat-
11 ment facility, the correctional
12 release center, and the rehabil-
13 itation camps, excluding the
14 Luster Heights honor camp and
15 facilities established under
16 1986 Iowa Acts, chapter 1246,
17 section 402, subsection 2 for
18 treatment of OWI offenders;
19 and "tentative discharge date"
20 means the date at which an
21 inmate is scheduled for re-
22 lease including good con-
23 duct and work time currently
24 received. However, offenders
25 for whom the board of parole
26 has authorized parole, but for
27 whom the director has determined
28 that inadequate parole plans
29 have been formulated, may remain
30 within the correctional institu-
31 tion for a period of ten days
32 following parole authorization or
33 until adequate parole plans have
34 been developed, whichever date is
35 sooner. During this period of
36 time, the offender shall not be
37 included in the list of names
38 used to determine the existence
39 of a prison overcrowding emer-
40 gency. On and after July 1, 1987,
41 the superintendent shall not admit

42 additional inmates to the medium
 43 security facility of the men's re-
 44 formatory at Anamosa if the inmate
 45 population of the men's reforma-
 46 tory equals or exceeds eight hun-
 47 dred and fifty inmates \$ 54,295,400
 48 2. In addition to the funds appropriated in
 49 subsection 1, there is appropriated one thousand five
 50 hundred (1,500) dollars for an inmate tort claim fund

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DIVISION S—3925C (cont'd.)

1 for inmate claims of less than twenty-five dollars.
 2 If the fund is exhausted during the fiscal year,
 3 sufficient funds shall be transferred from the
 4 institutional budgets to pay approved tort claims for
 5 the balance of the fiscal year.
 6 The warden or superintendent of each institution or
 7 correctional facility shall designate an employee to
 8 receive, investigate, and recommend whether to pay any
 9 properly filed inmate tort claim for less than the
 10 above amount. The designee's recommendation shall be
 11 approved or denied by the warden or superintendent and
 12 forwarded to the department of corrections for final
 13 approval and payment.
 14 Tort claims denied at the institution shall be
 15 forwarded to the state appeal board for their
 16 consideration as if originally filed with that body.
 17 This procedure shall be used in lieu of chapter 25A
 18 for inmate tort claims of less than twenty-five
 19 dollars.
 20 3. There is established an inmate population
 21 review committee composed of a designee of the
 22 governor, the director of the department of
 23 corrections or the director's designee, the
 24 chairperson of the board of parole or the
 25 chairperson's designee, and the cochairs of the
 26 justice system appropriations subcommittee. The co-
 27 chairpersons of the justice system appropriations
 28 subcommittee shall be responsible for scheduling the
 29 first meeting of the committee and the committee shall
 30 elect a chairperson at its first meeting. The
 31 legislative fiscal bureau shall provide staff support
 32 to the committee. The committee shall meet at least
 33 every three months to review inmate population
 34 statistics, trends, and projections, and shall make
 35 recommendations to the governor and the general
 36 assembly as it deems appropriate.

37 Sec. 305. There is appropriated from the general
 38 fund of the state to the department of corrections for
 39 the fiscal year beginning July 1, 1987 and ending June
 40 30, 1988, the following amounts, or so much thereof as
 41 is necessary, for the programs as designated:

	1987-1988
	<u>Fiscal Year</u>
42	
43	
44 1. For general administra-	
45 tion, including salaries and	
46 support of not more than thirty-	
47 eight point fifty-two full-time	
48 equivalent positions, mainte-	
49 nance, and miscellaneous pur-	
50 poses	\$ 1,625,500

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DIVISION S—3925C (cont'd.)

1 2. For reimbursement of	
2 counties for temporary confine-	
3 ment of work release and parole	
4 violators, as provided in sec-	
5 tions 247A.10, 901.7, and 906.17	\$ 68,200
6 3. For salaries and sup-	
7 port of not more than two full-	
8 time equivalent positions,	
9 maintenance and miscellaneous	
10 purposes for jail inspectors	
11 as provided in section 356.43	\$ 79,000
12 4. For federal prison reim-	
13 bursement and miscellaneous	
14 contracts	\$ 355,000
15 The department of corrections shall use funds	
16 appropriated in this subsection to continue to	
17 contract for the service of a Muslim imam.	
18 5. For salaries and support	
19 of not more than six point thirty-	
20 one full-time equivalent positions,	
21 maintenance, and miscellaneous	
22 purposes at the correctional	
23 training center at Mt. Pleasant	\$ 288,000
24 6. For salaries and support	
25 of not more than two full-time	
26 equivalent positions, maintenance,	
27 and miscellaneous purposes per-	
28 taining to the establishment of	
29 a school district composed of the	
30 eight correctional institutions	\$ 85,000
31 7. For a legal assistance pro-	

32 gram to provide civil legal assis-
 33 tance to inmates in the Iowa cor-
 34 rectional system in matters of
 35 child custody, bankruptcy, and
 36 dissolution of marriage \$ 25,000

37 The department shall determine whether an inmate
 38 applying for civil legal assistance is indigent under
 39 section 815.9, after submission by the inmate of the
 40 detailed financial statement required by that section.
 41 The inmate has an affirmative duty to provide all
 42 relevant information on the issue of the inmate's
 43 indigency to the satisfaction of the department that
 44 the inmate is indigent. The department may establish
 45 by rule a schedule of charges, on a graduated scale
 46 related to income and resources, to be paid by inmates
 47 who are not indigent for the provision of civil legal
 48 assistance.

49 The department may establish by rule maximum rates
 50 or reasonable compensation for attorneys providing the

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DIVISION S—3925C (cont'd.)

1 various categories of civil legal assistance under the
 2 program funded by this subsection.

3 8. For repairs to roofs and
 4 related expenses at the eight cor-
 5 rectional institutions \$ 115,700

6 Sec. 306. There is appropriated from the general
 7 fund of the state to the department of corrections for
 8 the fiscal year beginning July 1, 1987 and ending June
 9 30, 1988, the sum of sixteen million nine hundred
 10 thousand (16,900,000) dollars, or so much thereof as
 11 is necessary, for preinstitutional and postconviction
 12 community-based corrections, halfway houses, and
 13 parole services.

14 It is the intent of the general assembly that the
 15 department of corrections, in its operation of the
 16 community-based corrections program, shall conform its
 17 activities to the missions, goals, and objectives
 18 provided in this unnumbered paragraph and collect
 19 information pertaining to performance measures
 20 developed by the legislative fiscal bureau. The
 21 department shall provide a report at least quarterly
 22 to the legislative fiscal bureau and the co-
 23 chairpersons and ranking members of the justice system
 24 appropriations subcommittee on the performance
 25 measures. The department shall be notified by the
 26 legislative fiscal bureau by July 1, 1987 of the

27 specific performance measures for which data shall be
28 collected and reported. It is the responsibility of
29 the department of corrections to supervise and assist
30 individuals who are charged with or have been
31 convicted of felonies, aggravated misdemeanors, or
32 serious misdemeanors, or who have been sentenced to
33 probation, parole or residential care programs as a
34 result of conviction for these offenses, or who are
35 contracted to a district department for supervision or
36 housing while on work release. It is also the
37 responsibility of the department of corrections to
38 provide unpaid community service sentencing
39 alternatives and to operate facilities for the
40 confinement and treatment of offenders convicted of
41 violating OWI laws. The department shall seek to
42 accomplish the following objectives:
43 1. To assist and support the eight district
44 departments in providing community-based correctional
45 programs and services, including the gathering of
46 performance data from each district department for
47 management and evaluation purposes.
48 2. To allocate funds appropriated for the
49 establishment, operation, support, and evaluation of
50 community-based correctional programs and services

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DIVISION S—3925C (cont'd.)

1 among the eight district departments. The allocation
2 shall be based upon objective criteria relating to the
3 performance and workload information collected from
4 each district department. Detailed information
5 relating to the allocation process, including proposed
6 budgets for each district department and comparison of
7 historical performance data with historical spending
8 information shall be reported to the justice system
9 appropriations subcommittee during the department's
10 annual budget hearing.
11 3. To adopt rules establishing guidelines for use
12 in reviewing the performance of the district
13 departments. These guidelines shall require that each
14 district:
15 a. Provide specific services.
16 b. Locate program services in or near cities
17 providing a substantial number of service resources.
18 c. Follow practices and procedures which maximize
19 the availability of federal funds.
20 d. Provide for gathering and evaluating
21 performance data relating to the program.

22 e. Provide for the maintenance of uniform
23 personnel and fiscal records.
24 f. Provide a program to assist the courts in
25 placing defendants who are sentenced to unpaid
26 community service.
27 g. Provide for community participation in the
28 planning and programming of the district department's
29 program.
30 h. Review the facilities established to confine
31 and treat OWI offenders.
32 4. To prepare a biennial plan relating to the
33 management of the community-based corrections programs
34 and services. The plan shall include goals,
35 objectives, operations and funding allocations for
36 programs and projects, and plans for coordination with
37 other state agencies responsible for substance abuse
38 services, mental health services, employment programs,
39 and other programs needed to improve the availability
40 of services. The objectives in this unnumbered
41 paragraph shall serve as a target for the department
42 and each report shall include a summary of progress
43 toward those objectives. Failure to meet these goals
44 or objectives shall not be grounds for legal action
45 against the department of corrections.
46 Sec. 307. There is appropriated from the general
47 fund of the state to the department of corrections for
48 the fiscal year beginning July 1, 1987 and ending June
49 30, 1988, the sum of one million (1,000,000) dollars,
50 or so much thereof as is necessary, to be used for

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DIVISION S—3925C (cont'd.)

1 salaries, support, maintenance, and miscellaneous
2 purposes relating to the OWI facilities operated by
3 the department of corrections.
4 Sec. 308. The department of corrections shall not
5 change the allocations either to the district
6 departments of correctional services or to the
7 correctional institutions from the amounts presented
8 to the justice systems appropriations subcommittee
9 unless notice of the revisions is given prior to their
10 effective date to the legislative fiscal bureau and
11 the members of the justice system appropriations sub-
12 committee. The notice shall include information on
13 the department's rationale for making the changes and
14 details concerning the workload and performance
15 measures upon which the changes are based.
16 The department of corrections shall report to the

17 legislative fiscal bureau on a monthly basis the
 18 current expenditures of the department's various
 19 allocations with a comparison of actual to budgeted
 20 expenditures.

21 The department of corrections shall use the
 22 department of management's budget system in developing
 23 the budget information for the eight district
 24 departments of correctional services, and each of the
 25 district departments shall be treated as a separate
 26 budget unit with each program modality classified as a
 27 separate organization code. The department shall
 28 furnish performance measure data designed to enable
 29 comparison of this data with historical spending
 30 information, and shall assist the legislative fiscal
 31 bureau in developing information to be used in
 32 legislative oversight of all programs operated by the
 33 department.

34 The department of corrections shall continue the
 35 OWI facilities established in 1986 Iowa Acts, chapter
 36 1246, section 402, in compliance with the conditions
 37 specified in that chapter.

38 Sec. 309. There is appropriated from the general
 39 fund of the state to the judicial branch for the
 40 fiscal year beginning July 1, 1987 and ending June 30,
 41 1988, the following amounts, or so much thereof as is
 42 necessary, to be used for the purposes designated:

	1987-1988
	<u>Fiscal Year</u>

45 **COURTS AND ADMINISTRATION**

46 1. For salaries of supreme court
 47 justices, appellate court judges,
 48 district court judges, district
 49 associate judges, judicial magis-
 50 trates and staff, court adminis-

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DIVISION S—3925C (cont'd.)

1 trator, clerk of the supreme
 2 court, district court administra-
 3 tors, clerks of court, juvenile
 4 court officers, board of law exami-
 5 ners and board of examiners of
 6 shorthand reporters and judicial
 7 qualifications commission, main-
 8 tenance, equipment and miscella-
 9 neous purposes, including imple-
 10 mentation of court reorganization
 11 according to provisions of 1983

12 Iowa Acts, chapter 186, section
13 10301 \$ 54,000,000
14 Of the funds appropriated by this subsection, not
15 more than one million five hundred thousand
16 (1,500,000) dollars may be transferred into the
17 revolving fund established pursuant to section
18 602.1302, subsection 4, to be spent for jury and
19 witness fees.
20 Of the funds appropriated by this subsection, not
21 less than ninety-three thousand (93,000) dollars shall
22 be expended for the court-appointed special advocate
23 program.
24 2. For salaries, support, mainte-
25 nance, and miscellaneous purposes
26 necessary to provide adult indigent
27 defense and the costs of juvenile pro-
28 ceedings including attorney and wit-
29 ness fees \$ 10,000,000
30 3. For salaries, support, mainte-
31 nance, and miscellaneous purposes
32 necessary to provide juvenile pro-
33 ceedings, including attorney and
34 witness fees \$ 1,800,000
35 Notwithstanding any provision of law to the
36 contrary, the administration of juvenile attorney and
37 witness fees shall be transferred to the judicial
38 department.
39 4. For salaries, support, mainte-
40 nance, and miscellaneous expenses re-
41 lating to the juvenile victim resti-
42 tution program \$ 115,000
43 5. For salaries, support, mainte-
44 nance, and miscellaneous expenses re-
45 lating to the Iowa court information
46 system \$ 2,000,000
47 The judicial department shall submit a report to
48 the Seventy-second General assembly, 1988 Session, no
49 later than January 1, 1988 concerning the savings that
50 could be realized from the sharing of judicial

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DIVISION S—3925C (cont'd.)

1 computer facilities and services between counties if
2 the judicial department implements a judicial computer
3 system.
4 Sec. 310. Section 815.1, Code 1987, is amended by
5 adding the following new unnumbered paragraph:
6 NEW UNNUMBERED PARAGRAPH. This section shall be

7 administered by the Iowa supreme court.
8 Sec. 311. All federal grants to and the federal
9 receipts of agencies appropriated funds under this
10 division of this Act are appropriated for the purposes
11 set forth in such federal grants or receipts unless
12 otherwise provided by the general assembly."

13 74. Page 70, by striking lines 20 through 22 and
14 inserting the following:

15 "more than thirty-one point five
16 full-time equivalent positions,
17 maintenance, and miscellaneous
18 purposes \$ 1,020,000

19 As a condition of this appropriation, the
20 commissioner shall appoint two chief deputy industrial
21 commissioners who shall be exempt from the merit
22 system provisions of chapter 19A and excluded from the
23 provisions of chapter 20, and who shall serve at the
24 pleasure of the commissioner and shall be used
25 primarily for the purpose of diminishing the backlog
26 of appeals."

DIVISION S—3925D

27 75. Page 75, line 31, by striking the figure
28 "628,900" and inserting the following: "478,900".

29 76. Page 81, line 4, by inserting after the word
30 "funds," the following: "including funds required for
31 additional personnel,".

32 77. Page 82, line 7, by inserting after the word
33 "funds," the following: "including funds required for
34 additional personnel,".

35 78. Page 82, line 34, by striking the word "five"
36 and inserting the following: "six".

37 79. Page 83, line 11, by inserting after the word
38 "funds," the following: "including funds required for
39 additional personnel,".

40 80. Page 84, line 15, by inserting after the word
41 "funds," the following: "including funds required for
42 additional personnel,".

DIVISION S—3925E

43 81. Page 87, by inserting after line 24, the
44 following:

45 "Sec. ____ . Section 502.202, Code 1987, is amended
46 by adding the following new subsection:
47 NEW SUBSECTION. 17. A security designated or
48 approved for designation upon notice of issuance on
49 the national association of securities dealers
50 automated quotations -- national market system

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DIVISION S—3925E (cont'd.)

- 1 (NASDAQ/NMS); any other security of the same issuer
- 2 which is of senior or substantially equal rank; a
- 3 security called for by subscription rights or warrants
- 4 designated or approved for designation upon notice of
- 5 issuance on the NASDAQ/NMS; or a warrant or right to
- 6 purchase or subscribe to any of the foregoing
- 7 categories in this subsection.”
- 8 82. Renumber sections and correct internal
- 9 references as necessary.

COMMITTEE ON APPROPRIATIONS
JOE J. WELSH, Chairperson

S-3926

- 1 Amend Senate File 514 as follows:
- 2 1. Page 1, by striking lines 6 and 7 and
- 3 inserting the following: “forty-seven million seven
- 4 hundred eighty-nine thousand nine hundred (47,789,900)
- 5 dollars.”

JOHN A. PETERSON
AL STURGEON

S-3927

- 1 Amend House File 633, as passed by the House, as
- 2 follows:
- 3 1. Page 1, line 8, by inserting after the word
- 4 “acres.” the following: “This paragraph also does not
- 5 apply to land that is held or acquired and maintained
- 6 to protect significant elements of the state’s natural
- 7 open space heritage, including but not limited to
- 8 significant river, lake, wetland, prairie, forest
- 9 areas, other biologically significant areas, land
- 10 containing significant archaeological, historical, or
- 11 cultural value, or fish or wildlife habitats, as
- 12 defined in rules adopted by the department of natural
- 13 resources.”

JIM RIORDAN
RICHARD VANDE HOEF

S-3928

1 Amend House File 617 as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 10, by inserting after line 25 the
 4 following:
 5 "Sec. ____ . Section 537.2501, Code 1987, is amended
 6 by adding the following new subsection:
 7 NEW SUBSECTION. 3. A creditor may contract for
 8 and receive additional charges, including charges as a
 9 result of default by the consumer, as agreed between
 10 the consumer and the creditor with respect to a loan
 11 under open-end credit pursuant to a credit card issued
 12 by the creditor which entitles the cardholder to
 13 purchase or lease goods or services from at least one
 14 hundred persons not related to the card issuer."

EDGAR H. HOLDEN
 WILLIAM D. PALMER

S-3929

1 Amend the Committee on Appropriations amendment, S-
 2 3925, to House File 671, as amended, passed, and
 3 reprinted by the House, as follows:
 4 1. By striking page 10, line 32 through page 12,
 5 line 47, and inserting the following:
 6 "1. For the operation of adult
 7 correctional institutions, including
 8 salaries and support of not more than
 9 one thousand six hundred seventeen
 10 point ninety-three full-time equiva-
 11 lent positions, maintenance, and
 12 miscellaneous purposes \$ 54,295,400".

DONALD V. DOYLE
 EUGENE FRAISE
 JIM LIND
 RICHARD VANDE HOEF
 LEE W. HOLT
 RAY TAYLOR

S-3930

1 Amend the amendment, S-3844, to House File 617, as
2 amended, passed, and reprinted by the House, as
3 follows:

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

6 "Section 1. Section 524.803, subsection 1, Code
7 1987, is amended by adding the following new lettered
8 paragraph:

9 NEW LETTERED PARAGRAPH. f. Organize, acquire, or
10 invest in a subsidiary for the purpose of engaging in
11 any one or more of the following, subject to the prior
12 approval of the superintendent:

13 (1) Nondepository activities that a state bank is
14 authorized to engage in directly under this chapter.

15 (2) Any activity that a bank service corporation
16 is authorized to engage in under state or federal law
17 or regulation.

18 (3) Any activity authorized pursuant to section
19 524.816.

20 Sec. 2. Section 524.901, subsection 1, Code 1987,
21 is amended by adding the following new lettered
22 paragraph:

23 NEW LETTERED PARAGRAPH. f. Bonds and securities
24 which are authorized investments under paragraph "a",
25 "b", "c", or "d" include investments in an investment
26 company or investment trust registered under the
27 Investment Company Act of 1940, 15 U.S.C. § 80a, the
28 portfolio of which is limited to the United States
29 government obligations described in paragraph "a",
30 "b", "c", or "d" and to repurchase agreements fully
31 collateralized by the United States government
32 obligations described in paragraph "a", "b", "c", or
33 "d", if the investment company or investment trust
34 takes delivery of the collateral either directly or
35 through an authorized custodian.

36 Sec. 3. Section 524.901, subsection 3, paragraph
37 d, Code 1987, is amended to read as follows:

38 d. Shares in a corporation which the state bank is
39 authorized to acquire and hold pursuant to section
40 524.803, subsection 1, paragraphs "c", "d", and "e"
41 and "f".

42 Sec. 4. Section 524.901, subsection 3, Code 1987,
43 is amended by adding the following new lettered
44 paragraphs:

45 NEW LETTERED PARAGRAPH. i. Shares of investment
46 companies, up to a maximum of twenty percent of
47 capital and surplus of the state bank in any one
48 company, if the portfolio of such an investment
49 company consists wholly of investments in which the
50 state bank could invest directly without limitation

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1 pursuant to this section.

2 NEW LETTERED PARAGRAPH. j. Shares of investment
3 companies whose portfolios contain investments which
4 are subject to limitations pursuant to this section,
5 provided that a state bank's investment in such shares
6 does not exceed the limitation set forth in this
7 section for the underlying instrument.

8 Sec. 5. Section 524.901, Code 1987, is amended by
9 adding the following new subsection:

10 NEW SUBSECTION. 6. A state bank may, in the
11 exercise of the powers granted in this chapter,
12 purchase cash value life insurance contracts which may
13 include provisions for the lump sum payment of
14 premiums and which may include insurance against the
15 loss of the lump sum payment. The cash value life
16 insurance contracts purchased from any one company
17 shall not exceed twenty percent of capital and surplus
18 of the state bank."

19 2. Page 1, by inserting after line 27 the
20 following:

21 "Sec. 7. Section 533.4, subsection 5, Code 1987,
22 is amended by adding the following new paragraph:

23 NEW PARAGRAPH. i. Commercial paper issued by
24 United States corporations as defined by rule.

25 Sec. 8. Section 533.4, subsection 7, Code 1987, is
26 amended to read as follows:

27 7. Assess fines as may be provided by the bylaws
28 ~~for failure to make repayments on loans and payments~~
29 ~~on shares when due; provided no such fine shall exceed~~
30 ~~one percent per month on amounts in arrears or five~~
31 ~~cents; whichever is the larger.~~

32 Sec. 9. Section 533.5, Code 1987, is amended by
33 striking the section and inserting in lieu thereof the
34 following:

35 533.5 MEMBERSHIP.

36 The membership of a credit union consists of those
37 persons in the common bond, duly admitted, who have
38 paid any required one-time or periodic membership fee,
39 or both, have subscribed to one or more shares, and
40 have complied with the other requirements specified by
41 the articles of incorporation and bylaws. To continue
42 membership, a member must comply with any changes in
43 the par value of the share. Credit union organization
44 shall be available to groups of individuals who have a
45 common bond of association such as, but not limited
46 to, occupation, common employer, or residence within
47 specified geographic boundaries. Changes in the
48 common bond may be made by the board of directors. If

49 adopted as a policy by the board of directors of a
50 credit union, members who cease to meet qualifications

Page 3

1 of membership may retain their credit union membership
2 and all membership privileges. Organizations,
3 incorporated or otherwise, may be members.

4 Sec. 10. Section 533.9, unnumbered paragraph 1,
5 Code 1987, is amended to read as follows:

6 Within five days following the organization meeting
7 and each annual meeting the directors shall elect from
8 their own number a chairperson of the board, a vice
9 chairperson, ~~president and~~ a secretary, ~~of whom the~~
10 ~~last two may be the same individual, and also a chief~~
11 financial officer whose title shall be designated by
12 the board of directors, a credit committee of not less
13 than three members, and an auditing committee of not
14 less than three members, and may also elect alternate
15 members of the credit committee. ~~The board may~~
16 appoint an executive committee to act on its behalf
17 when designated for that purpose. It shall be the
18 ~~duty of the~~ The directors to have general management
19 of the affairs of the credit union; ~~particularly to:~~

20 Sec. 11. Section 533.9, subsections 1 through 7,
21 and unnumbered paragraph 2, Code 1987, are amended by
22 striking the subsections and unnumbered paragraph.

23 Sec. 12. Section 533.11, subsections 1 and 2, Code
24 1987, are amended to read as follows:

25 1. Make or cause to be made an examination of the
26 affairs of the credit union at least ~~quarterly~~ semi-
27 annually, including an audit of its books and, ~~in the~~
28 ~~event said if the~~ committee feels such action to be
29 necessary, it shall call the members together
30 ~~thereafter~~ after the audit and submit to them its
31 report.

32 2. Make or cause to be made an annual ~~audit and~~
33 report and submit ~~the same~~ it at the annual meeting of
34 the members.

35 Sec. 13. Section 533.34, subsection 1, Code 1987,
36 is amended to read as follows:

37 1. A state credit union may convert into a federal
38 credit union with the approval of the administrator of
39 the national credit union administration and by the
40 affirmative vote of a majority of the credit union's
41 members ~~eligible to who~~ vote on the proposal. This
42 vote, if taken, shall be at a ~~special~~ meeting called
43 for that purpose and shall be in the manner prescribed
44 by the bylaws. ~~Any member eligible to vote and not~~
45 ~~present at the meeting may, within twenty days after~~

46 the date on which the meeting was held, vote in favor
47 of conversion by signing a statement in a form
48 satisfactory to the superintendent. This vote shall
49 have the same force and effect as if cast at the
50 meeting.

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1 Sec. 14. Section 533.38, unnumbered paragraph 1,
2 Code 1987, is amended to read as follows:
3 A corporate central credit union may be
4 established. Credit unions organized under this
5 chapter, the Federal Credit Union Act, or any other
6 credit union act and credit union organizations may be
7 members. In addition, regulated financial
8 institutions, nonprofit organizations, and cooperative
9 organizations may be members to the extent and manner
10 provided for in the bylaws of the corporate central
11 credit union. The corporate central credit union
12 shall have all the powers, restrictions, and
13 obligations imposed upon, or granted to a credit union
14 under this chapter, except that the corporate central
15 credit union may exercise any of the following
16 additional powers subject to the adoption of rules by
17 the superintendent pursuant to chapter 17A and with
18 the prior written approval of the superintendent:
19 Sec. 15. NEW SECTION. 533.48 INVESTMENT IN BANKS
20 OR SAVINGS AND LOAN ASSOCIATIONS.
21 1. INVESTMENTS IN BANKS. A credit union may, with
22 the prior approval of the superintendent, invest in
23 the capital stock, obligations, or other securities of
24 a bank.
25 2. INVESTMENT IN SAVINGS AND LOANS. A credit
26 union may, with the prior approval of the
27 superintendent, invest in the capital stock,
28 obligations, or other securities of a state savings
29 and loan association.
30 3. FINDINGS REQUIRED. The superintendent shall
31 not grant an approval under subsection 1 or 2, except
32 after making one of the following findings:
33 a. Based upon a preponderance of the evidence
34 presented, the proposed investment will not have the
35 immediate effect of significantly reducing competition
36 between depository financial institutions located in
37 the same community as the institution whose shares
38 would be acquired.
39 b. Based upon a preponderance of the evidence
40 presented, the proposed investment would have an
41 anticompetitive effect as described in paragraph "a",
42 but other factors, specifically cited, outweigh the

43 anticompetitive effect so that there would be a net
44 public benefit as a result of the investment.
45 4. COMPETITION PRESERVED. The subsequent
46 liquidation of a bank or state savings and loan
47 association whose shares are acquired under this
48 section shall not prevent the subsequent incorporation
49 of another bank or savings and loan association in the
50 same community, and the superintendent of banking

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1 shall not find the liquidation of such a bank to be
2 grounds for disapproving the incorporation of another
3 bank in the same community under section 524.305, and
4 the superintendent of savings and loan associations
5 shall not find the liquidation of such a savings and
6 loan association to be grounds for disapproving the
7 incorporation of another savings and loan association
8 in the same community under chapter 534.

9 Sec. 16. Section 534.103, subsection 6, Code 1987,
10 is amended to read as follows:

11 6. LIMITED TRUST POWERS. Associations An
12 association incorporated under this chapter may act as
13 trustee for trusts which are created or organized in
14 the United States, and which form part of a stock
15 bonus, pension, or profit sharing plan which qualifies
16 for special tax treatment under section 401(d) or
17 subsection (a) of section 408 of the Internal Revenue
18 Code of 1954, as amended, or as trustee with no active
19 fiduciary duties, if the funds of such the trust are
20 invested only in savings accounts or deposits in such
21 the association or in obligations or securities issued
22 by such the association. All funds held in such a
23 fiduciary capacity by any such an association may be
24 commingled for appropriate purposes of investment, but
25 individual records shall be kept by the fiduciary for
26 each participant and shall show in proper detail all
27 transactions engaged in under the authority of this
28 subsection.

29 The administrator superintendent is authorized to
30 grant by special permit to an association the right to
31 act as trustee, executor, administrator, guardian, or
32 in any other fiduciary capacity. However, this
33 authority is available only for periods of time when
34 federally chartered savings and loan associations
35 operating in this state are granted similar authority,
36 and the state authorization is subject to the rights
37 and limitations established in rules adopted by the
38 superintendent, which shall be consistent with the
39 rights and limitations for federally chartered

40 associations engaged in this type of activity.

41 Sec. 17. Section 534.107, Code 1987, is amended to
42 read as follows:

43 534.107 EXPENDITURES AND OPERATING EXPENSES.

44 All expenses for management in conducting the
45 affairs of an association, excluding the cost of
46 borrowed money, shall be paid from interest, service
47 charges and other sources of profit. The said
48 operating expense for of an association in any one
49 year shall not exceed three percent for associations
50 with assets not to exceed eight hundred thousand

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1 dollars and two percent for those over such amount as
2 shown by the associations in their last annual report
3 of the association's average assets during that year
4 without the written approval of the superintendent.

5 Sec. 18. Section 534.111, unnumbered paragraph 2,
6 Code 1987, is amended to read as follows:

7 Every association organized under the provisions of
8 this chapter shall have and exercise has all the
9 rights, powers, and privileges pertaining to savings
10 and to loans not in conflict with the laws of this
11 state, which are conferred upon federal savings and
12 loan associations by the Home Owners' Loan Act of
13 1933, title 12, section 1464, United States Code 12
14 U.S.C. § 1464, and conferred by regulations adopted by
15 the federal home loan bank board and the federal
16 savings and loan insurance corporation.

17 Sec. 19. NEW SECTION. 534.112 REGULATORY
18 CAPITAL.

19 An association shall maintain regulatory capital in
20 the amount required by regulations of the federal
21 savings and loan insurance corporation. For the
22 purpose of this section, "regulatory capital" means
23 the sum of all reserve accounts (except specific
24 reserves established to offset actual or anticipated
25 losses), undivided profits, surplus, capital stock,
26 and any other nonwithdrawable accounts.

27 Sec. 20. Section 534.207, subsection 1, paragraph
28 a, Code 1987, is amended to read as follows:

29 a. Loans secured by first liens or first claims on
30 residential real estate, participation interests in
31 groups of loans secured by first liens or first claims
32 on residential real estate, securities that are
33 secured by groups of loans secured by first liens or
34 first claims on residential real estate, or property
35 improvement loans for the making of improvements upon

36 residential real property, or a combination of these.

37 Sec. 21. Section 534.209, Code 1987, is amended by
38 striking the section and inserting in lieu thereof the
39 following:

40 534.209 COMMERCIAL LENDING AND ACCOUNTS.

41 1. An association shall not hold more than forty
42 percent of its assets in commercial loans and consumer
43 loans as an annual average based on monthly
44 computations.

45 2. An association may accept a commercial NOW
46 account. For the purposes of this subsection, a
47 "commercial NOW account" is a NOW account, as
48 authorized by section 534.301, subsection 3, for a
49 commercial, corporate, business, or agricultural
50 entity.

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1 3. For the purposes of this section, unless the
2 context otherwise requires:

3 a. "Commercial loan" means a loan to a person
4 borrowing money for a business or agricultural
5 purpose.

6 b. "Business purpose" means a loan to a for-profit
7 entity, or a for-profit activity, including but not
8 limited to a commercial, service, or industrial
9 enterprise carried on for profit, or an investment
10 activity.

11 c. "Agricultural purpose" means as defined in
12 section 535.13.

13 d. "Commercial loan" does not include a loan
14 secured by an interest in real estate for the purpose
15 of financing the acquisition of real estate or the
16 construction of improvements on real estate. In
17 determining which loans are "commercial loans" the
18 rules of construction stated in section 535.2,
19 subsection 2, paragraph "b", apply.

20 4. For the purposes of this section, a lease of
21 personal property is treated as a commercial loan if a
22 loan to the lessee to acquire the property would have
23 been a commercial loan.

24 Sec. 22. NEW SECTION. 534.215 FALSE STATEMENT
25 FOR CREDIT.

26 A person who knowingly does either of the following
27 is guilty of a fraudulent practice:

28 1. Makes or causes to be made, directly or
29 indirectly, a false statement in writing with the
30 intent that the false statement shall be relied upon
31 by an association for the purpose of procuring the
32 delivery of property, the payment of cash, or the

33 receipt of credit in any form, for the benefit of the
34 person or of any other person in which the person is
35 interested or for whom the person is acting.
36 2. Procures the delivery of property, the payment
37 of cash, or the receipt of credit in any form, knowing
38 that a false statement in writing has been made
39 concerning the financial condition or means or ability
40 to pay of the person, or any other person in which the
41 person is interested or for whom the person is acting,
42 if the person knew that the association relied or
43 would rely upon the false written statement.
44 Sec. 23. Section 534.307, subsection 2, Code 1987,
45 is amended by striking the subsection.
46 Sec. 24. Section 534.505, subsection 4, Code 1987,
47 is amended by striking the subsection.
48 Sec. 25. Section 534.702, Code 1987, is amended by
49 adding the following new subsection:
50 NEW SUBSECTION. 9. Subject to the laws and

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1 regulations of the United States, a foreign
2 association transacting business within this state is
3 subject to the provisions of this chapter and is
4 subject to the supervision of the superintendent as to
5 its operations in this state. Notwithstanding
6 subsection 2 of section 534.102, the term
7 "association" or "state association" in this chapter
8 shall include a foreign association and any foreign
9 association which is a party to a plan of merger under
10 section 534.511 as to its operations in this state.
11 Sec. 26. Section 537.2501, Code 1987, is amended
12 by adding the following new subsection:
13 NEW SUBSECTION: 3. A creditor may contract for
14 and receive additional charges, including charges as a
15 result of default by the consumer, as agreed between
16 the consumer and the creditor with respect to a loan
17 under open-end credit pursuant to a credit card issued
18 by the creditor which entitles the cardholder to
19 purchase or lease goods or services from at least one
20 hundred persons not related to the card issuer."
21 2. Title page, line 1, by inserting after the
22 word "institutions" the following: ", acts which
23 constitute a fraudulent practice, and imposing
24 penalties".
25 3. By renumbering as necessary.

EDGAR HOLDEN
WILLIAM PALMER

S-3931

- 1 Amend House File 669 as amended, passed and
- 2 reprinted by the House as follows:
- 3 1. Page 1, by striking lines 19 through 21 and
- 4 inserting the following: "~~and regulations~~ for nursing
- 5 homes ~~established~~ adopted by the ~~Iowa~~ department of
- 6 ~~public health inspections and appeals, in consultation~~
- 7 with the state board of health, whether proprietary".

COMMITTEE ON HUMAN RESOURCES
BEVERLY HANNON, Chairperson

S-3932

- 1 Amend the Committee on Appropriations amendment, S-
- 2 3925 to House File 671 as amended, passed, and
- 3 reprinted by the House as follows:
- 4 1. Page 19, by inserting after line 26 the
- 5 following:
- 6 "Sec. ____ . Section 602.1505, Code 1987, is
- 7 repealed."

DONALD V. DOYLE

HOUSE AMENDMENT TO
SENATE FILE 482

S-3933

- 1 Amend Senate File 482 as amended, passed, and
- 2 reprinted by the Senate as follows:
- 3 1. Page 1, by striking lines 18 through 23.
- 4 2. Page 3, line 23, by inserting after the word
- 5 "notice" the following: "monthly".
- 6 3. By renumbering, relettering, or redesignating
- 7 and correcting internal references as necessary.

S-3934

- 1 Amend amendment S-3925 to House File 671, as
- 2 amended, passed and reprinted by the House as follows:
- 3 1. Page 2, by inserting after line 33 the
- 4 following:
- 5 "____ . Page 10, line 20, by striking the figure

6 "115,848" and inserting in lieu thereof the following:
7 "140,848".

WALLY E. HORN
JACK NYSTROM
LEONARD L. BOSWELL

S-3935

1 Amend House File 671 as amended, passed and
2 reprinted by the House as follows:
3 1. Page 29, by inserting after line 25 the
4 following:
5 "Licensed birth centers or birth centers which
6 receive reimbursement from at least two third-party
7 payors shall be eligible for reimbursement for
8 prenatal delivery, and postnatal services for women
9 eligible for medicaid."

BEVERLY HANNON
CHARLES BRUNER
MICHAEL GRONSTAL
TOM MANN, Jr.

S-3936

1 Amend amendment S-3925 to House File 671 as
2 amended, passed and reprinted by the House as follows:
3 1. Page 1, by inserting after line 2 the
4 following:
5 "____. By striking page 1, line 16 through page 2,
6 line 33 and inserting the following:
7 "laneous purposes \$ 1,022,527
8 It is the intent of the general assembly that the
9 civil rights commission use funds received from
10 federal agencies to reimburse the attorney general,
11 for data processing, for outside repairs and services,
12 for communications, and for purchase of services from
13 local human rights agencies under deferral or referral
14 arrangements pursuant to section 601A.19.
15 The commission shall endeavor to reduce the
16 processing time on each case, from the date of filing
17 to the disposition, to six months. The commission
18 shall provide a report, at least quarterly, to the
19 legislative fiscal bureau and to the co-chairpersons
20 and ranking members of the health and human rights
21 appropriations subcommittee on meeting the performance
22 goal. Failure of the commission to meet the

23 performance goal shall not be grounds for legal action
 24 against the commission, nor shall it serve as a
 25 legislative definition of "prompt" as it is used in
 26 section 601A.15, subsection 3, nor shall it serve as a
 27 defense in any civil rights case."

TOM MANN, Jr.

S-3937

1 Amend House File 671 as amended, passed and
 2 reprinted by the House as follows:
 3 1. By striking page 1, line 16 through page 2,
 4 line 33 and inserting the following:
 5 "laneous purposes \$ 1,022,527
 6 It is the intent of the general assembly that the
 7 civil rights commission use funds received from
 8 federal agencies to reimburse the attorney general,
 9 for data processing, for outside repairs and services,
 10 for communications, and for purchase of services from
 11 local human rights agencies under deferral or referral
 12 arrangements pursuant to section 601A.19."

TOM MANN, Jr.

S-3938

1 Amend the Committee on Appropriations amendment, S-
 2 3925, to House File 671, as amended, passed, and
 3 reprinted by the House, as follows:
 4 1. Page 18, line 13, by striking the figure
 5 "54,000,000" and inserting the following:
 6 "55,800,000".
 7 2. Page 18, by striking lines 30 through 34.

EUGENE FRAISE

S-3939

1 Amend the Committee on Appropriations amendment, S-
 2 3925, to House File 671, as amended, passed, and
 3 reprinted by the House, as follows:
 4 1. Page 18, by striking lines 43 through 46.

JOE J. WELSH

S-3940

- 1 Amend S-3925 to House File 671 as amended, passed,
- 2 and reprinted by the House as follows:
- 3 1. Page 5, by striking line 33 and inserting the
- 4 following:
- 5 "i. There is appropriated from the general fund of
- 6 the state to the department of human services,".

JOE J. WELSH

S-3941

- 1 Amend S-3925 to House File 671 as amended, passed,
- 2 and reprinted by the House as follows:
- 3 1. Page 5, by striking lines 43 through 45.

JOE J. WELSH

HOUSE AMENDMENT TO
SENATE FILE 342

S-3942

- 1 Amend Senate File 342, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, line 14, by striking the words
- 4 "~~dollars the actual cost of publication~~" and inserting
- 5 the following: "five dollars".
- 6 2. Page 1, lines 31 and 32, by striking the words
- 7 "~~dollars the actual cost of publication~~" and inserting
- 8 the following: "five dollars".

HOUSE AMENDMENT TO
SENATE FILE 101

S-3943

- 1 Amend Senate File 101, as amended, passed, and re-
- 2 printed by the Senate, as follows:
- 3 1. Page 5, lines 20 and 21, by striking the words
- 4 "unless the home is placed in a mobile home park and
- 5 not converted to real property".

HOUSE AMENDMENT TO
SENATE AMENDMENT TO
HOUSE FILE 499

S-3944

1 Amend the Senate amendment, H-3878, to House File
2 499, as amended, passed, and reprinted by the House,
3 as follows:

4 1. Page 1, by striking lines 3 through 6.

5 2. Page 1, by striking lines 18 through 23 and
6 inserting the following: "the allocations of moneys
7 for phases I and II are made prior to the allocation
8 of moneys for phase III."

9 3. Page 2, by striking lines 1 through 27 and
10 inserting the following:

11 " ____ . Page 5, by striking lines 23 and 24 and
12 inserting the following: "teachers. For each fiscal
13 year, the department of education shall allocate to".

14 ____ . By striking page 5, line 27 through page 6,
15 line 17, and inserting the following: "multiplied by
16 the district's certified enrollment and to each area
17 education agency for the purpose of implementing phase
18 II an amount equal to three dollars and fifty-five
19 cents multiplied by the enrollment served in the area
20 education agency, if the general assembly has
21 appropriated sufficient moneys to the fund so that
22 pursuant to section 294A.3, thirty-eight million five
23 hundred thousand dollars will be allocated by the
24 department to school districts and area education
25 agencies for phase II. If, because of the amount of
26 the appropriation made by the general assembly to the
27 fund, less than thirty-eight million five hundred
28 thousand dollars is allocated for phase II, the
29 department of education shall adjust the amount for
30 each student in certified enrollment and each student
31 in enrollment served based upon the amount allocated
32 for phase II."

33 ____ . Page 6, line 19, by inserting after the word
34 "allocations" the following: "for each school
35 district and area education agency".

36 4. Page 2, by inserting before line 28 the
37 following:

38 " ____ . Page 7, line 19, by striking the word
39 "June" and inserting the following: "July".

40 5. By striking page 2, line 50 through page 3,
41 line 14.

42 6. By striking page 3, line 17 through page 4,

43 line 12, and inserting the following:

44 "___ . Page 9, by striking lines 15 through 30 and

45 inserting the following:

46 "For each fiscal year, the department shall
47 allocate the remainder of the moneys appropriated by
48 the general assembly to the fund for phase III,
49 subject to section 294A.16B. If fifty million dollars
50 is allocated for phase III, the payments for an

Page 2

1 approved plan for a school district shall be equal to
2 the product of a district's certified enrollment and
3 ninety-eight dollars and sixty-three cents, and for an
4 area education agency shall be equal to the product of
5 an area education agency's enrollment served and four
6 dollars and sixty cents. If the moneys allocated for
7 phase III are either greater than or less than fifty
8 million dollars, the department of education shall
9 adjust the amount for each student in certified
10 enrollment and each student in enrollment served based
11 upon the amount allocated for phase III."

12 7. Page 4, by striking lines 27 through 29.

13 8. Page 4, by inserting after line 43 the
14 following:

15 "___ . Page 13, line 34, by inserting after the
16 word "plan" the following: "and its budget".

17 ___ . Page 14, line 3, by inserting after the word
18 "plan" the following: "and budget".

19 ___ . Page 14, by striking lines 5 and 6 and
20 inserting the following: "the school districts and
21 area education agencies not later than February 15,
22 1988 that their plans have been approved by the
23 department. Final approval of budgets for approved
24 phase III plans shall be determined by the department
25 of education after the certification required in
26 section 294A.16B but not later than February 15, 1988.
27 The department of education shall notify the
28 department of revenue and finance of the amounts of
29 payments to be made to each school district and area
30 education agency that has an approved plan. Moneys".

31 9. Page 5, by striking lines 11 through 32 and
32 inserting the following: "programs may provide for
33 increasing teacher salary costs for twelve month
34 contracts for vocational agriculture teachers."

35 10. Page 5, by inserting before line 33 the
36 following:

37 "Sec. ___ . NEW SECTION. 294A.16B DETERMINATION
38 OF PHASE III ALLOCATION.

39 On February 1, 1988, the governor shall certify to

40 the department of education the amount of money
 41 available for allocation under phase III. If pursuant
 42 to any provision of law, the governor certifies an
 43 amount lower than the allocation that would otherwise
 44 be made under this chapter, the department of
 45 education shall, if necessary, adjust the amount for
 46 each student in certified enrollment and each student
 47 in enrollment served which are included in approved
 48 plans pursuant to section 294A.14 and shall review the
 49 budgets of the approved plans.”

50 11. By striking page 5, line 46 through page 6,

Page 3

1 line 4.

2 12. By striking page 6, line 20 through page 7,

3 line 10.

4 13. Page 7, by striking lines 11 through 27.

5 14. Page 7, by striking lines 41 and 42, and

6 inserting the following:

7 “— . Page 15, by striking lines 25 through 35

8 and inserting the following: “merged area schools.

9 The plans shall be reported to the general assembly

10 not later than October 1, 1987.

11 In addition, the state board shall develop plans

12 for redrawing the boundary lines of area education

13 agencies so that the total number of area education

14 agencies is no fewer than four and no greater than

15 twelve. The state board shall also study the

16 governance structure of the merged area schools,

17 including but not limited to governance at the state

18 level with a director of area school education serving

19 under a state board. The plans relating to the area

20 education agencies and merged area schools shall be

21 submitted to the general assembly not later than

22 January 8, 1990.

23 PARAGRAPH DIVIDED. The focus of the”.

24 — . Page 16, by striking lines 5 through 12.”

25 15. Page 8, by striking lines 33 and 34 and

26 inserting the following: “is signed by at least

27 twenty percent of the number of registered voters

28 voting in the preceding school election.”

29 16. Page 15, by striking lines 17 through 41.

30 17. Page 16, by striking lines 9 through 17.

31 18. Page 16, by striking lines 23 through 44.

32 19. Page 16, line 45, by striking the figure “29”

33 and inserting the following: “34”.

34 20. Page 17, by striking lines 15 through 27.

35 21. By striking page 18, line 4 through page 19,

36 line 20.

37 22. By striking page 19, line 21 through page 20,
38 line 13.

39 23. By striking page 20, line 14 through page 22,
40 line 21.

41 24. Page 22, by striking lines 22 through 43.

42 25. Page 23, by striking lines 13 through 34.

43 26. By striking page 23, line 40 through page 24,
44 line 3.

45 27. Page 24, by inserting after line 19, the
46 following:

47 "___ . Page 24, by inserting after line 34 the
48 following:

49 "Sec. ___ . NEW SECTION. 279.46 RETIREMENT
50 INCENTIVES.

Page 4

1 The board of directors of a school district may
2 adopt a program for payment of a monetary bonus,
3 continuation of health or medical insurance coverage,
4 or other incentives for encouraging its employees to
5 retire before the normal retirement date as defined in
6 chapter 97B. The program is available only to
7 employees between fifty-nine and sixty-five years of
8 age who notify the board of directors prior to March 1
9 of the fiscal year that they intend to retire not
10 later than the next following June 30. An employee
11 retiring under this section shall apply for a
12 retirement allowance under chapter 97B or chapter 294.
13 If the total estimated accumulated cost to a school
14 district of the bonus or other incentives for
15 employees who retire under this section does not
16 exceed the estimated savings in salaries and benefits
17 for employees who replace the employees who retire
18 under the program, the board may certify for levy a
19 tax on all taxable property in the school district to
20 pay the costs of the program provided in this section.
21 The levy certified under this section is in addition
22 to any other levy authorized for that school district
23 by law and is not subject to budget limitations
24 otherwise provided by law. A board may amend its
25 certified budget during a fiscal year to provide for
26 payments required under this section. Moneys received
27 from the levy imposed under this section are
28 miscellaneous income for purposes of chapter 442.""
29 28. By striking page 24, line 20 through page 25,
30 line 4.

31 29. Page 25, by striking lines 5 through 7 and
32 inserting the following:

33 "___ . Page 26, by striking lines 21 through 24

34 and inserting the following:

35 "For the school years commencing July 1, 1988 and
36 July 1, 1989, a parent or guardian residing in a
37 school district in which the high".

38 ____ . Page 26, line 25, by striking the word
39 "academic".

40 30. Page 25, by striking lines 32 through 36 and
41 inserting the following: "does not have classroom
42 space for the pupil."

43 31. Page 26, by striking lines 27 through 47.

44 32. Page 26, line 50, by striking the word "Sec"
45 and inserting the following: "Sec."

46 33. By striking page 27, line 15 through page 35,
47 line 7.

48 34. Page 35, by striking lines 22 through 26 and
49 inserting the following: "1989 and each succeeding
50 school year, the twenty-five percent portion shall be

Page 5

1 reduced to twenty percent."

2 35. Page 35, by striking lines 30 through 34 and
3 inserting the following: "1, 1989 and each succeeding
4 school year, the seventy-five percent portion shall be
5 increased to eighty percent."

6 36. By striking page 36, line 21 through page 37,
7 line 9.

8 37. Page 37, line 47, by striking the word "ten"
9 and inserting the following: "ten".

10 38. Page 38, line 22, by inserting after the word
11 "fifteen" the following: "and the total additional
12 weighting that may be added cumulatively to the
13 enrollment of school districts sharing an
14 administrator is twenty-five".

15 39. Page 38, by striking lines 23 through 30.

16 40. Page 38, by striking lines 31 through 40.

17 41. By striking page 38, line 43 through page 40,
18 line 24.

19 42. By striking page 40, line 25 through page 41,
20 line 5.

21 43. Page 41, by inserting after line 23 the
22 following:

23 "Sec. ____ . The legislative council shall appoint a
24 working committee to conduct a comprehensive study of
25 school finance and make recommendations for a school
26 finance program for Iowa for the 1990's and beyond.
27 The study shall include a review of the present school
28 finance formula, the property tax burden on taxpayers
29 of the various school districts including the property
30 assessment practices prescribed in sections 441.18

31 through 441.21, and the effect upon the formula of
32 additional moneys provided to improve teacher salaries
33 as well as a review of the following proposals:

34 1. Senate File 2298, introduced during the 1986
35 session of the general assembly.

36 2. The final report of the excellence in education
37 study committee which met during the 1985 interim.

38 3. The final report of the property tax issues
39 study committee which met during the 1986 interim.

40 4. The final report of the state tax reform study
41 committee which met during the 1986 interim.

42 The working committee appointed by the legislative
43 council shall be composed of members of both political
44 parties and both houses who are members of the
45 committees on education and the committees on ways and
46 means and members who represent the department of
47 education, education interest groups, and other
48 organizations and associations interested in school
49 finance.

50 The committee shall be staffed by the legislative

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1 service bureau and the legislative fiscal bureau. The
2 committee shall begin its deliberations following the
3 adjournment of the 1987 session of the general
4 assembly and shall issue its report of recommendations
5 which shall include a school aid formula to replace
6 the formula within chapter 442, by January 1, 1989.

7 It is the intent of the general assembly that the
8 general assembly meeting in 1989 shall enact a school
9 aid formula to replace the formula contained in
10 chapter 442 of the Code. The new formula shall take
11 effect for the computations and procedures needed
12 during the school year beginning July 1, 1990 in order
13 to implement the new formula for the school year
14 beginning July 1, 1991."

15 44. Page 41, by inserting after line 23 the
16 following:

17 "____. Page 36, by inserting after line 8 the
18 following:

19 "Sec. 100. For an appeal filed with the state
20 board of education under chapter 290 between February
21 18, 1987 and February 20, 1987 relating to a decision
22 of a board of directors of a school district for
23 school district restructuring, the state board of
24 education shall consider all of the following factors:

25 1. The continuity of the educational program of
26 the district.

27 2. Cost effectiveness when the restructuring is

28 compared to other alternatives.
 29 3. The quality and physical condition of the
 30 school district facilities affected.
 31 4. The past and present student enrollment in the
 32 affected area compared to the total past and present
 33 student enrollment in the district.
 34 5. Restructuring recommendations of a citizens
 35 task force appointed by the board of directors.
 36 6. Transportation changes required because of
 37 restructuring and their impact upon participation in
 38 student activities.
 39 7. Presence or absence of violations by the board
 40 of directors of the school district of rules and
 41 guidelines adopted or promulgated by the state
 42 board.””
 43 45. Page 41, by inserting after line 23, the
 44 following:
 45 “ ____ . Page 36, by inserting after line 8 the
 46 following:
 47 “Sec. ____ . The state board of education shall
 48 study the feasibility of enacting permanent
 49 legislation that would allow school students residing
 50 in school districts to attend school in other school

Page 7

1 districts and shall report its conclusions to the
 2 general assembly not later than January 1, 1988. The
 3 state board shall consider, but not be limited to, the
 4 conditions under which such a transfer might be made,
 5 the requirements for an appeal process by either
 6 party, the method and determination of payment,
 7 transportation efficiency, and impact on the
 8 educational system of the state.””
 9 46. Page 41, by striking lines 24 through 27.
 10 47. Page 41, by striking lines 32 through 34 and
 11 inserting the following:
 12 “ ____ . Page 36, by striking line 11, and inserting
 13 the following:
 14 “Sec. ____ . Chapter 294A and section 100 of”.”
 15 48. Page 41, by striking lines 43 through 46.
 16 49. Page 41, by inserting before line 47 the
 17 following:
 18 “ ____ . Page 36, by inserting after line 16 the
 19 following:
 20 “Sec. ____ . Chapter 261C, Code 1989, is repealed
 21 June 30, 1990.
 22 Sec. ____ . Chapter 442, Code 1991, is repealed June
 23 30, 1991.””
 24 50. Page 42, lines 4 and 5, by striking the words

25 "election of school board directors;"

26 51. Page 42, by striking lines 7 through 14 and
27 inserting the following: "administrators;
28 establishing sabbatical programs for teachers;
29 increasing the enrichment amount; providing for
30 appeals of certain decisions of school districts;
31 retirement".

32 52. Page 42, line 16, by striking the word and
33 figures "11 through 14" and inserting the following:
34 "13 through 16".

35 53. Page 42, by striking lines 17 and 18, and
36 inserting the following: "and inserting the
37 following: "schools; date of the organizational
38 meeting of school corporations; sharing
39 interscholastic activity programs;"."

S-3945

1 Amend House File 671, as amended, passed, and re-
2 printed by the House, as follows:

3 1. Page 56, by inserting after line 3 the
4 following:

5 "Sec. ____ . Section 598.22, unnumbered paragraph 1,
6 Code 1987, is amended to read as follows:

7 This section applies to all initial or modified
8 orders for support entered under this chapter, chapter
9 234, 252A, 252C, 675, or any other chapter of the
10 Code. All orders or judgments for support entered on
11 or before March 31, 1987, shall direct the payment of
12 those sums to the clerk of the district court for the
13 use of the person for whom the payments have been
14 awarded. All orders or judgments for support entered
15 on or after April 1, 1987, shall direct the payment of
16 those sums to the collection services center
17 established pursuant to section 252B.13. Payments to
18 persons other than the clerk of the district court and
19 the collection services center do not satisfy the
20 support obligations created by the orders or
21 judgments, except as provided for trusts in section
22 252D.1, 598.23, or this section or for tax refunds or
23 rebates in section 602.8102, subsection 47, or upon
24 verification of payments to dependents as provided by
25 the Social Security Act as defined in section 97C.2,
26 subsection 7."

JOE J. WELSH

S-3946

1 Amend amendment, S-3925, to House File 671 as
 2 amended, passed, and reprinted by the House as
 3 follows:

DIVISION S—3946A

4 1. Page 2, line 36, by striking the words “forty-
 5 nine” and inserting the following: “thirty-seven”.
 6 2. Page 2, line 41, by striking the word “six”
 7 and inserting the following: “one”.
 8 3. Page 2, line 45, by striking the word “eighty”
 9 and inserting the following: “seventy-three”.
 10 4. Page 3, line 3, by striking the figure
 11 “6,807,552” and inserting the following: “6,509,454”.
 12 5. Page 3, by striking lines 4 through 16 and
 13 inserting the following:
 14 “___ . Page 22, by striking lines 12 through 15
 15 and inserting the following: “specified in section
 16 225C.22.””

DIVISION S—3946B

17 6. Page 3, by striking lines 17 through 22 and
 18 inserting the following:
 19 “___ . Page 23, by inserting after line 33 the
 20 following:
 21 “As a condition of this appropriation, the
 22 department shall report on a monthly basis to the
 23 fiscal committee of the legislative council concerning
 24 the status of employing and training the additional
 25 full-time equivalent positions included in this
 26 subsection.””

JOE WELSH
 JEAN LLOYD-JONES

S-3947

1 Amend amendment S-3925 to House File 671 as
 2 amended, passed and reprinted by the House as follows:
 3 1. Page 6, by striking lines 22 through 34.

JULIA GENTLEMAN
 JOY CORNING

S-3948

1 Amend the House amendment S-3599, to Senate File
2 148 as amended, passed and reprinted by the Senate as
3 follows:
4 1. Page 3, line 27, by inserting after the word
5 "section." the following: "This section shall not
6 prohibit an individual from completing a term being
7 served on June 30, 1987."

JEAN LLOYD-JONES
BEVERLY HANNON
BILL HUTCHINS
CHARLES BRUNER
MICHAEL E. GRONSTAL
JOY CORNING
JULIA GENTLEMAN

S-3949

1 Amend House File 671 as amended, passed and
2 reprinted by the House as follows:
3 1. Page 33, by inserting after line 6 the
4 following:
5 "The department shall initiate, on at least a
6 pilot program basis in two counties, outreach
7 services to investigate for potential modification
8 proceedings all child support orders for aid to
9 dependent children clients whose orders have not
10 been modified within the previous four years. The
11 department shall report to the general assembly on
12 the short-term and long-term cost effectiveness
13 of initiating modification proceedings in the cases
14 where modification proceedings were initiated as a
15 consequence of the investigation and outreach
16 services."

CHARLES BRUNER
JOE WELSH
JEAN LLOYD-JONES

S-3950

1 Amend House File 671 as amended, passed and
2 reprinted by the House as follows:
3 1. Page 27, by striking line 12 through page 28,
4 line 25.

WILLIAM W. DIELEMAN

S-3951

1 Amend amendment, S-3925, to House File 671, as
2 amended, passed, and reprinted by the House, as
3 follows:
4 1. By striking page 3, line 17 through page 6,
5 line 21 and inserting the following:
6 "___ . Page 23, by inserting after line 33 the
7 following:
8 "The department shall report on a monthly basis to
9 the fiscal committee of the legislative council and to
10 the chairpersons and ranking members of the human
11 services appropriations subcommittee regarding the
12 number of persons employed for field operations, the
13 status of a phase-in schedule for persons employed
14 after July 1, 1987, for field operations, and
15 projected expenditures in the field operations
16 division to demonstrate proper usage of funds. It is
17 the intent of the general assembly that these funds be
18 used expeditiously to reduce the caseload for social
19 workers. The department shall not transfer the funds
20 appropriated under this subsection to other programs
21 or purposes."
22 ___ . Page 26, line 20, by inserting after the
23 word "statewide" the following: "giving priority to
24 the areas having the highest unemployment rate".
25 ___ . Page 29, line 13, by striking the figure
26 "138,291,254" and inserting the following:
27 "139,500,000".
28 ___ . Page 29, by inserting after line 13, the
29 following:
30 "As a condition of the appropriation made under
31 this subsection, each intermediate care facility shall
32 meet the minimum number of hours of care per resident
33 specified in section 135C.3."
34 ___ . Page 31, by inserting after line 33, the
35 following:
36 "By October 1, 1987, the department shall submit a
37 revised medical assistance plan to the United States
38 department of health and human services for

39 implementation no later than July 1, 1988.”
 40 ____ . Page 32, line 13, by striking the figure
 41 “2,550,000” and inserting the following: “2,525,000”.
 42 ____ . Page 32, by inserting after line 19, the
 43 following:
 44 “For modifying the claims
 45 payment system to reflect SOBRA
 46 changes \$ 25,000”.
 47 ____ . Page 33, by striking lines 7 through 15.
 48 ____ . Page 35, line 29, by striking the figure
 49 “26,830,000” and inserting the following:
 50 “26,730,000”.

Page 2

1 ____ . Page 36, line 17, by inserting after the
 2 word “in” the following: “high”.
 3 ____ . By striking page 36, line 26 through page
 4 37, line 34 and inserting the following:
 5 “It is the goal of the general assembly that out-
 6 of-state placements of children under foster care be
 7 reduced by at least fifty percent within the next two
 8 years and that standards be established relating to
 9 minimum qualifications for out-of-state providers. It
 10 is the intent of the general assembly that out-of-
 11 state providers not be provided greater reimbursement
 12 than is available to in-state providers for similar
 13 services initiated after October 1, 1987. It is the
 14 goal of the general assembly that out-of-state
 15 providers be utilized only when such providers provide
 16 specialized services that could not be provided
 17 efficiently within the state or where such providers
 18 have significant advantages in terms of proximity to
 19 family and community support.
 20 The department shall work with the court and with
 21 providers of foster care services within the state in
 22 developing guidelines to meet this legislative intent.
 23 g. Of the funds appropriated under this section,
 24 two hundred thousand (200,000) dollars, or so much
 25 thereof as is necessary, may be used to provide
 26 supplemental “difficulty of care” per diem rates to
 27 providers within the state for their care and
 28 treatment of foster care cases that otherwise would
 29 have been sent out-of-state. The department shall
 30 provide for flexibility in administering this
 31 provision and developing such payment differentials,
 32 and shall report to the general assembly no later than
 33 February 15, 1988 on the manner in which the payment
 34 differential has been established and used.”
 35 ____ . Page 38, line 30, by striking the figure

36 "2,780,300" and inserting the following: "2,880,300".

37 — . Page 40, by inserting before line 1 the
38 following:

39 "i. Of the funds appropriated in this subsection,
40 one hundred thousand (100,000) dollars, or so much
41 thereof as is necessary, is allocated for community-
42 based juvenile grants. These funds shall be used to
43 reduce the need for out-of-state placements. Grants
44 may be used for start-up costs to establish facilities
45 or additional beds to provide types of services to
46 meet the needs of children now being sent out of
47 state, or to enhance current residential services to
48 meet the needs of the population."

49 — . Page 43, by striking lines 21 through 25 and
50 inserting the following:

Page 3

1 "6. As a condition of the appropriation made by
2 this section, there is appropriated two hundred
3 seventy thousand (270,000) dollars to provide for
4 partial reimbursement to counties for local inpatient
5 mental health care and treatment as set forth in
6 section 225C.12.

7 7. As a condition of the appropriation made by
8 this section, there is appropriated one hundred
9 thousand (100,000) dollars, or so much thereof as is
10 necessary, to the department of human services for
11 rural mental health services. The division of mental
12 health, mental retardation, and developmental
13 disabilities of the department of human services shall
14 allocate these funds to continue or expand existing
15 special allocation project grants providing outreach
16 services to Iowans affected by the continued rural
17 economic decline. The division shall award these
18 funds to agencies that have participated in the 1988
19 fiscal year mental health and mental retardation
20 services funds special allocation grant application
21 process."

22 — . Page 46, by inserting after line 6 the
23 following: "Persons performing service coordination
24 shall be given caseloads no greater than thirty for
25 clients with mental retardation, developmental
26 disabilities, or chronic mental illness.""

27 2. By striking page 7, line 29 through page 8,
28 line 4 and inserting the following:

29 " — . Page 52, line 3, by striking the word
30 "fifty-fifth" and inserting the following: "seventy-
31 fourth".

32 —. Page 52, by striking lines 5 through 9 and
33 inserting the following: "statistical data."

JOE J. WELSH
JEAN LLOYD-JONES
CHARLES BRUNER
BERL E. PRIEBE
DAVID M. READINGER

S-3952

1 Amend the Committee on Appropriations amendment, S-
2 3925 to House File 671 as amended, passed, and
3 reprinted by the House as follows:
4 1. Page 8, by inserting after line 34 the
5 following:
6 "Sec. —. Section 602.1505, Code 1987, is
7 repealed."

DONALD V. DOYLE

S—3953

1 Amend amendment S—3925, to House File 671 as
2 amended, passed and reprinted by the House as follows:
3 1. Page 6, by striking line 38 through page 7,
4 line 11.

BEVERLY HANNON
JULIA GENTLEMAN
C. JOSEPH COLEMAN
TOM MANN, Jr.
AL STURGEON
JAMES R. RIORDAN
MICHAEL E. GRONSTAL
RICHARD F. DRAKE
LINN FUHRMAN
EDGAR H. HOLDEN
JOHN SOORHOLTZ

S-3954

1 Amend House File 671 as amended, passed and
2 reprinted by the House as follows:
3 1. Page 21, line 26, by striking the words and
4 figures "Section 709.10, Code 1987 is" and inserting

5 in lieu thereof the words and figures "Sections
6 601K.128 and 709.10, Code 1987, are".

CALVIN O. HULTMAN
TOM MANN, Jr.

S-3955

1 Amend to House File 671 as amended, passed, and
2 reprinted by the House as follows:
3 1. Page 68, by inserting after line 29 the
4 following:
5 "Sec. ____ . Section 602.1505, Code 1987, is
6 repealed."

DONALD V. DOYLE

S-3956

1 Amend the amendment, S-3925, to House File 671 as
2 amended, passed, and reprinted by the House as
3 follows:
4 1. Page 8, by striking lines 21 through 34.

BERLE E. PRIEBE
JOHN W. JENSEN

S-3957

1 Amend Senate File 514 as follows:
2 1. Page 1, by striking lines 6 and 7 and in-
3 serting the following: "ninety-five million three
4 hundred eighty-four thousand five hundred (95,384,500)
5 dollars."
6 2. Page 1, by striking lines 12 through 21 and
7 inserting the following: "fund of the state to the
8 department of education the amount of one hundred
9 fifteen thousand five hundred".

WALLY HORN
LARRY MURPHY
RICHARD VARN
DONALD V. DOYLE
DONALD E. GETTINGS
JAMES D. WELLS
MICHAEL E. GRONSTAL
WILMER RENSINK

JEAN LLOYD-JONES
WILLIAM W. DIELEMAN
WILLIAM D. PALMER
DAVID M. READINGER
BEVERLY A. HANNON
JAMES R. RIORDAN
CHARLES P. MILLER
TOM MANN, Jr.
JIM LIND
ALVIN V. MILLER
CHARLES BRUNER
LEONARD L. BOSWELL
PATRICK J. DELUHERY
BERL E. PRIEBE
KENNETH D. SCOTT
JOY CORNING

S-3958

1 Amend House File 671 as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 74, by inserting after line 26 the
4 following:

5 "Sec. ____ . ASSET DETERMINATIONS FOR PUBLIC
6 ASSISTANCE APPLICANTS OR RECIPIENTS.

7 1. As used in this section, "public assistance"
8 means monetary or in-kind assistance provided pursuant
9 to chapter 234, 239, 249, or 249A or provided in whole
10 or in part with federal social services block grant
11 funds for which an income or resource eligibility
12 limitation is imposed.

13 2. The department of inspection and appeals shall
14 establish an asset determination program for
15 identifying the assets of persons receiving public
16 assistance. The asset determination program shall be
17 limited to asset determination checks which can be
18 accomplished by means of computerized matching by name
19 and social security number. Only completed matches of
20 public assistance recipients and assets in excess of
21 five thousand dollars shall be shown on a monitor or
22 printed.

23 3. Notwithstanding section 534.404, subsection 1
24 or any other similar and applicable confidentiality
25 statute, the president or presiding officer of a
26 financial institution as defined in section 422.61,
27 subsection 1, a federally chartered credit union, or a
28 credit union defined in section 533.1, subsection 1
29 shall provide the department of inspections and
30 appeals with information relating to the balances in

31 the accounts of an applicant for or recipient of
 32 public assistance if the balances in the applicant's
 33 or recipient's accounts, in the aggregate, exceed five
 34 thousand dollars. However, the information shall be
 35 provided only if the financial institution or credit
 36 union is capable of conducting a computerized match of
 37 names and social security numbers of recipients or
 38 applicants on the department's computer tapes with the
 39 names and social security numbers of depositors in the
 40 financial institution's or credit union's computer
 41 tapes. The financial institution or credit union may
 42 charge the department a reasonable fee to cover the
 43 costs of providing the information.
 44 4. The department shall hold the information
 45 confidential, in substantial compliance with section
 46 217.30, subsection 1. The financial institution or
 47 credit union shall also hold the information
 48 confidential. Any use of the information for a
 49 purpose other than determining eligibility for public
 50 assistance or identifying assets for the determination

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1 of repayments of public assistance overpayments, is
 2 prohibited. A violation of this confidentiality
 3 requirement is a simple misdemeanor.
 4 5. The department shall institute proceedings to
 5 recover overpayments from public assistance recipients
 6 whose assets are determined to exceed those allowed
 7 for eligibility for public assistance. Any amounts
 8 recovered by the department under the asset de-
 9 termination program shall be deposited in the state
 10 treasury and credited to the general fund of the
 11 state. The department shall report on the asset
 12 determination program to the governor and the general
 13 assembly in January of 1988."
 14 2. By renumbering as necessary.

JOE J. WELSH

S-3959

1 Amend House File 671 as amended, passed, and
 2 reprinted by the House as follows:
 3 1. Page 14, by striking lines 27 and 28 and
 4 inserting the following: "prevent duplication of
 5 services."

JEAN LLOYD-JONES

S-3960

1 Amend House File 671 as amended, passed, and
2 reprinted by the House as follows:

3 1. Page 3, line 10, by inserting after the word
4 "purposes" the following: ", provided that the funds
5 appropriated in this item shall revert to the general
6 fund of the state unless section 601K.128, Code 1987,
7 is repealed by the Seventy-second General Assembly,
8 1987 Session, and such repeal is approved by the
9 governor".

10 2. Page 3, line 13, by inserting after the word
11 "specified" the following: ", provided that the funds
12 appropriated in this item shall revert to the general
13 fund of the state unless section 601K.128, Code 1987,
14 is repealed by the Seventy-second General Assembly,
15 1987 Session, and such repeal is approved by the
16 governor".

17 3. Page 6, line 5, by inserting after the word
18 "purposes" the following: ", provided that the funds
19 appropriated in this item shall revert to the general
20 fund of the state unless section 601K.128, Code 1987,
21 is repealed by the Seventy-second General Assembly,
22 1987 Session, and such repeal is approved by the
23 governor".

24 4. Page 6, line 12, by inserting after the word
25 "purposes" the following: ", provided that the funds
26 appropriated in this item shall revert to the general
27 fund of the state unless section 601K.128, Code 1987,
28 is repealed by the Seventy-second General Assembly,
29 1987 Session, and such repeal is approved by the
30 governor".

31 5. Page 6, line 18, by inserting after the word
32 "purposes" the following: ", provided that the funds
33 appropriated in this item shall revert to the general
34 fund of the state unless section 601K.128, Code 1987,
35 is repealed by the Seventy-second General Assembly,
36 1987 Session, and such repeal is approved by the
37 governor".

38 6. Page 6, line 25, by inserting after the word
39 "purposes" the following: ", provided that the funds
40 appropriated in this item shall revert to the general
41 fund of the state unless section 601K.128, Code 1987,
42 is repealed by the Seventy-second General Assembly,
43 1987 Session, and such repeal is approved by the
44 governor".

45 7. Page 6, line 31, by inserting after the word
46 "purposes" the following: ", provided that the funds
47 appropriated in this item shall revert to the general
48 fund of the state unless section 601K.128, Code 1987,

49 is repealed by the Seventy-second General Assembly,
50 1987 Session, and such repeal is approved by the

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1 governor”.
2 8. Page 7, line 3, by inserting after the word
3 “purposes” the following: “, provided that the funds
4 appropriated in this item shall revert to the general
5 fund of the state unless section 601K.128, Code 1987,
6 is repealed by the Seventy-second General Assembly,
7 1987 Session, and such repeal is approved by the
8 governor”.

JOE J. WELSH

S-3961

1 Amend the amendment, S-3844, to House File 617, as
2 amended, passed, and reprinted by the House, as
3 follows:
4 1. Page 1, by striking lines 1 through 27 and in-
5 serting the following:
6 “Amend House File 617, as amended, passed, and re-
7 printed by the House, as follows:
8 — . By striking everything after the enacting
9 clause and inserting the following:
10 “Section 1. Section 524.803, subsection 1, Code
11 1987, is amended by adding the following new lettered
12 paragraph:
13 NEW LETTERED PARAGRAPH. f. Organize, acquire, or
14 invest in a subsidiary for the purpose of engaging in
15 any one or more of the following, subject to the prior
16 approval of the superintendent:
17 (1) Nondepository activities that a state bank is
18 authorized to engage in directly under this chapter.
19 (2) Any activity that a bank service corporation
20 is authorized to engage in under state or federal law
21 or regulation.
22 (3) Any activity authorized pursuant to section
23 524.825.
24 Sec. 2. NEW SECTION. 524.825 SECURITIES
25 ACTIVITIES.
26 Subject to the prior approval of the
27 superintendent, a state bank or a subsidiary of a
28 state bank organized or acquired pursuant to section
29 524.803, subsection 1, paragraph “f” may engage in
30 directly, or may organize, acquire, or invest in a
31 subsidiary for the purpose of engaging in securities

32 activities and any aspect of the securities industry,
33 including, but not limited to, any of the following:
34 1. Issuing, underwriting, selling, or distributing
35 stocks, bonds, debentures, notes, interest in mutual
36 funds or money-market-type mutual funds, or other
37 securities.
38 2. Organizing, sponsoring, and operating one or
39 more mutual funds.
40 3. Acting as a securities broker-dealer licensed
41 under chapter 502. The business relating to
42 securities shall be conducted through, and in the name
43 of, the broker-dealer. The requirements of chapter
44 502 apply to any business of the broker-dealer
45 transacted in this state.
46 A subsidiary engaging in activities authorized by
47 this section may also engage in any other authorized
48 activities under section 524.803, subsection 1,
49 paragraph "f".
50 Sec. 3. Section 524.901, subsection 1, Code 1987,

Page 2

1 is amended by adding the following new lettered
2 paragraph:
3 NEW LETTERED PARAGRAPH. f. Futures, forward, and
4 standby contracts to purchase and sell any of the
5 instruments eligible for state banks' purchase and
6 sale, subject to the prior approval of the
7 superintendent and pursuant to applicable federal laws
8 and regulations governing such contracts. Purchase
9 and sale of such contracts shall be conducted in
10 accordance with safe and sound banking practices and
11 with levels of the activity being reasonably related
12 to the state bank's business needs and capacity to
13 fulfill its obligations under the contracts.
14 Sec. 4. Section 524.901, subsection 1, Code 1987,
15 is amended by adding the following new lettered
16 paragraph:
17 NEW LETTERED PARAGRAPH. g. Bonds and securities
18 which are authorized investments under paragraph "a",
19 "b", "c", or "d" include investments in an investment
20 company or investment trust registered under the
21 Investment Company Act of 1940, 15 U.S.C. § 80a, the
22 portfolio of which is limited to the United States
23 government obligations described in paragraph "a",
24 "b", "c", or "d" and to repurchase agreements fully
25 collateralized by the United States government
26 obligations described in paragraph "a", "b", "c", or
27 "d", if the investment company or investment trust
28 takes delivery of the collateral either directly or

29 through an authorized custodian.

30 Sec. 5. Section 524.901, subsection 3, paragraph
31 d, Code 1987, is amended to read as follows:

32 d. Shares in a corporation which the state bank is
33 authorized to acquire and hold pursuant to section
34 524.803, subsection 1, paragraphs "c", "d", and "e".

35 Sec. 6. Section 524.901, subsection 3, Code 1987,
36 is amended by adding the following new lettered
37 paragraphs:

38 NEW LETTERED PARAGRAPH. i. Shares of investment
39 companies, up to a maximum of twenty percent of
40 capital and surplus of the state bank in any one
41 company, if the portfolio of such an investment
42 company consists wholly of investments in which the
43 state bank could invest directly without limitation
44 pursuant to this section.

45 NEW LETTERED PARAGRAPH. j. Shares of investment
46 companies whose portfolios contain investments which
47 are subject to limitations pursuant to this section,
48 provided that a state bank's investment in such shares
49 does not exceed the limitation set forth in this
50 section for the underlying instrument.

Page 3

1 Sec. 7. Section 524.901, Code 1987, is amended by
2 adding the following new subsection:

3 NEW SUBSECTION. 6. A state bank may, in the
4 exercise of the powers granted in this chapter,
5 purchase cash value life insurance contracts which may
6 include provisions for the lump sum payment of
7 premiums and which may include insurance against the
8 loss of the lump sum payment. The cash value life
9 insurance contracts purchased from any one company
10 shall not exceed twenty percent of capital and surplus
11 of the state bank.

12 Sec. 8. Section 533.4, subsection 5, Code 1987, is
13 amended by adding the following new paragraph.

14 NEW PARAGRAPH. i. Commercial paper issued by
15 United States corporations as defined by rule.

16 Sec. 9. Section 533.4, subsection 7, Code 1987, is
17 amended to read as follows:

18 7. Assess fines as may be provided by the bylaws
19 ~~for failure to make repayments on loans and payments~~
20 ~~on shares when due, provided no such fine shall exceed~~
21 ~~one percent per month on amounts in arrears or five~~
22 ~~cents, whichever is the larger.~~

23 Sec. 10. Section 533.5, Code 1987, is amended by
24 striking the section and inserting in lieu thereof the
25 following:

26 533.5 MEMBERSHIP.

27 The membership of a credit union consists of those
28 persons in the common bond, duly admitted, who have
29 paid any required one-time or periodic membership fee,
30 or both, have subscribed to one or more shares, and
31 have complied with the other requirements specified by
32 the articles of incorporation and bylaws. To continue
33 membership, a member must comply with any changes in
34 the par value of the share. Credit union organization
35 shall be available to groups of individuals who have a
36 common bond of association such as, but not limited
37 to, occupation, common employer, or residence within
38 specified geographic boundaries. Changes in the
39 common bond may be made by the board of directors. If
40 adopted as a policy by the board of directors of a
41 credit union, members who cease to meet qualifications
42 of membership may retain their credit union membership
43 and all membership privileges. Organizations,
44 incorporated or otherwise, may be members.

45 Sec. 11. Section 533.9, unnumbered paragraph 1,
46 Code 1987, is amended to read as follows:

47 Within five days following the organization meeting
48 and each annual meeting the directors shall elect from
49 their own number a chairperson of the board, a vice
50 chairperson, ~~president and a~~ secretary, ~~of whom the~~

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1 ~~last two may be the same individual, and also a chief~~
2 ~~financial officer whose title shall be designated by~~
3 ~~the board of directors,~~ a credit committee of not less
4 than three members, and an auditing committee of not
5 less than three members, and may also elect alternate
6 members of the credit committee. The board may
7 appoint an executive committee to act on its behalf
8 when designated for that purpose. It shall be the
9 duty of the ~~The~~ directors to have general management
10 of the affairs of the credit union; ~~particularly to:~~

11 Sec. 12. Section 533.9, subsections 1 through 7,
12 and unnumbered paragraph 2, Code 1987, are amended by
13 striking the subsections and unnumbered paragraph.

14 Sec. 13. Section 533.11, subsections 1 and 2, Code
15 1987, are amended to read as follows:

16 1. Make or cause to be made an examination of the
17 affairs of the credit union at least ~~quarterly semi-~~
18 annually, including an audit of its books and, ~~in the~~
19 ~~event said if~~ the committee feels such action to be
20 necessary, it shall call the members together
21 ~~thereafter after the audit~~ and submit to them its

22 report.

23 2. Make or cause to be made an annual audit and
24 report and submit the same it at the annual meeting of
25 the members.

26 Sec. 14. Section 533.34, subsection 1, Code 1987,
27 is amended to read as follows:

28 1. A state credit union may convert into a federal
29 credit union with the approval of the administrator of
30 the national credit union administration and by the
31 affirmative vote of a majority of the credit union's
32 members eligible to who vote on the proposal. This
33 vote, if taken, shall be at a special meeting called
34 for that purpose and shall be in the manner prescribed
35 by the bylaws. ~~Any member eligible to vote and not
36 present at the meeting may, within twenty days after
37 the date on which the meeting was held, vote in favor
38 of conversion by signing a statement in a form
39 satisfactory to the superintendent. This vote shall
40 have the same force and effect as if cast at the
41 meeting.~~

42 Sec. 15. Section 533.38, unnumbered paragraph 1,
43 Code 1987, is amended to read as follows:

44 A corporate central credit union may be
45 established. Credit unions organized under this
46 chapter, the Federal Credit Union Act, or any other
47 credit union act and credit union organizations may be
48 members. In addition, regulated financial
49 institutions, nonprofit organizations, and cooperative
50 organizations may be members to the extent and manner

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1 provided for in the bylaws of the corporate central
2 credit union. The corporate central credit union
3 shall have all the powers, restrictions, and
4 obligations imposed upon, or granted to a credit union
5 under this chapter, except that the corporate central
6 credit union may exercise any of the following
7 additional powers subject to the adoption of rules by
8 the superintendent pursuant to chapter 17A and with
9 the prior written approval of the superintendent:

10 Sec. 16. NEW SECTION. 533.48 INVESTMENT IN BANKS
11 OR SAVINGS AND LOAN ASSOCIATIONS.

12 1. INVESTMENTS IN BANKS. A credit union may, with
13 the prior approval of the superintendent, invest in
14 the capital stock, obligations, or other securities of
15 a bank.

16 2. INVESTMENT IN SAVINGS AND LOANS. A credit
17 union may, with the prior approval of the
18 superintendent, invest in the capital stock,

19 obligations, or other securities of a state savings
20 and loan association.

21 3. FINDINGS REQUIRED. The superintendent shall
22 not grant an approval under subsection 1 or 2, except
23 after making one of the following findings:

24 a. Based upon a preponderance of the evidence
25 presented, the proposed investment will not have the
26 immediate effect of significantly reducing competition
27 between depository financial institutions located in
28 the same community as the institution whose shares
29 would be acquired.

30 b. Based upon a preponderance of the evidence
31 presented, the proposed investment would have an
32 anticompetitive effect as described in paragraph "a",
33 but other factors, specifically cited, outweigh the
34 anticompetitive effect so that there would be a net
35 public benefit as a result of the investment.

36 4. COMPETITION PRESERVED. The subsequent
37 liquidation of a bank or state savings and loan
38 association whose shares are acquired under this
39 section shall not prevent the subsequent incorporation
40 of another bank or savings and loan association in the
41 same community, and the superintendent of banking
42 shall not find the liquidation of such a bank to be
43 grounds for disapproving the incorporation of another
44 bank in the same community under section 524.305, and
45 the superintendent of savings and loan associations
46 shall not find the liquidation of such a savings and
47 loan association to be grounds for disapproving the
48 incorporation of another savings and loan association
49 in the same community under chapter 534.

50 Sec. 17. Section 534.103, subsection 6, Code 1987,

Page 6

1 is amended to read as follows:

2 6. LIMITED TRUST POWERS. ~~Associations~~ An
3 association incorporated under this chapter may act as
4 trustee for trusts which are created or organized in
5 the United States, and which form part of a stock
6 bonus, pension, or profit sharing plan which qualifies
7 for special tax treatment under section 401(d) or
8 subsection (a) of section 408 of the Internal Revenue
9 Code of 1954, as amended, or as trustee with no active
10 fiduciary duties, if the funds of ~~such the~~ trust are
11 invested only in savings accounts or deposits in ~~such~~
12 the association or in obligations or securities issued
13 by ~~such the~~ association. All funds held in such a
14 fiduciary capacity by ~~any such an~~ association may be
15 commingled for appropriate purposes of investment, but

16 individual records shall be kept by the fiduciary for
17 each participant and shall show in proper detail all
18 transactions engaged in under the authority of this
19 subsection.

20 The ~~administrator~~ superintendent is authorized to
21 grant by special permit to an association the right to
22 act as trustee, executor, administrator, guardian, or
23 in any other fiduciary capacity. However, this
24 authority is available only for periods of time when
25 federally chartered savings and loan associations
26 operating in this state are granted similar authority,
27 and the state authorization is subject to the rights
28 and limitations established in rules adopted by the
29 superintendent, which shall be consistent with the
30 rights and limitations for federally chartered
31 associations engaged in this type of activity.

32 Sec. 18. Section 534.107, Code 1987, is amended to
33 read as follows:

34 534.107 EXPENDITURES AND OPERATING EXPENSES.

35 ~~All expenses for management in conducting the~~
36 ~~affairs of an association, excluding the cost of~~
37 ~~borrowed money, shall be paid from interest, service~~
38 ~~charges and other sources of profit. The said~~
39 ~~operating expense for of an association in any one~~
40 ~~year shall not exceed three percent for associations~~
41 ~~with assets not to exceed eight hundred thousand~~
42 ~~dollars and two percent for those over such amount as~~
43 ~~shown by the associations in their last annual report~~
44 ~~of the association's average assets during that year~~
45 ~~without the written approval of the superintendent.~~

46 Sec. 19. Section 534.111, unnumbered paragraph 2,
47 Code 1987, is amended to read as follows:

48 Every association organized under the provisions of
49 this chapter ~~shall have and exercise has~~ all the
50 rights, powers, and privileges ~~pertaining to savings~~

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1 ~~and to loans~~ not in conflict with the laws of this
2 state, which are conferred upon federal savings and
3 loan associations by the Home Owners' Loan Act of
4 1933, title 12, section 1464, United States Code 12
5 U.S.C. § 1464, and conferred by regulations adopted by
6 the federal home loan bank board and the federal
7 savings and loan insurance corporation.

8 Sec. 20. NEW SECTION. 534.112 REGULATORY
9 CAPITAL.

10 An association shall maintain regulatory capital in
11 the amount required by regulations of the federal

12 savings and loan insurance corporation. For the
13 purpose of this section, "regulatory capital" means
14 the sum of all reserve accounts (except specific
15 reserves established to offset actual or anticipated
16 losses), undivided profits, surplus, capital stock,
17 and any other nonwithdrawable accounts.

18 Sec. 21. Section 534.207, subsection 1, paragraph
19 a, Code 1987, is amended to read as follows:

20 a. Loans secured by ~~first~~ liens or ~~first~~ claims on
21 residential real estate, participation interests in
22 groups of loans secured by ~~first~~ liens or ~~first~~ claims
23 on residential real estate, securities that are
24 secured by groups of loans secured by ~~first~~ liens or
25 ~~first~~ claims on residential real estate, or property
26 improvement loans for the making of improvements upon
27 residential real property, or a combination of these.

28 Sec. 22. Section 534.209, Code 1987, is amended by
29 striking the section and inserting in lieu thereof the
30 following:

31 534.209 COMMERCIAL LENDING AND ACCOUNTS.

32 1. An association shall not hold more than forty
33 percent of its assets in commercial loans and consumer
34 loans as an annual average based on monthly
35 computations.

36 2. An association may accept a commercial NOW
37 account. For the purposes of this subsection, a
38 "commercial NOW account" is a NOW account, as
39 authorized by section 534.301, subsection 3, for a
40 commercial, corporate, business, or agricultural
41 entity.

42 3. For the purposes of this section, unless the
43 context otherwise requires:

44 a. "Commercial loan" means a loan to a person
45 borrowing money for a business or agricultural
46 purpose.

47 b. "Business purpose" means a loan to a for-profit
48 entity, or a for-profit activity, including but not
49 limited to a commercial, service, or industrial
50 enterprise carried on for profit, or an investment

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1 activity.

2 c. "Agricultural purpose" means as defined in
3 section 535.13.

4 d. "Commercial loan" does not include a loan
5 secured by an interest in real estate for the purpose
6 of financing the acquisition of real estate or the
7 construction of improvements on real estate. In
8 determining which loans are "commercial loans" the

9 rules of construction stated in section 535.2,
10 subsection 2, paragraph "b", apply.

11 4. For the purposes of this section, a lease of
12 personal property is treated as a commercial loan if a
13 loan to the lessee to acquire the property would have
14 been a commercial loan.

15 Sec. 23. NEW SECTION. 534.215 FALSE STATEMENT
16 FOR CREDIT.

17 A person who knowingly does either of the following
18 is guilty of a fraudulent practice:

19 1. Makes or causes to be made, directly or
20 indirectly, a false statement in writing with the
21 intent that the false statement shall be relied upon
22 by an association for the purpose of procuring the
23 delivery of property, the payment of cash, or the
24 receipt of credit in any form, for the benefit of the
25 person or of any other person in which the person is
26 interested or for whom the person is acting.

27 2. Procures the delivery of property, the payment
28 of cash, or the receipt of credit in any form, knowing
29 that a false statement in writing has been made
30 concerning the financial condition or means or ability
31 to pay of the person, or any other person in which the
32 person is interested or for whom the person is acting,
33 if the person knew that the association relied or
34 would rely upon the false written statement.

35 Sec. 24. Section 534.307, subsection 2, Code 1987,
36 is amended by striking the subsection.

37 Sec. 25. Section 534.505, subsection 4, Code 1987,
38 is amended by striking the subsection.

39 Sec. 26. Section 534.702, Code 1987, is amended by
40 adding the following new subsection:

41 NEW SUBSECTION. 9. Subject to the laws and
42 regulations of the United States, a foreign
43 association transacting business within this state is
44 subject to the provisions of this chapter and is
45 subject to the supervision of the superintendent as to
46 its operations in this state. Notwithstanding
47 subsection 2 of section 534.102, the term
48 "association" or "state association" in this chapter
49 shall include a foreign association and any foreign
50 association which is a party to a plan of merger under

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1 section 534.511 as to its operations in this state.

2 Sec. 27. Section 537.2501, Code 1987, is amended
3 by adding the following new subsection:

4 NEW SUBSECTION. 3. A creditor may contract for
5 and receive additional charges, including charges as a

- 6 result of default by the consumer, as agreed between
7 the consumer and the creditor with respect to a loan
8 under open-end credit pursuant to a credit card issued
9 by the creditor which entitles the cardholder to
10 purchase or lease goods or services from at least one
11 hundred persons not related to the card issuer.””
12 2. Title page, line 1, by inserting after the
13 word “institutions” the following: “, acts which
14 constitute a fraudulent practice, and imposing
15 penalties”.
16 3. By renumbering as necessary.

JACK RIFE

HOUSE AMENDMENT TO
SENATE FILE 455

S-3962

- 1 Amend Senate File 455, as passed by the Senate, as
2 follows:
3 1. Page 1, line 23, by inserting after the word
4 “chiropractor” the following: “, except that a
5 hospital may require that physical therapy evaluation
6 and treatment provided in the hospital shall be done
7 only upon prior review by and authorization of a
8 member of the hospital’s medical staff”.
9 2. Page 1, by inserting after line 23, the
10 following:
11 “Sec. 2. NEW SECTION. 148A.5 STANDARD OF CARE.
12 A physical therapist who evaluates or treats a
13 patient without the referral or prescription of a
14 physician, podiatrist, or dentist or referral from a
15 chiropractor shall be held to the standard of care
16 applicable to a physician in this state.”
17 3. Page 1, by inserting after line 23 the
18 following:
19 “Sec. 3. NEW SECTION. 148A.6 LIMITATIONS.
20 A license to practice physical therapy does not
21 authorize the licensee to practice operative surgery
22 or osteopathic or chiropractic manipulation, or to
23 administer or prescribe any drug or medicine included
24 in materia medica.”
25 4. Title page, line 3, by inserting after the
26 word “referral” the following: “and specifying
27 limitations on the practice of physical therapy”.
28 5. By renumbering, relettering, or redesignating
29 and correcting internal references as necessary.

HOUSE AMENDMENT TO
SENATE FILE 510

S-3963

1 Amend Senate File 510 as passed by the Senate as
2 follows:

3 1. Page 1, line 2, by inserting after the word
4 "classified" the following: ", strategic defense
5 initiative, or restricted access".

6 2. Page 1, by striking lines 6 through 9 and
7 inserting the following: "rules are adopted under
8 this section, the rules adopted shall specify that all
9 classified, strategic defense initiative, and
10 restricted access research is prohibited at all state
11 universities, except that such research may be allowed
12 by the president of a respective university following
13 submittal of intended action to the board only if the
14 following conditions are met:

15 a. Notice of intended action has been published in
16 a newspaper of general circulation, and has been
17 submitted to the legislative council.

18 b. Notice published in a newspaper of general
19 circulation and notice to the legislative council have
20 preceded the acceptance of an award for classified,
21 strategic defense initiative, or restricted access
22 research, including the acceptance of an award for
23 which the type of research was unspecified at the time
24 of application for the award."

HOUSE AMENDMENT TO
SENATE CONCURRENT RESOLUTION 35

S-3964

1 Amend Senate Concurrent Resolution 35, as passed by
2 the Senate, as follows:

3 1. Page 2, by striking lines 16 and 17 and
4 inserting the following: "chapter 262A in a total
5 amount not exceeding sixty-four million six hundred
6 thousand (64,600,000)".

7 2. Page 3, by striking lines 6 through 13 and
8 inserting the following: "unless additional bonding
9 is authorized, is sixty-four million six hundred
10 thousand (64,600,000), all or any part of which may be
11 issued during the fiscal year ending June 30, 1988,
12 and if all of that".

13 3. Page 3, line 14, by striking the word "period"
14 and inserting the following: "year".

15 4. Page 3, by striking lines 26 and 27 and
16 inserting the following: "exceed sixty-four million
17 six hundred thousand (64,600,000) dollars:"

18 5. By striking page 3, line 28 through page 4,
19 line 18 and inserting the following:

20 "State University of Iowa

21 Laser laboratories \$ 23,250,000
22 Cost of issuance of bonds

23 Iowa State University

24 Molecular biology building \$ 30,500,000
25 Meat irradiation facility \$ 1,000,000
26 Veterinary medicine research

27 institute laboratory \$ 1,000,000
28 Home economics building -- phase I \$ 5,000,000

29 University research park development \$ 750,000
30 Cost of issuance of bonds

31 University of Northern Iowa

32 Latham hall remodeling \$ 3,100,000
33 Cost of issuance of bonds

34 Total \$ 64,600,000".

35 6. By striking page 4, line 19 through page 5,
36 line 12.

37 7. Page 5, by inserting after line 12 the
38 following:

39 "BE IT FURTHER RESOLVED, That if the amount of
40 bonds issued under this resolution exceeds the actual
41 costs of projects approved in this resolution, the
42 amount of the difference shall be used to pay the
43 principal and interest due on bonds issued under
44 chapter 262A."

45 8. By renumbering, relettering, or redesignating
46 and correcting internal references as necessary.

S-3965

1 Amend Senate File 515 as follows:

2 1. Page 5, lines 18 and 19, by striking the words
3 "three million four" and inserting the following:
4 "four million nine".

5 2. Page 12, line 17, by striking the words "five
6 hundred thousand" and inserting the following: "two
7 million".

S-3966

- 1 Amend Senate File 515 as follows:
- 2 1. Page 14, line 26, by striking the words
- 3 "majority leader" and inserting in lieu thereof the
- 4 word "speaker".

JEAN LLOYD-JONES

S-3967

- 1 Amend the House amendment, S-3798, to Senate File
- 2 471, as amended, passed, and reprinted by the Senate,
- 3 as follows:
- 4 1. Page 1, by inserting after line 2 the
- 5 following:
- 6 "___ . Page 1, line 4, by inserting after the word
- 7 "compensation" the following: "or a person who is an
- 8 elected or appointed official of state government or
- 9 an elected or appointed official of an agency or
- 10 subdivision of state government".
- 11 2. Page 1, by inserting after line 25 the
- 12 following:
- 13 "___ . Page 7, line 26, by inserting after the
- 14 word "compensation" the following: "or a person who
- 15 is an elected or appointed official of a municipality
- 16 or an elected or appointed official of an agency or
- 17 subdivision of a municipality".

WILLIAM D. PALMER

S-3968

- 1 Amend House File 377 as amended, passed and
- 2 reprinted by the House as follows:
- 3 1. Page 1, by striking lines 22 through 24.

ROBERT M. CARR

S-3969

- 1 Amend Senate File 515 as follows:
- 2 1. Page 9, lines 22 and 23, by striking the words
- 3 "national events assistance account" and inserting the
- 4 following: "special event loan fund".

LEONARD L. BOSWELL

S-3970

- 1 Amend Senate File 515 as follows:
- 2 1. Page 9, line 10, by striking the words
- 3 "national and regional" and inserting the following:
- 4 "regional, national, and international".
- 5 2. Page 9, line 13, by striking the words
- 6 "national or" and inserting the following: "regional,
- 7 national, or".
- 8 3. Page 9, line 13, by inserting after the word
- 9 "conferences," the following: "festivals,".

JIM LIND
BEVERLY A. HANNON
AL STURGEON

S-3971

- 1 Amend Senate File 515 as follows:
- 2 1. Page 12, by striking lines 22 and 23 and
- 3 inserting the following: "of economic development the
- 4 sum of one million dollars for tourism and promotion
- 5 programs."

JACK RIFE

S-3972

- 1 Amend Senate File 515 as follows:
- 2 1. Page 9, line 25, by inserting after the word
- 3 "colonies." the following: "The department may make a
- 4 grant from the fund of fifty thousand dollars to the
- 5 organizers of the 1988 greater Des Moines metropolitan
- 6 grand prix auto race."

WALLY E. HORN
RICHARD VARN
AL STURGEON
JOE J. WELSH
MICHAEL E. GRONSTAL
JIM LIND

S-3973

- 1 Amend Senate File 515 as follows:
- 2 1. Page 17, line 28, by inserting after the word
- 3 "wages" the following: "and benefits".

BEVERLY HANNON
MICHAEL E. GRONSTAL

JAMES D. WELLS
JIM LIND
EUGENE FRAISE
TOM MANN, Jr.

S-3974

1 Amend the amendment, S-3570, to House File 617 as
2 amended, passed, and reprinted by the House as
3 follows:
4 1. Page 1, line 27 by inserting after the word
5 "state." the following: "As a condition of an
6 acquisition pursuant to this section, an out-of-state
7 bank holding company must file a statement with the
8 superintendent describing how the acquisition will
9 make available a minimum of one hundred million
10 dollars of net new funds to this state. The statement
11 must state the amount of capital funds, including the
12 increase in equity capital that will result from the
13 acquisition. The statement must also include a
14 discussion of initial capital investments, loan
15 policy, investment policy, dividend policy, and the
16 general plan of business, including the full range of
17 consumer and business services which will be offered
18 by the bank or banks owned by the bank holding company
19 after the acquisition. A description of compliance or
20 progress towards compliance with the net new funds
21 statement filed at the time of acquisition must be
22 filed with the superintendent annually after an
23 acquisition. The description must state the increase
24 in net new funds for both the last year of operations
25 and since the acquisition. For the purposes of this
26 section, "net new funds" means an increase in loanable
27 funds expressed as an increase in the total loan to
28 asset ratio of Iowa loans and assets of the acquired
29 bank or acquiring bank or bank holding company. If
30 the superintendent finds that the acquisition will not
31 make available fifty million dollars in net new funds
32 to this state, the superintendent shall disallow the
33 acquisition."

FORREST V. SCHWENGELS

S-3975

1 Amend amendment S-3931 to House File 669, as
2 amended, passed and reprinted by the House as follows:
3 1. Page 1, by striking lines 5 through 7 and
4 inserting in lieu thereof the following: "homes
5 ~~established promulgated~~ by the Iowa department of
6 ~~public state board of health, in consultation with the~~
7 ~~department of inspections and appeals~~, whether
8 proprietary".

BEVERLY HANNON
ROBERT M. CARR
DONALD V. DOYLE

S-3976

1 Amend Senate File 515 as follows:
2 1. Page 11, by striking lines 11 through 25.

DALE L. TIEDEN

S-3977

1 Amend House File 617, as amended, passed, and re-
2 printed by the House, as follows:
3 1. By striking everything after the enacting
4 clause and inserting the following:
5 "Section 1. Section 502.202, Code 1987, is amended
6 by adding the following new subsection:
7 NEW SUBSECTION. 17. A security designated or
8 approved for designation upon notice of issuance on
9 the national association of securities dealers
10 automated quotations -- national market system
11 (NASDAQ/NMS); any other security of the same issuer
12 which is of senior or substantially equal rank; a
13 security called for by subscription rights or warrants
14 designated or approved for designation upon notice of
15 issuance on the NASDAQ/NMS; or a warrant or right to
16 purchase or subscribe to any of the foregoing
17 categories in this subsection.
18 Sec. 2. Section 524.803, subsection 1, Code 1987,
19 is amended by adding the following new lettered
20 paragraph:
21 NEW LETTERED PARAGRAPH. f. Organize, acquire, or
22 invest in a subsidiary for the purpose of engaging in
23 any one or more of the following, subject to the prior

24 approval of the superintendent:

25 (1) Nondepository activities that a state bank is
26 authorized to engage in directly under this chapter.

27 (2) Any activity that a bank service corporation
28 is authorized to engage in under state or federal law
29 or regulation.

30 (3) Any activity authorized pursuant to section
31 524.825.

32 Sec. 3. NEW SECTION. 524.825 SECURITIES
33 ACTIVITIES.

34 Subject to the prior approval of the
35 superintendent, a state bank or a subsidiary of a
36 state bank organized or acquired pursuant to section
37 524.803, subsection 1, paragraph "f" may engage in
38 directly, or may organize, acquire, or invest in a
39 subsidiary for the purpose of engaging in securities
40 activities and any aspect of the securities industry,
41 including, but not limited to, any of the following:

42 1. Issuing, underwriting, selling, or distributing
43 stocks, bonds, debentures, notes, interest in mutual
44 funds or money-market-type mutual funds, or other
45 securities.

46 2. Organizing, sponsoring, and operating one or
47 more mutual funds.

48 3. Acting as a securities broker-dealer licensed
49 under chapter 502. The business relating to
50 securities shall be conducted through, and in the name

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1 of, the broker-dealer. The requirements of chapter
2 502 apply to any business of the broker-dealer
3 transacted in this state.

4 A subsidiary engaging in activities authorized by
5 this section may also engage in any other authorized
6 activities under section 524.803, subsection 1,
7 paragraph "f".

8 Sec. 4. Section 524.901, subsection 1, Code 1987,
9 is amended by adding the following new lettered
10 paragraph:

11 NEW LETTERED PARAGRAPH. f. Bonds and securities
12 which are authorized investments under paragraph "a",
13 "b", "c", or "d" include investments in an investment
14 company or investment trust registered under the
15 Investment Company Act of 1940, 15 U.S.C. § 80a, the
16 portfolio of which is limited to the United States
17 government obligations described in paragraph "a",
18 "b", "c", or "d" and to repurchase agreements fully
19 collateralized by the United States government
20 obligations described in paragraph "a", "b", "c", or

21 "d", if the investment company or investment trust
22 takes delivery of the collateral either directly or
23 through an authorized custodian.

24 Sec. 5. Section 524.901, subsection 3, paragraph
25 d, Code 1987, is amended to read as follows:
26 d. Shares in a corporation which the state bank is
27 authorized to acquire and hold pursuant to section
28 524.803, subsection 1, paragraphs "c", "d", and "e"
29 and section 524.825.

30 Sec. 6. Section 524.901, subsection 3, Code 1987,
31 is amended by adding the following new lettered
32 paragraphs:

33 NEW LETTERED PARAGRAPH. i. Shares of investment
34 companies, up to a maximum of twenty percent of
35 capital and surplus of the state bank in any one
36 company, if the portfolio of such an investment
37 company consists wholly of investments in which the
38 state bank could invest directly without limitation
39 pursuant to this section.

40 NEW LETTERED PARAGRAPH. j. Shares of investment
41 companies whose portfolios contain investments which
42 are subject to limitations pursuant to this section,
43 provided that a state bank's investment in such shares
44 does not exceed the limitation set forth in this
45 section for the underlying instrument.

46 Sec. 7. Section 524.901, Code 1987, is amended by
47 adding the following new subsection:

48 NEW SUBSECTION. 6. A state bank may, in the
49 exercise of the powers granted in this chapter,
50 purchase cash value life insurance contracts which may

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1 include provisions for the lump sum payment of
2 premiums and which may include insurance against the
3 loss of the lump sum payment. The cash value life
4 insurance contracts purchased from any one company
5 shall not exceed twenty percent of capital and surplus
6 of the state bank.

7 Sec. 8. NEW SECTION. 524.1421 REORGANIZATION OF
8 BANK AFFILIATES.

9 1. Notwithstanding any other provision of this
10 chapter, the resulting bank of a merger or
11 consolidation of two or more banks, which have been
12 affiliates as defined in section 524.1101 for more
13 than five years prior to the effective date of the
14 merger or consolidation, may retain and operate as its
15 retained bank offices the principal places of business
16 and all bank offices of the affiliate banks which are
17 merged or consolidated into the resulting bank.

18 2. The resulting bank may establish bank offices
19 allowed by other sections of this chapter to the same
20 extent as if the merger or consolidation had not
21 occurred.

22 3. This section does not permit the resulting bank
23 to establish after the effective date of the merger or
24 consolidation any bank offices in addition to those
25 allowed to the resulting bank by other sections of
26 this chapter. However, the resulting bank may
27 establish and operate facilities which in the absence
28 of the merger or consolidation would be considered
29 under section 524.1202, subsection 2, paragraphs "c"
30 and "d", to be an integral part of the former
31 principal places of business of the affiliates which
32 are merged or consolidated into the resulting bank.

33 4. Retained bank offices as provided in subsection
34 1 shall be operated by the resulting bank in the same
35 manner as bank offices established under section
36 524.1201. The banks which are merged or consolidated
37 under this section shall:

38 a. Retain an advisory board of directors to advise
39 on the operations of a retained bank office. The
40 board shall be composed of citizens residing in the
41 area served by the bank.

42 b. Maintain records of loan to deposit ratios
43 including percentage of commercial and agricultural
44 loans originated in the retained bank office in the
45 same manner as then would be required if the bank
46 affiliate had not been merged or consolidated.

47 c. Maintain a loan officer in the retained bank
48 office.

49 d. Conform to any then current federal and state
50 community reinvestment laws and rules as if the bank

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1 affiliate had not been merged or consolidated.

2 e. Be subject to the franchise tax on the same
3 basis as if the retained bank office had not been
4 merged or consolidated, provided that this paragraph
5 shall also apply to those retained bank offices
6 resulting from the merger or consolidation of bank
7 affiliates within the same or contiguous counties.

8 5. This section does not alter the limitations
9 upon bank holding companies contained in section
10 524.1802.

11 6. The privileges of this section are available on
12 the same conditions to a national bank.

13 7. This section shall be strictly construed as an
14 exception to the bank office location limitations

15 contained in section 524.1202 and it is the intent of
16 the general assembly that a court or regulatory agency
17 interpreting this section shall not interpret it to
18 permit statewide branch banking or the location of a
19 bank office in this state other than as provided in
20 this section and in sections 524.312 and 524.1202.
21 This section does not authorize the establishment of
22 bank offices at any time or by any bank except when
23 done as the direct and immediate consequence of a
24 merger or consolidation, does not authorize the
25 establishment of the principal place of business of
26 the resulting bank of a merger or consolidation at any
27 location other than one actually occupied and operated
28 as a principal place of business of one of the parties
29 to the merger or consolidation, does not authorize a
30 bank office at any location other than one actually
31 occupied and operated as a principal place of business
32 or bank office by one of the parties to the merger or
33 consolidation, and does not authorize a greater number
34 of bank offices within the municipality or urban
35 complex of the principal place of business of the
36 resulting bank than is expressly permitted by section
37 524.1202, subsection 2.

38 Sec. 9. Section 533.4, subsection 5, Code 1987, is
39 amended by adding the following new paragraph.
40 NEW PARAGRAPH. i. Commercial paper issued by
41 United States corporations as defined by rule.

42 Sec. 10. Section 533.4, subsection 7, Code 1987,
43 is amended to read as follows:

44 7. Assess fines as may be provided by the bylaws
45 ~~for failure to make repayments on loans and payments~~
46 ~~on shares when due, provided no such fine shall exceed~~
47 ~~one percent per month on amounts in arrears or five~~
48 ~~cents, whichever is the larger.~~

49 Sec. 11. Section 533.5, Code 1987, is amended by
50 striking the section and inserting in lieu thereof the

Page 5

1 following:

2 533.5 MEMBERSHIP.

3 The membership of a credit union consists of those
4 persons in the common bond, duly admitted, who have
5 paid any required one-time or periodic membership fee,
6 or both, have subscribed to one or more shares, and
7 have complied with the other requirements specified by
8 the articles of incorporation and bylaws. To continue
9 membership, a member must comply with any changes in
10 the par value of the share. Credit union organization
11 shall be available to groups of individuals who have a

12 common bond of association such as, but not limited
 13 to, occupation, common employer, or residence within
 14 specified geographic boundaries. Changes in the
 15 common bond may be made by the board of directors. If
 16 adopted as a policy by the board of directors of a
 17 credit union, members who cease to meet qualifications
 18 of membership may retain their credit union membership
 19 and all membership privileges. Organizations,
 20 incorporated or otherwise, may be members.

21 Sec. 12. Section 533.9, unnumbered paragraph 1,
 22 Code 1987, is amended to read as follows:

23 Within five days following the organization meeting
 24 and each annual meeting the directors shall elect from
 25 their own number ~~a~~ chairperson of the board, ~~a~~ vice
 26 chairperson, ~~president and a~~ secretary, ~~of whom the~~
 27 ~~last two may be the same individual; and also a chief~~
 28 ~~financial officer whose title shall be designated by~~
 29 ~~the board of directors,~~ a credit committee of not less
 30 than three members, and an auditing committee of not
 31 less than three members, and may also elect alternate
 32 members of the credit committee. The board may
 33 appoint an executive committee to act on its behalf
 34 when designated for that purpose. It shall be the
 35 duty of the ~~The~~ directors ~~to have general management~~
 36 ~~of the affairs of the credit union; particularly to,~~

37 Sec. 13. Section 533.9, subsections 1 through 7,
 38 and unnumbered paragraph 2, Code 1987, are amended by
 39 striking the subsections and unnumbered paragraph.

40 Sec. 14. Section 533.11, subsections 1 and 2, Code
 41 1987, are amended to read as follows:

42 1. Make or cause to be made an examination of the
 43 affairs of the credit union at least ~~quarterly semi-~~
 44 ~~annually,~~ including an audit of its books and, ~~in the~~
 45 ~~event said if the~~ committee feels such action to be
 46 necessary, it shall call the members together
 47 ~~thereafter after the audit~~ and submit to them its
 48 report.

49 2. Make or cause to be made an annual ~~audit and~~
 50 report and submit ~~the same~~ it at the annual meeting of

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1 the members.

2 Sec. 15. Section 533.34, subsection 1, Code 1987,
 3 is amended to read as follows:

4 1. A state credit union may convert into a federal
 5 credit union with the approval of the administrator of
 6 the national credit union administration and by the
 7 affirmative vote of a majority of the credit union's
 8 members ~~eligible to who vote on the proposal.~~ This

9 vote, if taken, shall be at a special meeting called
10 for that purpose and shall be in the manner prescribed
11 by the bylaws. ~~Any member eligible to vote and not~~
12 ~~present at the meeting may, within twenty days after~~
13 ~~the date on which the meeting was held, vote in favor~~
14 ~~of conversion by signing a statement in a form~~
15 ~~satisfactory to the superintendent. This vote shall~~
16 ~~have the same force and effect as if cast at the~~
17 ~~meeting.~~

18 Sec. 16. Section 533.38, unnumbered paragraph 1,
19 Code 1987, is amended to read as follows:

20 A corporate central credit union may be
21 established. Credit unions organized under this
22 chapter, the Federal Credit Union Act, or any other
23 credit union act and credit union organizations may be
24 members. In addition, regulated financial
25 institutions, nonprofit organizations, and cooperative
26 organizations may be members to the extent and manner
27 provided for in the bylaws of the corporate central
28 credit union. The corporate central credit union
29 shall have all the powers, restrictions, and
30 obligations imposed upon, or granted to a credit union
31 under this chapter, except that the corporate central
32 credit union may exercise any of the following
33 additional powers subject to the adoption of rules by
34 the superintendent pursuant to chapter 17A and with
35 the prior written approval of the superintendent:

36 Sec. 17. **NEW SECTION. 533.48 INVESTMENT IN BANKS**
37 **OR SAVINGS AND LOAN ASSOCIATIONS.**

38 1. **INVESTMENTS IN BANKS.** A credit union may, with
39 the prior approval of the superintendent, invest in
40 the capital stock, obligations, or other securities of
41 a bank.

42 2. **INVESTMENT IN SAVINGS AND LOANS.** A credit
43 union may, with the prior approval of the
44 superintendent, invest in the capital stock,
45 obligations, or other securities of a state savings
46 and loan association.

47 3. **FINDINGS REQUIRED.** The superintendent shall
48 not grant an approval under subsection 1 or 2, except
49 after making one of the following findings:

50 a. Based upon a preponderance of the evidence

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1 presented, the proposed investment will not have the
2 immediate effect of significantly reducing competition
3 between depository financial institutions located in
4 the same community as the institution whose shares
5 would be acquired.

6 b. Based upon a preponderance of the evidence
7 presented, the proposed investment would have an
8 anticompetitive effect as described in paragraph "a",
9 but other factors, specifically cited, outweigh the
10 anticompetitive effect so that there would be a net
11 public benefit as a result of the investment.

12 4. COMPETITION PRESERVED. The subsequent
13 liquidation of a bank or state savings and loan
14 association whose shares are acquired under this
15 section shall not prevent the subsequent incorporation
16 of another bank or savings and loan association in the
17 same community, and the superintendent of banking
18 shall not find the liquidation of such a bank to be
19 grounds for disapproving the incorporation of another
20 bank in the same community under section 524.305, and
21 the superintendent of savings and loan associations
22 shall not find the liquidation of such a savings and
23 loan association to be grounds for disapproving the
24 incorporation of another savings and loan association
25 in the same community under chapter 534.

26 Sec. 18. Section 534.103, subsection 6, Code 1987,
27 is amended to read as follows:

28 6. LIMITED TRUST POWERS. ~~Associations An~~
29 ~~association~~ incorporated under this chapter may act as
30 trustee for trusts which are created or organized in
31 the United States, and which form part of a stock
32 bonus, pension, or profit sharing plan which qualifies
33 for special tax treatment under section 401(d) or
34 subsection (a) of section 408 of the Internal Revenue
35 Code of 1954, as amended, or as trustee with no active
36 fiduciary duties, if the funds of ~~such the~~ trust are
37 invested only in savings accounts or deposits in ~~such~~
38 ~~the~~ association or in obligations or securities issued
39 by ~~such the~~ association. All funds held in such a
40 fiduciary capacity by ~~any such an~~ association may be
41 commingled for appropriate purposes of investment, but
42 individual records shall be kept by the fiduciary for
43 each participant and shall show in proper detail all
44 transactions engaged in under the authority of this
45 subsection.

46 The ~~administrator superintendent~~ is authorized to
47 grant by special permit to an association the right to
48 act as trustee, executor, administrator, guardian, or
49 in any other fiduciary capacity. However, this
50 authority is available only for periods of time when

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1 federally chartered savings and loan associations
2 operating in this state are granted similar authority,
3 and the state authorization is subject to the rights
4 and limitations established in rules adopted by the
5 superintendent, which shall be consistent with the
6 rights and limitations for federally chartered
7 associations engaged in this type of activity.

8 Sec. 19. Section 534.107, Code 1987, is amended to
9 read as follows:

10 534.107 EXPENDITURES AND OPERATING EXPENSES.

11 ~~All expenses for management in conducting the~~
12 ~~affairs of an association, excluding the cost of~~
13 ~~borrowed money, shall be paid from interest, service~~
14 ~~charges and other sources of profit. The said~~
15 ~~operating expense for of an association in any one~~
16 ~~year shall not exceed three percent for associations~~
17 ~~with assets not to exceed eight hundred thousand~~
18 ~~dollars and two percent for those over such amount as~~
19 ~~shown by the associations in their last annual report~~
20 ~~of the association's average assets during that year~~
21 ~~without the written approval of the superintendent.~~

22 Sec. 20. Section 534.111, unnumbered paragraph 2,
23 Code 1987, is amended to read as follows:

24 Every association organized under the provisions of
25 this chapter shall have and exercise has all the
26 rights, powers, and privileges ~~pertaining to savings~~
27 ~~and to loans~~ not in conflict with the laws of this
28 state, which are conferred upon federal savings and
29 loan associations by the Home Owners' Loan Act of
30 1933, title ~~12~~, section ~~1464~~, United States Code 12
31 U.S.C. § 1464, and conferred by regulations adopted by
32 the federal home loan bank board and the federal
33 savings and loan insurance corporation.

34 Sec. 21. NEW SECTION. 534.112 REGULATORY
35 CAPITAL.

36 An association shall maintain regulatory capital in
37 the amount required by regulations of the federal
38 savings and loan insurance corporation. For the
39 purpose of this section, "regulatory capital" means
40 the sum of all reserve accounts (except specific
41 reserves established to offset actual or anticipated
42 losses), undivided profits, surplus, capital stock,
43 and any other nonwithdrawable accounts.

44 Sec. 22. Section 534.207, subsection 1, paragraph
45 a, Code 1987, is amended to read as follows:

46 a. Loans secured by ~~first~~ liens or ~~first~~ claims on
47 residential real estate, participation interests in
48 groups of loans secured by ~~first~~ liens or ~~first~~ claims

49 on residential real estate, securities that are
50 secured by groups of loans secured by first liens or

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1 first claims on residential real estate, or property
2 improvement loans for the making of improvements upon
3 residential real property, or a combination of these.
4 Sec. 23. Section 534.209, Code 1987, is amended by
5 striking the section and inserting in lieu thereof the
6 following:
7 534.209 COMMERCIAL LENDING AND ACCOUNTS.
8 1. An association shall not hold more than forty
9 percent of its assets in commercial loans and consumer
10 loans as an annual average based on monthly
11 computations.
12 2. An association may accept a commercial NOW
13 account. For the purposes of this subsection, a
14 "commercial NOW account" is a NOW account, as
15 authorized by section 534.301, subsection 3, for a
16 commercial, corporate, business, or agricultural
17 entity.
18 3. For the purposes of this section, unless the
19 context otherwise requires:
20 a. "Commercial loan" means a loan to a person
21 borrowing money for a business or agricultural
22 purpose.
23 b. "Business purpose" means a loan to a for-profit
24 entity, or a for-profit activity, including but not
25 limited to a commercial, service, or industrial
26 enterprise carried on for profit, or an investment
27 activity.
28 c. "Agricultural purpose" means as defined in
29 section 535.13.
30 d. "Commercial loan" does not include a loan
31 secured by an interest in real estate for the purpose
32 of financing the acquisition of real estate or the
33 construction of improvements on real estate. In
34 determining which loans are "commercial loans" the
35 rules of construction stated in section 535.2,
36 subsection 2, paragraph "b", apply.
37 4. For the purposes of this section, a lease of
38 personal property is treated as a commercial loan if a
39 loan to the lessee to acquire the property would have
40 been a commercial loan.
41 Sec. 24. NEW SECTION. 534.215 FALSE STATEMENT
42 FOR CREDIT.
43 A person who knowingly does either of the following
44 is guilty of a fraudulent practice:
45 1. Makes or causes to be made, directly or

46 indirectly, a false statement in writing with the
47 intent that the false statement shall be relied upon
48 by an association for the purpose of procuring the
49 delivery of property, the payment of cash, or the
50 receipt of credit in any form, for the benefit of the

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1 person or of any other person in which the person is
2 interested or for whom the person is acting.

3 2. Procures the delivery of property, the payment
4 of cash, or the receipt of credit in any form, knowing
5 that a false statement in writing has been made
6 concerning the financial condition or means or ability
7 to pay of the person, or any other person in which the
8 person is interested or for whom the person is acting,
9 if the person knew that the association relied or
10 would rely upon the false written statement.

11 Sec. 25. Section 534.307, subsection 2, Code 1987,
12 is amended by striking the subsection.

13 Sec. 26. Section 534.505, subsection 4, Code 1987,
14 is amended by striking the subsection.

15 Sec. 27. Section 534.702, Code 1987, is amended by
16 adding the following new subsection:

17 NEW SUBSECTION. 9. Subject to the laws and
18 regulations of the United States, a foreign
19 association transacting business within this state is
20 subject to the provisions of this chapter and is
21 subject to the supervision of the superintendent as to
22 its operations in this state. Notwithstanding
23 subsection 2 of section 534.102, the term
24 "association" or "state association" in this chapter
25 shall include a foreign association and any foreign
26 association which is a party to a plan of merger under
27 section 534.511 as to its operations in this state.

28 Sec. 28. Section 537.2501, Code 1987, is amended
29 by adding the following new subsection:

30 NEW SUBSECTION. 3. A creditor may contract for
31 and receive additional charges, including charges as a
32 result of default by the consumer, as agreed between
33 the consumer and the creditor with respect to a loan
34 under open-end credit pursuant to a credit card issued
35 by the creditor which entitles the cardholder to
36 purchase or lease goods or services from at least one
37 hundred persons not related to the card issuer."

38 2. Title page, line 1, by inserting after the
39 word "institutions" the following: " , acts which
40 constitute a fraudulent practice, and imposing
41 penalties".

42 3. By renumbering as necessary.

S-3978

- 1 Amend Senate File 515 as follows:
- 2 1. Page 4, line 5, by inserting after the word
- 3 "regents" the following: ", a merged area school,".
- 4 2. Page 4, line 10, by inserting after the word
- 5 "regents" the following: ", the merged area
- 6 schools,".

WILLIAM D. PALMER
WALLY E. HORN

S-3979

- 1 Amend Senate File 515 as follows:
- 2 1. Page 5, line 19, by striking the word "four"
- 3 and inserting the following: "six".
- 4 2. Page 12, by inserting after line 29 the
- 5 following:
- 6 "NEW LETTERED PARAGRAPH. m. There is appropriated
- 7 from the allotment to the jobs now capitals account
- 8 under subsection 1 for the fiscal year beginning July
- 9 1, 1987 to the department of public defense for the
- 10 purpose of the armory in Algona the sum of one hundred
- 11 thousand dollars of which fifty thousand dollars shall
- 12 not be available until January 1, 1988.
- 13 NEW LETTERED PARAGRAPH. n. There is appropriated
- 14 from the allotment to the jobs now capitals account
- 15 under subsection 1 for the fiscal year beginning July
- 16 1, 1987 to the department of public defense for the
- 17 purpose of the armory in Dennison the sum of one
- 18 hundred thousand dollars of which fifty thousand
- 19 dollars shall not be available until January 1, 1988."

JOE J. WELSH

S-3980

- 1 Amend Senate File 515 as follows:
- 2 1. Page 5, line 19, by striking the words "four
- 3 hundred" and inserting in lieu thereof the words
- 4 "three hundred twenty-five thousand".
- 5 2. Page 5, lines 27 and 28, by striking the words
- 6 "one hundred fifty" and inserting the following: "two
- 7 hundred twenty-five".
- 8 3. Page 7, line 1, by striking the words "one
- 9 hundred seventy-five" and inserting the following:

10 "two hundred fifty".

11 4. Page 12, by striking lines 24 through 29.

JOY CORNING
JULIA GENTLEMAN
FORREST V. SCHWENGELS

S-3981

1 Amend Senate File 515 as follows:

2 1. Page 3, line 34, by inserting after the word
3 "limitation." the following: "The department shall
4 allocate each fiscal year at least fifty percent of
5 the moneys in the account for projects for small busi-
6 nesses as defined by the United States small business
7 administration."

AL STURGEON

S-3982

1 Amend Senate File 515 as follows:

2 1. Page 3, by inserting after line 25 the
3 following:
4 "(12) The level of compliance of the business with
5 OSHA and other business safety regulations, the
6 quality of the business' relations with labor, the
7 level of fairness in its dealings with its employees,
8 and the amount of business ethics shown by the
9 business."

AL STURGEON

S-3983

1 Amend amendment S-3979 to Senate File 515 as
2 follows:

3 1. Page 1, line 12, by inserting after the figure
4 "1988." the following: "If the federal government has
5 not committed funds to this project by January 1,
6 1988, the funds appropriated by this paragraph shall
7 revert to the jobs now capitals account."
8 2. Page 1, line 19, by inserting after the figure
9 "1988." the following: "If the federal government has
10 not committed funds to this project by January 1,
11 1988, the funds appropriated by this paragraph shall
12 revert to the jobs now capitals account."

BEVERLY HANNON

S-3984

- 1 Amend Senate File 515 as follows:
- 2 1. Page 18, by inserting after line 6 the
- 3 following:
- 4 "Sec. ____ . Any armory located in the state which
- 5 receives state funds under this or any other Act of
- 6 the general assembly, shall be made available for
- 7 federal surplus commodities distribution programs as
- 8 well as shelter for the homeless, as needed."

BEVERLY HANNON

S-3985

- 1 Amend amendment S-3979 to Senate File 515 as
- 2 follows:
- 3 1. Page 1, line 12, by inserting after the figure
- 4 "1988." the following: "If the federal government has
- 5 not committed funds to this project by January 1,
- 6 1988, the funds appropriated by this paragraph shall
- 7 revert to the jobs now account."
- 8 2. Page 1, line 19, by inserting after the figure
- 9 "1988." the following: "If the federal government has
- 10 not committed funds to this project by January 1,
- 11 1988, the funds appropriated by this paragraph shall
- 12 revert to the jobs now account."

BEVERLY HANNON

S-3986

- 1 Amend Senate File 515 as follows:
- 2 1. Page 13, line 14, by striking the word
- 3 "subsection" and inserting the following:
- 4 "subsections".
- 5 2. Page 13, by inserting after line 23 the
- 6 following:
- 7 "NEW SUBSECTION. 10. The moneys in any of the
- 8 separate accounts of the Iowa plan fund shall not be
- 9 used to directly benefit a company that is in the top
- 10 one hundred of the fortune 500 list or directly
- 11 benefit a business of which at least five percent of
- 12 the stock is owned by such company."

AL STURGEON

S-3987

- 1 Amend amendment, S-3358, to Senate File 351 as
2 follows:
- 3 1. By striking page 1, line 4 through page 1,
4 line 33.
- 5 2. By striking page 1, line 37 through page 10,
6 line 5.
- 7 3. By striking page 10, line 6 through page 10,
8 line 13.
- 9 4. By striking page 10, line 17 through page 12,
10 line 12.
- 11 5. By striking page 12, line 22 through page 14,
12 line 7.
- 13 6. By striking page 14, line 8.
- 14 7. Page 14, by inserting after line 8 the follow-
15 ing:
16 "Sec. ____ . The Code editor shall codify new
17 sections 525.1 through 525.11 as division I of chapter
18 525."
- 19 8. Page 14, by inserting after line 8 the follow-
20 ing:
21 "Sec. ____ . The Code editor shall codify new
22 sections 525.21 through 525.29 as division II of
23 chapter 525."
- 24 9. Page 14, by striking lines 9 through 12.

JACK RIFE

S-3988

- 1 Amend House File 649 as amended, passed and
2 reprinted by the House as follows:
- 3 1. By striking page 1, line 14 through page 2,
4 line 31 and inserting the following:
5 "Sec. ____ . Section 627.6, Code 1987, is amended to
6 read as follows:
7 627.6 GENERAL EXEMPTIONS.
8 A debtor who is a resident of this state may hold
9 exempt from execution the following property:
10 1. Any combination of the following, not to exceed
11 a value of twelve thousand five hundred dollars in the
12 aggregate:
13 a. All wearing apparel, including jewelry, of the
14 debtor and the debtor's dependents kept for actual use
15 and the trunks or other receptacles necessary for the

16 wearing apparel; not to exceed in value two hundred
17 dollars in any particular item or one thousand dollars
18 in the aggregate.

19 2. One shotgun; and either one rifle or one
20 musket.

21 b. Shotguns and rifles.

22 3 c. Private libraries, family bibles, portraits,
23 pictures, and paintings not to exceed two hundred
24 dollars in value for any particular item and one
25 thousand dollars in the aggregate.

26 d. Household furnishings, household goods,
27 appliances, and musical instruments, including radios,
28 television sets, and record or tape playing machines,
29 held primarily for the personal, family, or household
30 use of the debtor or a dependent of the debtor.

31 e. The debtor's interest, not to exceed five
32 hundred dollars in the aggregate, in any cash on hand,
33 bank deposits, credit union share drafts, or other
34 deposits, wherever situated, or other personal
35 property not otherwise specifically provided for in
36 this chapter.

37 4 2. An interment space or an interest in a public
38 or private burying ground, not exceeding one acre for
39 any defendant debtor.

40 5. The debtor's interest, not to exceed two
41 hundred dollars in value in any particular item, in
42 household furnishings, household goods, and appliances
43 held primarily for the personal, family, or household
44 use of the debtor or a dependent of the debtor, not to
45 exceed in value two thousand dollars in the aggregate.

46 6 3. Any unmaturred life insurance policy owned by
47 the debtor, other than a credit life insurance
48 contract. The interest of an individual in any
49 accrued dividend or interest, loan or cash surrender
50 value of, or any other interest in a life insurance

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1 policy owned by the individual if the beneficiary of
2 the policy is the individual's spouse, child, or
3 dependent. However, the amount of the exemption shall
4 not exceed five thousand dollars in the aggregate of
5 any interest or value in insurance acquired within six
6 hundred days of the date execution is issued or
7 exemptions are claimed, or for additions within the
8 same time period to a prior existing policy which
9 additions are in excess of the amount necessary to
10 fund the amount of face value coverage of the policies
11 for the six hundred day period. For purposes of this

12 paragraph, acquisitions shall not include such
13 interest in new policies used to replace prior
14 policies to the extent of any accrued dividend or
15 interest, loan or cash surrender value of, or any
16 other interest in the prior policies at the time of
17 their cancellation.

18 74. Professionally prescribed health aids for the
19 debtor or a dependent of the debtor.

20 85. The debtor's rights in:

21 a. A social security benefit, unemployment
22 compensation, or a local public assistance benefit.

23 b. A veteran's benefit.

24 c. A disability or illness benefit.

25 d. Alimony, support, or separate maintenance, to
26 the extent reasonably necessary for the support of the
27 debtor and dependents of the debtor.

28 e. A payment under a pension, annuity, or similar
29 plan or contract on account of illness, disability,
30 death, age, or length of service, to the extent
31 reasonably necessary for the support of the debtor and
32 any dependent of the debtor.

33 9. Any combination of the following, not to exceed
34 a value of five thousand dollars in the aggregate:

35 a. ~~Musical instruments, not including radios,~~
36 ~~television sets, or record or tape playing machines,~~
37 ~~held primarily for the personal, family, or household~~
38 ~~use of the debtor or a dependent of the debtor.~~

39 b 6. One motor vehicle, with the debtor's interest
40 not exceeding five thousand dollars.

41 e 7. In the event of a bankruptcy proceeding, the
42 The debtor's interest in accrued wages and in state
43 and federal tax refunds as of the date of the judgment
44 to be satisfied, the date of filing of the petition in
45 bankruptcy, or the date of execution, whichever occurs
46 first, not to exceed one two thousand dollars in the
47 aggregate. This exemption is in addition to the
48 limitations contained in sections 642.21 and 537.5105.

49 10 8. If the debtor is engaged in any profession
50 or occupation other than farming, the proper

Page 3

1 implements, professional books, or tools of the trade
2 of the debtor or a dependent of the debtor, not to
3 exceed in value ten thousand dollars in the aggregate.
4 11 9. If the debtor is engaged in farming and does
5 not exercise the delay of the enforceability of a
6 deficiency judgment or general execution under section
7 654.6 in relation to the execution under which the
8 exemption is claimed, any combination of the

9 following, not to exceed a value of ten thousand
10 dollars in the aggregate:

11 a. Implements and equipment reasonably related to
12 a normal farming operation. This exemption is in
13 addition to a motor vehicle held exempt under
14 subsection 9 6.

15 b. Livestock and feed for the livestock reasonably
16 related to a normal farming operation.

17 ~~10~~ 10. If the debtor is engaged in farming the
18 agricultural land upon the commencement of an action
19 for the foreclosure of a mortgage on the agricultural
20 land or for the enforcement of an obligation secured
21 by a mortgage on the agricultural land, if a
22 deficiency judgment is issued against the debtor, and
23 if the debtor does not exercise the delay of the
24 enforceability of the deficiency judgment or general
25 execution under section 654.6 in relation to the
26 execution under which the exemption is claimed, the
27 disposable earnings of the debtor are exempt from
28 garnishment to enforce the deficiency judgment after
29 two years from the entry of the deficiency judgment,
30 sections 642.21 and 642.22 notwithstanding. However,
31 earnings paid to the debtor directly or indirectly by
32 the debtor are not exempt.

33 11. In the absence of a written agreement or
34 assignment to the contrary, upon the death of the
35 insured any benefit payable to the spouse, child, or
36 dependent of the individual under a life insurance
37 policy shall inure to the separate use of the
38 beneficiary independently of the insured's creditors.

39 A benefit or indemnity paid under an accident,
40 health, or disability insurance policy is exempt to
41 the insured or in case of the insured's death to the
42 spouse, child, or dependent of the insured, from the
43 insured's debts.

44 In case of an insured's death the benefit or
45 indemnity of all matured policies of life, accident,
46 health, or disability insurance payable to the
47 surviving spouse, child, or dependent are exempt from
48 liability for all debts of the beneficiary contracted
49 prior to death of the insured, but the amount thus
50 exempted shall not exceed seventy-five thousand

Page 4

1 dollars in the aggregate.

2 12. The debtor's interest in a retirement plan,
3 policy, or contract of a self-employed individual
4 which is a qualified plan, policy, or contract under

5 section 401 of the Internal Revenue Code and the
6 debtor's interest in an individual retirement account
7 as defined in section 408 of the Internal Revenue
8 Code. However, an amount equal to the aggregate
9 amount of contributions made on or after July 1, 1987
10 which were not deductible in determining federal
11 adjusted gross income under section 404 or 408 of the
12 Internal Revenue Code shall not be exempt. For
13 purposes of this subsection, Internal Revenue Code
14 means Internal Revenue Code as defined in section
15 422.3."

16 2. Page 2, by inserting after line 32 the
17 following:

18 "Sec. ____ . APPLICABILITY.

19 The provisions of this Act amending the exemption
20 in section 627.6, subsection 3, relating to interests
21 in life insurance policies owned by the debtor, shall
22 apply to contracts of insurance entered into on or
23 after the effective date of this Act.

24 Sec. ____ . EFFECTIVE DATE. This Act, being deemed
25 of immediate importance, takes effect upon enactment."

26 3. Title page, line 5, by inserting after the
27 word "matters" the following: ", providing for the
28 applicability of the Act, and providing an effective
29 date".

30 4. By renumbering as necessary.

BERL PRIEBE
TOM MANN, Jr.
JIM RIORDAN
JOHN W. JENSEN
RICHARD VANDE HOEF
KENNETH SCOTT

S-3989

1 Amend Senate File 507 as follows:

2 1. Page 38, line 20, by inserting after the word
3 "assembly" the following: "and only for personnel and
4 nonpersonnel costs of rural and satellite job service
5 offices in population centers of less than twenty
6 thousand".

CALVIN HULTMAN

S-3990

1 Amend the House amendment, S-3964, to Senate
2 Concurrent Resolution 35, as passed by the Senate, as
3 follows:

4 1. Page 1, by striking lines 5 and 6 and
5 inserting the following: "amount not exceeding sixty-
6 six million three hundred thousand (66,300,000)".

7 2. Page 1, by striking lines 9 and 10 and
8 inserting the following: "is authorized, is sixty-six
9 million three hundred thousand (66,300,000), all or
10 any part of which may be".

11 3. Page 1, by striking lines 16 and 17 and
12 inserting the following: "inserting the following:
13 "exceed sixty-six million three hundred thousand
14 (66,300,000) dollars:"."

15 4. Page 1, by striking lines 20 through 34 and
16 inserting the following:

17	<u>"State University of Iowa</u>	\$ 25,100,000
18	Laser laboratories		
19	International center (old		
20	law center) remodeling		
21	Cost of issuance of bonds		
22	<u>Iowa State University</u>	\$ 38,200,000
23	Molecular biology building		
24	Home economics building-phase I		
25	Meat irradiation facility		
26	University research park development		
27	Industrial education remodeling		
28	Veterinary medicine research		
29	institute laboratory		
30	Cost of issuance of bonds		
31	<u>University of Northern Iowa</u>	\$ 3,000,000
32	Latham hall remodeling		
33	Cost of issuance of bonds		
34		Total	\$ 66,300,000."

RICHARD VARN
BILL HUTCHINS
CALVIN O. HULTMAN
JACK NYSTROM
WALLY E. HORN

S-3991

1 Amend the amendment, S-3358, to Senate File 351 as
2 follows:

3 1. Page 4, line 2 by inserting after the word
4 "state." the following: "As a condition of an

5 acquisition pursuant to this section, an out-of-state
6 bank holding company must file a statement with the
7 superintendent describing how the acquisition will
8 make available a minimum of fifty million dollars of
9 net new funds to this state. The statement must state
10 the amount of capital funds, including the increase in
11 equity capital that will result from the acquisition.
12 The statement must also include a discussion of
13 initial capital investments, loan policy, investment
14 policy, dividend policy, and the general plan of
15 business, including the full range of consumer and
16 business services which will be offered by the bank or
17 banks owned by the bank holding company after the
18 acquisition. A description of compliance or progress
19 towards compliance with the net new funds statement
20 filed at the time of acquisition must be filed with
21 the superintendent annually after an acquisition. The
22 description must state the increase in net new funds
23 for both the last year of operations and since the
24 acquisition. For the purposes of this section, "net
25 new funds" means an increase in loanable funds
26 expressed as an increase in the total loan to asset
27 ratio of Iowa loans and assets of the acquired bank or
28 acquiring bank or bank holding company. If the
29 superintendent finds that the acquisition will not
30 make available fifty million dollars in net new funds
31 to this state, the superintendent shall disallow the
32 acquisition."

FORREST V. SCHWENGELS

S-3992

- 1 Amend Senate File 518 as follows:
- 2 1. Page 13, by striking lines 17 through 23 and
- 3 inserting the following:
- 4 "2. JUST COMPENSATION REQUIRED. The department
- 5 and political subdivisions of this state shall not
- 6 remove, take, or cause to".
- 7 2. Page 13, lines 29 and 30, by striking the
- 8 words "For the department, the" and inserting the
- 9 following: "The".
- 10 3. Page 13, line 32, by inserting after the word
- 11 "department" the following: "or political sub-
- 12 divisions of this state".

JEAN LLOYD-JONES
JULIA GENTLEMAN

S-3993

- 1 Amend Senate File 518 as follows:
2 1. By striking page 13, line 7 through page 14,
3 line 28.

JEAN LLOYD-JONES
JULIA GENTLEMAN

S-3994

- 1 Amend the House amendment, S-3705, to Senate File
2 480 as amended, passed, and reprinted by the Senate as
3 follows:
4 1. Page 1, by striking line 5 through page 5,
5 line 42 and inserting the following:
6 "Section 1. Section 68B.2, Code 1987, is amended
7 by striking the section and inserting in lieu thereof
8 the following:
9 68B.2 DEFINITIONS.
10 When used in this chapter, unless the context
11 otherwise requires:
12 1. "Compensation" means any money, thing of value,
13 or financial benefit conferred in return for services
14 rendered or to be rendered.
15 2. "Legislative employee" means a full-time
16 officer or employee of the general assembly but does
17 not include members of the general assembly.
18 3. "Member of the general assembly" means an
19 individual duly elected to the senate or the house of
20 representatives of the state of Iowa.
21 4. "Regulatory agency" means the department of
22 agriculture and land stewardship, department of
23 employment services, department of commerce,
24 department of public health, department of public
25 safety, department of education, state board of
26 regents, department of human services, department of
27 revenue and finance, department of inspections and
28 appeals, department of personnel, public employment
29 relations board, department of transportation, civil
30 rights commission, department of public defense, and
31 department of natural resources.
32 5. "Employee" means a full-time, salaried employee
33 of the state of Iowa and does not include part-time
34 employees or independent contractors. Employee
35 includes but is not limited to all clerical personnel.
36 6. "Official" means an officer of the state of
37 Iowa receiving a salary or per diem whether elected or

38 appointed or whether serving full-time or part-time.
39 Official includes but is not limited to supervisory
40 personnel and members of state agencies and does not
41 include members of the general assembly or legislative
42 employees.
43 7. "Agency" means a department, division, board,
44 commission, or bureau of the state, including a
45 regulatory agency, or any of its political
46 subdivisions.
47 8. "Candidate" means a candidate as defined in
48 section 56.2 and includes a person elected to public
49 office until the person takes office.
50 9. a. "Gift" means a rendering of money,

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1 property, services, discount, loan forgiveness,
2 payment of indebtedness, or anything else of value in
3 return for which legal consideration of equal or
4 greater value is not given and received, if the donor
5 is in any of the following categories:
6 (1) Is doing or seeking to do business of any kind
7 with the donee's agency.
8 (2) Is engaged in activities which are regulated
9 or controlled by the donee's agency.
10 (3) Has interests which may be substantially and
11 materially affected, in a manner distinguishable from
12 the public generally, by the performance or
13 nonperformance of the donee's official duty.
14 (4) Is a lobbyist with respect to matters within
15 the donee's jurisdiction.
16 b. However, "gift" does not mean any of the
17 following:
18 (1) Campaign contributions.
19 (2) Informational material relevant to a public
20 servant's official functions, such as books,
21 pamphlets, reports, documents, or periodicals, and
22 registration fees or tuition not including travel or
23 lodging, for not more than three days, at seminars or
24 other public meetings conducted in this state, at
25 which the public servant receives information relevant
26 to the public servant's official functions.
27 Information or participation received under the
28 exclusion of this paragraph may be applied to satisfy
29 a continuing education requirement of the donee's
30 regulated occupation or profession if the donee pays
31 any registration costs exceeding thirty-five dollars.
32 (3) Anything received from a person related within
33 the fourth degree by kinship or marriage, unless the
34 donor is acting as an agent or intermediary for

35 another person not so related.

36 (4) An inheritance.

37 (5) Anything available to or distributed to the
38 public generally without regard to official status of
39 the recipient.

40 (6) Food, beverages, registration, and scheduled
41 entertainment at group events to which all members of
42 either house or both houses of the general assembly
43 are invited.

44 (7) Actual expenses for food, beverages, travel,
45 lodging, registration, and scheduled entertainment of
46 the donee for a meeting, which is given in return for
47 participation in a panel or speaking engagement at the
48 meeting.

49 (8) Plaques or items of negligible resale value
50 given as recognition for public services.

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1 10. "Local official" and "local employee" mean an
2 official or employee of a political subdivision of
3 this state.

4 11. "Public disclosure" means a written report
5 filed by the fifteenth day of the month following the
6 month in which a gift is received as required by this
7 chapter or required by rules adopted or executive
8 order issued pursuant to this chapter.

9 12. "Immediate family members" means the spouse
10 and minor children of a person required to file
11 reports pursuant to this chapter or the rules adopted
12 or executive order issued pursuant to this chapter.

13 13. "Is doing business with the donee's agency"
14 means being a party to any one or any combination of
15 sales, purchases, leases, or contracts to, from, or
16 with the state or a political subdivision, or any
17 agency thereof.

18 Where the terms "legislative employee", "member of
19 the general assembly", "candidate", "employee", "local
20 employee", "official" or "local official" are used in
21 this chapter, they include a firm of which any of
22 those persons is a partner and a corporation of which
23 any of those persons holds ten percent or more of the
24 stock either directly or indirectly, and the spouse
25 and minor children of any of those persons.

26 Sec. 2. Section 68B.5, Code 1987, is amended by
27 striking the section and inserting in lieu thereof the
28 following:

29 68B.5 GIFTS SOLICITED OR ACCEPTED.

30 1. An official, employee, local official, local
31 employee, member of the general assembly, candidate,

32 legislative employee or that person's immediate family
33 member shall not, directly or indirectly, solicit,
34 accept, or receive from any one donor in any one
35 calendar day a gift or a series of gifts having a
36 value of thirty-five dollars or more.

37 2. A person shall not, directly or indirectly,
38 offer or make a gift or a series of gifts to an
39 official, employee, local official, local employee,
40 member of the general assembly, candidate, or
41 legislative employee, in any one calendar day, if the
42 gift or series of gifts has a value of thirty-five
43 dollars or more. A person shall not, directly or
44 indirectly, join with one or more other persons to
45 offer or make a gift or a series of gifts to an
46 official, employee, local official, local employee,
47 member of the general assembly, candidate, or
48 legislative employee, in any one calendar day, if the
49 gift or series of gifts has a total value of thirty-
50 five dollars or more. The thirty-five dollar

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1 limitation of this section applies separately to a
2 person and the person's immediate family member.
3 3. A person may give and an official, employee,
4 local official, local employee, member of the general
5 assembly, candidate, legislative employee or the
6 person's immediate family member may accept in any one
7 calendar day a gift or a series of gifts which has a
8 value of thirty-five dollars or more and not be in
9 violation of this section if the gift or series of
10 gifts is donated within thirty days to a public body,
11 a bona fide educational or charitable organization, or
12 the department of general services. All such items
13 donated to the department of general services shall be
14 disposed of by assignment to state agencies for
15 official use or by public sale.

16 Sec. 3. Section 68B.8, Code 1987, is amended to
17 read as follows:

18 68B.8 ADDITIONAL PENALTY.

19 In addition to any penalty contained in any other
20 provision of law, a person who knowingly and
21 intentionally violates ~~the provisions a provision~~ of
22 section 68B.3 to 68B.6 ~~and this section shall be is~~
23 guilty of a serious misdemeanor and may be
24 reprimanded, suspended, or dismissed from the person's
25 position or otherwise sanctioned.

26 Sec. 4. Section 68B.10, subsection 3, Code 1987,
27 is amended to read as follows:

28 3. Issue advisory opinions interpreting the intent

29 of constitutional and statutory provisions relating to
30 legislators and lobbyists as well as interpreting the
31 code of ethics and rules issued pursuant to this
32 section. Opinions shall be issued when approved by a
33 majority of the seven members and may be issued upon
34 the written request of a member of the general
35 assembly or upon the committee's initiation. Opinions
36 are not binding on the legislator or lobbyist.

37 Sec. 5. Section 68B.10, subsection 4, Code 1987,
38 is amended by striking the subsection and inserting in
39 lieu thereof the following:

40 4. Receive and investigate complaints and charges
41 against members of its house alleging a violation of
42 the code of ethics, rules governing lobbyists, this
43 chapter, or other matters referred to it by its house.
44 The committee shall recommend rules for the receipt
45 and processing of complaints made during the
46 legislative session and those made after the general
47 assembly adjourns.

48 Sec. 6. Section 68B.10, Code 1987, is amended by
49 adding the following new unnumbered paragraph after
50 subsection 5:

Page 5

1 NEW UNNUMBERED PARAGRAPH. The ethics committees
2 may employ independent legal counsel to assist them in
3 carrying out their duties under this chapter with the
4 approval of a committee's house when the general
5 assembly is in session and with the approval of the
6 rules and administration committee of that house when
7 the general assembly is not in session. Payment of
8 costs for the independent legal counsel shall be made
9 from section 2.12.

10 Sec. 7. Section 68B.10, unnumbered paragraph 5,
11 Code 1987, is amended to read as follows:

12 Violation of the code of ethics may result in ~~the~~
13 ~~suspension of a member from the general assembly and~~
14 ~~the forfeiture of the censure, reprimand, or other~~
15 ~~sanctions as determined by a majority of the member's~~
16 ~~house. However, a member may be suspended or expelled~~
17 ~~and the member's salary forfeited only if directed by~~
18 ~~a two-thirds vote of the member's house to which the~~
19 ~~member belongs. Such A suspension, expulsion, or~~
20 ~~forfeiture of salary shall be for such the duration as~~
21 ~~specified in the directing resolution provided~~
22 ~~however, that. However, it cannot shall not extend~~
23 ~~beyond the date of adjournment of the session end of~~
24 ~~the general assembly during which the violation~~
25 ~~occurred.~~ Violation of ~~the rules a rule~~ relating to

26 lobbyists and lobbying activities may result in the
27 suspension of any censure, reprimand, or other
28 sanctions as determined by a majority of the members
29 of the house in which the violation occurred.

30 However, a lobbyist may be suspended from lobbying
31 activities for the duration provided in the directing
32 resolution only if directed by a two-thirds vote of
33 the house wherein in which the violation occurred.

34 Sec. 8. Section 68B.11, Code 1987, is amended by
35 striking the section and inserting in lieu thereof the
36 following:

37 68B.11 REPORTING OF GIFTS AND FINANCIAL
38 DISCLOSURE.

39 1. The house of representatives and the senate
40 shall adopt rules requiring the reporting of gifts
41 made to members of the general assembly, legislative
42 employees, and their immediate family members. The
43 rules shall require public disclosure of the nature,
44 amount, date, and donor of a gift or gifts from any
45 one donor made to one of those individuals which
46 exceed fifteen dollars in cumulative value in any one
47 calendar day. The rules shall require such disclosure
48 by both the donor and donee. However, the rules of
49 either or both houses may waive the reporting of food
50 and beverage provided for immediate consumption in the

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1 presence of the donor.

2 2. The governor shall issue an executive order
3 requiring the reporting of gifts made to officials and
4 employees of the executive department of the state and
5 their immediate family members. The executive order
6 shall require public disclosure of the nature, amount,
7 date, and donor of a gift or gifts from any one donor
8 made to one of those individuals which exceeds fifteen
9 dollars in cumulative value in any one calendar day.
10 The executive order shall require such disclosure by
11 both the donor and donee. The executive order may
12 waive the reporting of food and beverage provided for
13 immediate consumption in the presence of the donor.

14 3. The supreme court of this state shall adopt
15 rules requiring the reporting of gifts made to
16 officials and employees of the judicial department of
17 this state and their immediate family members. The
18 rules shall require public disclosure of the nature,
19 amount, date, and donor of a gift or gifts from any
20 one donor made to one of those individuals which
21 exceeds fifteen dollars in cumulative value in any one
22 calendar day. The rules shall require such disclosure

23 by both the donor and donee. The rules may waive the
24 reporting of food and beverage provided for immediate
25 consumption in the presence of the donor.

26 4. The governing body of a political subdivision
27 of this state shall adopt rules requiring the
28 reporting of gifts made to its respective members and
29 their immediate family members and its local officials
30 and local employees and their immediate family
31 members. The rules as adopted shall require public
32 disclosure of the nature, amount, date, and donor of a
33 gift or gifts from any one donor made to one of those
34 individuals which exceeds fifteen dollars in
35 cumulative value in any one calendar day. The rules
36 shall require such disclosure by both the donor and
37 donee. The rules may waive the reporting of food and
38 beverage provided for immediate consumption in the
39 presence of the donor. Copies of the rules and
40 reports shall be filed with the county auditor of the
41 county in which the political subdivision is located.

42 The secretary of state shall develop a standard
43 form for public disclosure of gifts in compliance with
44 this subsection which shall be available at every
45 county auditor's office without cost.

46 5. a. In determining the value of a gift, an
47 individual making a gift on behalf of more than one
48 person shall not divide the value of the gift by the
49 number of persons on whose behalf the gift is made.

50 b. The value of a gift to the donee is the value

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1 actually received.

2 c. For the purposes of the reporting requirements
3 of this section, a donor of a gift made by more than
4 one individual to one or more donees shall report the
5 gift if the total value of the gift to the donee
6 exceeds fifteen dollars.

7 6. The rules required under this section shall
8 provide that expenses for food, beverages,
9 registration, and scheduled entertainment at group
10 events to which all members of either house or both
11 houses of the general assembly have been invited shall
12 be reported for each such event by reporting the date,
13 location, and total expense incurred by the donor or
14 donors.

15 7. Reporting requirements adopted or issued under
16 this section may include requirements relating to the
17 reporting of income which is not a gift.

18 8. A person who does not make public disclosure of
19 gifts as required by this chapter or the rules adopted

20 or executive order issued pursuant to this chapter is
21 guilty of a serious misdemeanor.

22 Sec. 9. Section 722.1, Code 1987, is amended by
23 striking the section and inserting in lieu thereof the
24 following:

25 722.1 BRIBERY.

26 A person who offers, promises, or gives anything of
27 value or any benefit to a person who is serving or has
28 been elected, selected, appointed, employed, or
29 otherwise engaged to serve in a public capacity,
30 including a public officer or employee, a referee,
31 juror, or jury panel member, or a witness in a
32 judicial or arbitration hearing or any official
33 inquiry, or a member of a board of arbitration,
34 pursuant to an agreement or arrangement or with the
35 understanding that the promise or thing of value or
36 benefit will influence the act, vote, opinion,
37 judgment, decision, or exercise of discretion of the
38 person with respect to the person's services in that
39 capacity commits a class "D" felony. In addition, a
40 person convicted under this section is disqualified
41 from holding public office under the laws of this
42 state.

43 Sec. 10. Section 722.2, Code 1987, is amended by
44 striking the section and inserting in lieu thereof the
45 following:

46 722.2 ACCEPTING BRIBE.

47 A person who is serving or has been elected,
48 selected, appointed, employed, or otherwise engaged to
49 serve in a public capacity, including a public officer
50 or employee, a referee, juror, or jury panel member,

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1 or a witness in a judicial or arbitration hearing or
2 any official inquiry, or a member of a board of
3 arbitration who solicits or knowingly accepts or
4 receives a promise or anything of value or a benefit
5 given pursuant to an understanding or arrangement that
6 the promise or thing of value or benefit will
7 influence the act, vote, opinion, judgment, decision,
8 or exercise of discretion of the person with respect
9 to the person's services in that capacity commits a
10 class "C" felony. In addition, a person convicted
11 under this section is disqualified from holding public
12 office under the laws of this state.

13 Sec. 11. This Act, being deemed of immediate
14 importance, is effective upon enactment."

TOM MANN, Jr.
RAY TAYLOR
RICHARD DRAKE

S-3995

- 1 Amend amendment, S-3510, to House File 650 as
2 amended, passed, and reprinted by the House as
3 follows:
- 4 1. By striking page 1, line 3 through page 4,
5 line 44 and inserting the following:
6 “ ___ . Page 1, by inserting before line 1 the
7 following:
8 “Section 1. Section 299.1, unnumbered paragraph 3,
9 Code 1987, is amended to read as follows:
10 In lieu of such attendance such child ~~may attend~~
11 ~~upon equivalent instruction by a certified teacher~~
12 ~~elsewhere shall enroll in an accredited nonpublic~~
13 ~~school or receive private instruction under chapter~~
14 ~~299B.”~~
15 ___ . Page 1, line 2, by inserting after the word
16 “that” the following: “all children have the basic
17 right for an opportunity to receive an education and
18 that”.
19 ___ . Page 1, line 3, by inserting after the word
20 “provide” the following: “for”.
21 ___ . Page 1, by striking lines 4 through 6 and
22 inserting the following: “children. The state”.
23 ___ . Page 1, by striking lines 7 through 9 and
24 inserting the following: “has a compelling interest
25 in the education of children in this state and an
26 obligation to protect the child’s right to receive an
27 education when the education is being denied.
28 Therefore, it is the intent of the state to provide
29 parents and their”.
30 ___ . Page 1, line 10, by striking the words “in
31 a”.
32 ___ . Page 1, by striking lines 11 through 13 and
33 inserting the following: “that recognize the parent’s
34 responsibilities and the state’s interest without
35 infringing upon the religious beliefs of parents.”
36 ___ . Page 1, by striking line 15 and inserting
37 the following:
38 “Notwithstanding chapter 280 and sections”.
39 ___ . Page 1, line 16, by inserting after the
40 figure “299.1” the following: “through 299.3 and
41 299.5”.
42 ___ . Page 1, by striking line 17 and inserting
43 the following: “instruction.”
44 ___ . Page 1, by striking lines 21 through 23 and

45 inserting the following:

46 " ____ . "Private instruction" means a program
47 provided pursuant to section 299B.5, subsection 4".

48 ____ . Page 1, by inserting after line 29, the
49 following:

50 " ____ . "Dual enrollment" means the matriculation of

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1 a child in one public school or accredited nonpublic
2 school while receiving private instruction, in
3 subjects, courses, or programs not available to the
4 child otherwise.

5 ____ . "Designated panel" means a three-member
6 panel, consisting of the administrator of the area
7 education agency or designee, the parent or guardian
8 of the child or designee receiving private
9 instruction, and a member mutually agreed upon by the
10 representative of the area education agency and by the
11 parent or guardian of the child.

12 ____ . "Remediation plan" means an educational plan
13 for a child in private instruction which is designed
14 to improve the academic achievement of the child, and
15 which may be implemented within the private
16 instruction setting in which the child is enrolled.

17 If resources available to a public school are
18 utilized, the resources shall be available on the same
19 basis as the resources are to the residents of the
20 local school district. Other resources not under the
21 control of the public school may be utilized at the
22 cost of the parent or guardian of the child. A
23 remediation plan shall not infringe upon the religious
24 beliefs of the parents."

25 ____ . By striking page 1, line 34 through page 2,
26 line 1, and inserting the following: "examiners, but
27 who provides private instruction."

28 ____ . Page 2, by inserting after line 3 the
29 following:

30 "Sec. ____ . NEW SECTION. 299B.3A DUAL ENROLLMENT.

31 A child who is receiving private instruction
32 pursuant to section 299B.6 may also enroll in a public
33 school or accredited nonpublic school for dual
34 enrollment purposes. The parent or guardian shall
35 notify the local school district by February 1 prior
36 to the school year the child is to be enrolled of the
37 intent for dual enrollment.

38 If such a child enrolls in a public school or
39 accredited nonpublic school on a full-time basis, the
40 board of directors of the local school district or the
41 authorities in charge of the accredited nonpublic

42 school may determine the appropriate grade level for
 43 the child by the administration of tests or other
 44 means of evaluation to determine achievement."
 45 ____ . Page 2, line 14, by striking the words
 46 "parent or guardian" and inserting the following:
 47 "person".
 48 ____ . Page 2, by striking lines 21 and 22 and
 49 inserting the following:
 50 "4. Private instruction, which encompasses one of

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1 the following:
 2 a. Certified private instruction, instruction
 3 provided by a certificated teacher, with the
 4 appropriate endorsements and approvals, as provided
 5 for in chapter 260. The provisions of section 299B.6,
 6 subsection 2 shall not apply to private instruction by
 7 a certificated teacher. All other provisions of this
 8 chapter shall apply.
 9 b. Home instruction provided by a parent or legal
 10 guardian of the child.
 11 c. Nonaccredited nonpublic instruction, provided
 12 by someone other than a parent or legal guardian of
 13 the child."
 14 ____ . Page 2, line 24, by striking the words
 15 "parent or guardian" and inserting the following:
 16 "person".
 17 ____ . Page 2, line 26, by striking the words
 18 "parent or guardian" and inserting the following:
 19 "person".
 20 ____ . Page 2, by striking lines 29 through 32 and
 21 inserting the following:
 22 "a. Evidence that the instructor has at least a
 23 high school diploma or a high school equivalency
 24 diploma."
 25 ____ . Page 3, by inserting after line 3 the
 26 following:
 27 "(5) The name and address of the individual
 28 providing the private instruction to the child, if the
 29 individual is not the parent or guardian of the child.
 30 (6) Whether the parent or guardian of the child is
 31 a party to a dual enrollment agreement.
 32 (7) The fire marshal inspection report, if the
 33 private instruction is occurring under section 299B.5,
 34 subsection 4, paragraph "c", applicable to the setting
 35 in which the instruction takes place. The fire
 36 marshal inspection report shall be filed by the
 37 instructor or designee.
 38 (8) Evidence of immunization of the child as

39 required in section 139.9.”

40 —. Page 3, by inserting after line 12 the
41 following:

42 “(7) Geography.”

43 —. Page 3, by striking lines 15 through 20 and
44 inserting the following: “public school, the results
45 of a current version of a nationally standardized test
46 which has been administered under conditions mutually
47 acceptable to the board of directors of the local
48 school district and the parent or guardian of the
49 child, and the results of the tests shall be made
50 available to the board of directors of the local

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1 school district and to the parent or guardian of the
2 child at the same time. The local school district
3 shall be responsible for the cost incurred regarding
4 the annual testing.”

5 —. Page 3, by striking lines 21 through 33 and
6 inserting the following:

7 “e. An annual progress assessment report which
8 shall include the person’s individualized assessment
9 of the child’s academic progress in the subjects
10 specified in paragraph “c”. The progress reports
11 shall be retained by the parent or guardian for at
12 least three years and shall be submitted to the board
13 of directors of the local school district annually.”

14 —. By striking page 3, line 34 through page 4,
15 line 3.

16 —. Page 4, line 6, by striking the word
17 “annual” and inserting the following: “initial”.

18 —. Page 4, line 10, by striking the words “,
19 but not be limited to,”.

20 —. Page 4, by striking lines 18 through 21.

21 —. Page 4, by striking lines 27 and 28 and
22 inserting the following: “certified teacher.”

23 —. Page 4, by striking lines 32 and 33 and
24 inserting the following:

25 “Sec. —. NEW SECTION. 299B.1000 CREATION OF
26 DESIGNATED PANEL.

27 If a child fails to demonstrate academic progress
28 pursuant to section 299B.6, subsection 1, paragraph
29 “d”, on consecutive standardized tests within eighteen
30 calendar months, as determined by the composite scores
31 on the standardized tests and compared with the
32 child’s perceived level of intellectual functioning,
33 the superintendent of the local school district shall
34 create a designated panel to assist the parent or
35 guardian in remediation of the child. The

36 superintendent shall notify the parent or guardian of
37 the child and the area education agency that such lack
38 of progress has occurred. The superintendent shall
39 convene the panel. Upon agreement by a majority of
40 the panel, the panel shall implement a remediation
41 plan for the child. The panel shall continue in
42 existence until the child has demonstrated academic
43 progress on consecutive standardized tests within
44 eighteen calendar months or until the designated panel
45 makes a recommendation pursuant to section 299B.1001.
46 The panel shall make at least a final report to the
47 superintendent.
48 Sec. ____ . NEW SECTION. 299B.1001 FAILURE OF
49 REMEDIATION PLAN.
50 If it appears by clear and convincing evidence that

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1 a child has failed to demonstrate academic progress
2 under a remediation plan on consecutive standardized
3 tests within eighteen months, the designated panel, on
4 agreement of a majority of the members, may recommend
5 to the local school district that the child be removed
6 from the private instruction setting, to the extent
7 deemed necessary to protect the best interest of the
8 child. The board of directors of the local school
9 district shall render a decision based on information
10 from the panel regarding placement of that child in a
11 public or accredited nonpublic school.
12 Following such placement, the parent or guardian of
13 the child may request that the child be permitted to
14 receive private instruction, after evidence of
15 adequate academic progress.
16 If the local board of directors determines that
17 after two years a child is continuing to not make
18 adequate academic progress because of reasons not
19 educationally related, the parent or guardian may
20 reenroll the child in private instruction.
21 The decisions of the board may be appealed to the
22 state board of education pursuant to chapter 290, and
23 thereafter to the district court.
24 Sec. ____ . NEW SECTION. 299B.1002 VOLUNTARY
25 PARENTAL REQUEST FOR DESIGNATED PANEL.
26 The parent or guardian of a child may request the
27 creation of a designated panel if the parent or
28 guardian perceives a need for academic assistance. In
29 such cases, the panel shall exist until the parent or
30 guardian perceives that the panel is unnecessary.
31 Sec. ____ . NEW SECTION. 299B.1003 CHILD ABUSE
32 POLICY.

33 If the private instruction is occurring under
34 section 299B.5, subsection 4, paragraph "c", a written
35 policy pertaining to the reporting of child abuse, as
36 defined in section 232.68, subsection 2, and
37 procedures regarding the reporting of child abuse,
38 shall be filed with the local school district. The
39 policy shall be filed by the instructor or designee.
40 Sec. ____ . NEW SECTION. 299B.1004 PENALTY.
41 A person who violates a provision of this chapter
42 shall be guilty of a simple misdemeanor."
43 ____ . Title page, by striking lines 1 and 2 and
44 inserting the following: "An Act relating to
45 providing private instruction."

WILLIAM W. DIELEMAN
RAY TAYLOR
LARRY MURPHY
JIM RIORDAN

S-3996

1 Amend Senate File 518 as follows:
2 1. Page 8, line 8, by inserting after the word
3 "repeaters" the following: "and radios".
4 2. Page 8, line 11, by inserting after the word
5 "repeaters" the following: "and radios".

DON GETTINGS

S-3997

1 Amend amendment, S-3988, to House File 649 as
2 amended, passed and reprinted by the House as follows:
3 1. Page 1, line 11, by striking the word "twelve"
4 and inserting the following: "eight".

BERL PRIEBE
EMIL HUSAK
JACK RIFE

S-3998

1 Amend amendment, S-3988, to House File 649 as
2 amended, passed and reprinted by the House as follows:
3 1. Page 4, by striking lines 18 through 25 and
4 inserting the following:
5 ""Sec. ____ . APPLICABILITY.

6 The provisions of this Act are retroactive to April
 7 30, 1987. The provisions of this Act amending the
 8 exemption in section 627.6, subsection 3, relating to
 9 interests in life insurance policies owned by the
 10 debtor, shall apply to contracts of insurance entered
 11 into on or after April 30, 1987.””
 12 2. Page 4, by striking lines 27 through 29 and
 13 inserting the following: “word “matters” the
 14 following: “, and providing for the applicability of
 15 the Act”.”

BERL E. PRIEBE
 EMIL J. HUSAK
 JACK RIFE

S-3999

1 Amend Senate File 517 as follows:
 2 1. Page 1, by inserting after line 35 the
 3 following:
 4 “4. There is appropriated from the petroleum
 5 overcharge fund in section 93.15 to the department of
 6 general services the sum of fifty thousand (50,000)
 7 dollars, or so much thereof as is necessary, from the
 8 funds received from the Stripper Wells settlement for
 9 energy conservation improvements at Terrace Hill for
 10 the fiscal year beginning July 1, 1987 and ending June
 11 30, 1988.”
 12 2. Page 2, lines 21 and 22, by striking the word
 13 and figure “and 5” and inserting the following: “5,
 14 and 6”.
 15 3. Renumber as necessary.

JOHN W. JENSEN
 WILLIAM W. DIELEMAN

S-4000

1 Amend Senate File 518 as follows:
 2 1. Page 17, by inserting before line 17 the
 3 following:
 4 “Sec. ____ . Section 809.21, Code 1987, is amended
 5 by adding the following new unnumbered paragraph:
 6 NEW UNNUMBERED PARAGRAPH. Notwithstanding chapter
 7 25A, the state of Iowa and employees of the state are
 8 not liable for a claim arising from the retention,
 9 sale, gift, or transfer of property pursuant to this

10 section.”

11 2. By renumbering as necessary.

JOE J. WELSH

S-4001

1 Amend Senate File 518 as follows:

2 1. Page 16, by inserting after line 5 the

3 following:

4 “Sec. ____ . Section 321.46, subsection 3, Code
5 1987, is amended to read as follows:

6 3. The applicant ~~shall be~~ is entitled to a refund
7 or credit for that portion of the registration fee of
8 the vehicle sold, traded; or junked ~~within the state~~
9 which ~~had~~ has not expired prior to the transfer of
10 ownership of the vehicle. ~~The~~ If a credit is applied
11 for, the registration fee for the new registration for
12 the vehicle acquired shall be reduced by the amount of
13 the credit. The refund or credit shall be computed on
14 the basis of the number of months remaining in the
15 registration year, rounded to the nearest whole
16 dollar. The refund or credit ~~shall be~~ is subject to
17 the following limitations:

18 a. The credit shall be claimed within thirty days
19 from the date the vehicle for which credit is granted
20 was sold, transferred, or junked. After thirty days,
21 all credits shall be disallowed.

22 b. Any credit granted to the owner of a vehicle
23 which has been sold, traded, or junked may only be
24 claimed by that person toward the registration fee for
25 another vehicle purchased and the credit may not be
26 sold, transferred, or assigned to any other person.

27 c. When the amount of the refund or credit is
28 computed to be an amount of less than five dollars, a
29 the refund or credit shall be disallowed.

30 d. ~~To claim a credit for the unexpired~~
31 ~~registration fee on~~ On a junked vehicle, the county
32 treasurer shall disallow ~~any the~~ claim for refund or
33 credit unless the owner presents a junking certificate
34 or other evidence as required by the department to the
35 county treasurer.

36 e. ~~A~~ The refund or credit ~~shall~~ provided under
37 this subsection does not be allowed apply to any a
38 person who is eligible to receive a refund, upon
39 proper application, under section 321.126.

40 f. The refund or credit shall only be allowed if
41 the owner provides the copy of the registration
42 receipt to the county treasurer.

43 g. The credit allowed shall not exceed the amount
 44 of the registration fee for the vehicle acquired.
 45 h. The credit shall be computed on the unexpired
 46 number of months computed from the date of purchase of
 47 the vehicle acquired. The refund shall be computed on
 48 the unexpired number of months computed from the date
 49 of filing of the application with the county treasurer
 50 for the county where the vehicle is registered.

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1 i. A refund for a vehicle which has been sold or
 2 traded shall not be allowed until the treasurer has
 3 received an affidavit on forms prescribed and provided
 4 by the department certifying the sale or trade, the
 5 transfer of ownership of the vehicle, and the
 6 assignment and delivery of the certificate of title
 7 for the vehicle. Upon receipt of proper application
 8 for a refund, the county treasurer shall make a timely
 9 transfer of the application to the department for
 10 issuance of the refund.

11 i. The refund provided under this subsection does
 12 not apply to vehicles registered under chapter 326.

13 Sec. ____ . Section 321.126, subsection 6, Code
 14 1987, is amended by striking the subsection.

15 Sec. ____ . Section 321.128, Code 1987, is amended
 16 to read as follows:

17 321.128 PAYMENT AUTHORIZED.

18 The department may make the payments under section
 19 321.46, subsection 3, sections 321.126 and 321.127,
 20 when sufficient proof of ~~such~~ destruction by accident,
 21 ~~or~~ the junking and entire elimination of identity as a
 22 motor vehicle, theft, the sale or trade and transfer
 23 of ownership and assignment and delivery of the
 24 certificate of title, or storage by an owner entering
 25 the military service of the United States in time of
 26 war, is properly certified, approved by the county
 27 treasurer, and filed with the department."

RAY TAYLOR
 LARRY MURPHY

S-4002

1 Amend Senate File 518 as follows:

2 1. Page 9, by inserting after line 20 the
 3 following:

4 "Sec. ____ . There is appropriated from the road use
 5 tax fund to the department of transportation for the

6 fiscal year beginning July 1, 1987 and ending June 30,
7 1988, the sum of one million (1,000,000) dollars for
8 improving the state aircraft pool.”
9 2. Page 11, line 1, by striking the figure
10 “1,417,237” and inserting in lieu thereof the figure
11 “417,237”.

JOE J. WELSH

S-4003

1 Amend amendment, S-3358, to Senate File 351 as
2 follows:
3 1. Page 1, lines 2 and 3, by striking the words
4 “By striking everything after the enacting clause and
5 inserting the following:” and inserting the following:
6 “Page 1, by striking lines 1 through 20 and
7 inserting the following:”
8 2. Page 10, line 5, by striking the word and
9 figure “section 524.1802.” and inserting the
10 following: “section 524.1802.””
11 3. Page 10, by inserting after line 5 the
12 following:
13 “___ . Page 1, by inserting after line 20 the
14 following:”
15 4. Page 10, line 6, by striking the word “Sec.”
16 and inserting the following: “”Sec.”.”
17 5. Page 14, line 7 by striking the word “force.”
18 and inserting the following: “force.””
19 6. Page 14, by inserting after line 7 the
20 following:
21 “___ . Page 1, by inserting after line 20 the
22 following:”
23 7. Page 14, line 8, by striking the word “Sec.”
24 and inserting the following: “”Sec.”.”
25 8. Page 14, by inserting after line 8 the follow-
26 ing:
27 “Sec. ___ . The Code editor shall codify new
28 sections 525.1 through 525.11 as division I of chapter
29 525.”
30 9. Page 14, by inserting after line 8 the follow-
31 ing:
32 “Sec. ___ . The Code editor shall codify new
33 sections 525.21 through 525.29 as division II of
34 chapter 525.”
35 10. Page 14, by striking lines 9 through 12.

JACK RIFE

S-4004

- 1 Amend Senate amendment, S-3455, to House File 164
2 as passed by the House as follows:
- 3 1. Page 1, by striking lines 9 through 29 and
4 inserting the following:
5 "The secretary of state may appoint notaries public
6 and may revoke an appointment for cause.
7 Sec. ____ . Section 77.6, Code 1987, is amended to
8 read as follows:
9 77.6 REVOCATION -- NOTICE.
10 Should the commission of ~~any~~ a person appointed
11 notary public be revoked by the secretary of state,
12 the secretary shall immediately notify ~~such~~ the person
13 through the mail. The notice shall state the cause of
14 the revocation and shall inform the person of the
15 right to a hearing on the revocation. The secretary
16 of state shall adopt rules under chapter 17A to
17 provide for a hearing for persons whose commission is
18 revoked."
- 19 ____ . Page 1, by inserting after line 11 the
20 following:
21 "Sec. ____ . Sections 77.15 and 77.16, Code 1987,
22 are repealed."
23 2. By renumbering as required.

DONALD V. DOYLE

HOUSE AMENDMENT TO
SENATE FILE 511

S-4005

- 1 Amend Senate File 511 as amended, passed, and
2 reprinted by the Senate as follows:
- 3 1. Page 1, line 35, by striking the figure
4 "79,554" and inserting the following: "68,246".
5 2. Page 3, line 7, by striking the figure
6 "122,518" and inserting the following: "113,518".
7 3. Page 4, lines 21 and 22, by striking the words
8 "two hundred thirty-three point six" and inserting the
9 following: "two hundred thirty point ten".
10 4. Page 4, line 24, by striking the figure
11 "5,108,985" and inserting the following: "5,043,985".
12 5. Page 4, by striking lines 25 through 28.
13 6. Page 5, line 19, by striking the figure
14 "1,639,067" and inserting the following: "1,583,067".

15 7. By striking page 9, line 15 through page 10,
 16 line 1 and inserting the following:
 17 "For salaries and support for
 18 not more than six hundred thirteen
 19 point twenty-eight full-time equiv-
 20 alent positions, maintenance, and
 21 miscellaneous purposes \$ 17,316,998".

22 8. Page 12, line 21, by striking the word "two"
 23 and inserting the following: "one".

24 9. Page 12, line 22, by striking the figure
 25 "2,475,000" and inserting the following: "1,475,000".

26 10. Page 12, line 24, by inserting after the
 27 figure "422.100." the following: "Notwithstanding
 28 section 422.100, the funds to be allocated to the
 29 counties from the moneys and credits replacement fund
 30 which are to be credited to the county general fund
 31 during the fiscal year beginning July 1, 1987 and
 32 ending June 30, 1988 shall not be distributed to the
 33 counties but shall remain in the moneys and credits
 34 replacement fund. The funds allocated to the counties
 35 from the moneys and credits replacement fund during
 36 the fiscal year beginning July 1, 1987 and ending June
 37 30, 1988, shall be allocated to cities as required by
 38 law by the county treasurer."

39 11. Page 13, by striking lines 15 through 22.

40 12. Page 13, by striking lines 24 through 31 and
 41 inserting the following:

42 "1. There is appropriated from the general fund of
 43 the state to the salary adjustment fund provided for
 44 in section 8.43, for the fiscal year beginning July 1,
 45 1987 and ending June 30, 1988, the following amounts,
 46 or so much thereof as is necessary, to be distributed
 47 to the designated political subdivisions or public
 48 agencies as follows:

49	1987-1988
50	<u>Fiscal Year</u>

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- 1 a. To the various public
- 2 agencies and departments in-
- 3 cluding nonfaculty salary
- 4 increases for the state board
- 5 of regents, except those
- 6 agencies and departments
- 7 allocated funds under
- 8 paragraphs "b" and "c" of this
- 9 subsection \$ 24,014,163
- 10 b. To the state board of
- 11 regents for faculty salary

12 increases \$ 11,459,183
 13 c. To the judicial dis-
 14 trict department of correct-
 15 ional services as defined in
 16 section 905.1 \$ 1,526,654

17 If the funds appropriated by this subsection are
 18 insufficient to meet the obligations for the funds,
 19 the allocation to each public agency or department may
 20 be reduced."

21 13. Page 15, lines 8 through 11, by striking the
 22 words "in the same proportion that the payroll for
 23 each individual program for the fiscal year ending
 24 June 30, 1987 is to the annual payroll for all
 25 programs for that fiscal year".

26 14. Page 17, by inserting after line 22 the
 27 following:

28 "Sec. ____ . **NEW SECTION. 12.40 TARGETED SMALL**
 29 **BUSINESS LINKED DEPOSIT PROGRAM.**

30 The treasurer of state shall adopt rules to
 31 implement a targeted small business linked deposit
 32 program to increase the availability of lower cost
 33 funds to inject needed capital into small businesses
 34 owned and operated by women or minorities, which is
 35 the public policy of the state. The rules shall be in
 36 accordance with the following:

37 1. "Targeted small business" means a business as
 38 defined in section 220.111, subsection 1.

39 2. A linked deposit shall only be approved in
 40 connection with a loan application for a targeted
 41 small business which has been certified pursuant to
 42 section 15.108, subsection 7, paragraph "c",
 43 subparagraph (4).

44 3. Loan applications for a targeted small business
 45 shall be for the purchase of land, machinery,
 46 equipment, or licenses, or patent, trademark, or
 47 copyright fees and expenses, but not inventory.

48 4. The maximum size of a targeted small business
 49 loan is one hundred thousand dollars per borrower for
 50 intangible property and two hundred fifty thousand

Page 3

1 dollars per borrower for tangible personal or real
 2 property.

3 Sec. ____ . **NEW SECTION. 12.41 IOWA SATISFACTION**
 4 **AND PERFORMANCE BOND PROGRAM.**

5 The treasurer of state shall set aside up to one
 6 hundred fifty thousand dollars of the interest earned
 7 on the moneys in the Iowa plan fund to establish a
 8 state of Iowa satisfaction and performance bond

9 program for targeted small businesses which are unable
10 to obtain a satisfaction and performance bond required
11 for a specific project or business because of a lack
12 of experience. The bond program shall not provide a
13 state-backed bond to a business with a record of
14 repeated failure of substantial performance or
15 material breach of prior contracts. The program is
16 intended to enable targeted small businesses lacking
17 sufficient experience or history for the commercial
18 bond market to enter a business requiring bonding.
19 The state aid will permit a business to obtain the
20 necessary experience and establish a satisfactory
21 history to later obtain bonding in the commercial bond
22 market. The state bond program is not intended to
23 perpetuate a business which has previously
24 demonstrated in the commercial bond market or through
25 breach of contracts that it is an unsatisfactorily
26 high risk for bonding purposes. The treasurer of
27 state shall administer the program pursuant to these
28 goals and with reference to appropriate actuarial
29 standards. The treasurer of state may adopt rules to
30 implement this program."

31 15. Page 17, by inserting after line 34 the
32 following:

33 "Sec. ____ . Section 18.134, Code 1987, is amended
34 to read as follows:

35 18.134 LIMITATION OF COMMUNICATIONS.

36 The department of general services shall not
37 provide or resell communications services to entities
38 other than state agencies. A political subdivision
39 receiving communications services from the state as of
40 April 1, 1986 may continue to do so until January 1,
41 1988. The rates charged to the political subdivision
42 shall be the same as the rates charged to state
43 agencies."

44 16. Page 18, by striking lines 8 through 27.

45 17. Page 19, line 11, by striking the figure
46 "774,611" and inserting the following: "810,285".

47 18. Page 19, by striking lines 12 through 14.

48 19. Page 19, line 30, by striking the word
49 "thirty-two" and inserting the following: "thirty-
50 eight".

Page 4

1 20. Page 19, line 35, by striking the word
2 "twenty-two" and inserting the following: "eighteen".

3 21. Page 20, line 2, by striking the figure
4 "955,842" and inserting the following: "705,842".

5 22. Page 20, by striking lines 10 through 14.

6 23. Page 20, by inserting after line 20 the
7 following:

8 "Notwithstanding chapters 162, 163, 167, 192, 195,
9 208A, 210, 212, 213, 215, and 215A, the secretary of
10 agriculture may increase fees by rule relating to the
11 licensing, inspection, and certification provisions of
12 those chapters. The receipts resulting from any fee
13 increases shall not exceed three hundred thousand
14 (300,000) dollars. The department shall report any
15 proposed fee increase to the legislative council prior
16 to its adoption. The revenue collected as a result of
17 any increase in the fees shall be deposited in a
18 regulatory trust fund which is hereby created and
19 appropriated to the department for use by the
20 regulatory division. The department shall report the
21 disposition of the fee receipts to the legislative
22 fiscal bureau and the department of management
23 monthly. The department of agriculture and land
24 stewardship shall report to the agriculture and
25 natural resources appropriations subcommittee by
26 February 1, 1988 on the amounts of the fee increases
27 and the projected expenses."

28 24. Page 20, line 24, by striking the figure
29 "674,472" and inserting the following: "593,578".

30 25. Page 20, by inserting after line 34 the
31 following:

32 "Notwithstanding chapters 198, 200, 201, and 206,
33 the secretary of agriculture may increase fees and
34 tonnage taxes by rule. The receipts from any fee or
35 tonnage tax increases shall not exceed two hundred
36 thousand (200,000) dollars. The department shall
37 report any proposed fee or tonnage tax increase to the
38 legislative council prior to its adoption. The
39 department shall report to the legislative fiscal
40 bureau and the department of management monthly as to
41 the disposition of the fee and tonnage tax receipts.
42 The department of agriculture and land stewardship
43 shall report to the agriculture and natural resources
44 appropriation subcommittee by February 1, 1988 on the
45 amounts of the fee and tonnage tax increases and the
46 projected expenses."

47 26. Page 21, line 3, by striking the words
48 "eighty-six point seventy-four" and inserting the
49 following: "eighty-two point zero five".

50 27. Page 21, line 7, by striking the figure

Page 5

1 "4,334,184" and inserting the following: "4,155,747".

2 28. Page 21, line 16, by striking the figure
3 "6,616,519" and inserting the following: "6,546,519".

4 29. Page 22, by striking lines 12 through 15.

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

7 "6. It is the intent of the general assembly that
8 the department of agriculture and land stewardship, in
9 its operation of the agricultural marketing program,
10 shall conform its activities to the mission, goals,
11 and objectives provided in this subsection and collect
12 information pertaining to performance measures
13 developed by the legislative fiscal bureau. The
14 department shall provide a report at least quarterly
15 to the legislative fiscal bureau and the co-
16 chairpersons and ranking members of the economic
17 development appropriations subcommittee on the
18 performance measures. The department shall be
19 notified by the legislative fiscal bureau by July 1,
20 1987 of the specific performance measures for which
21 data shall be collected and reported.

22 The department shall operate an agricultural
23 marketing program designed to lead to more
24 advantageous marketing of Iowa agricultural products
25 to accomplish the following objectives:

26 a. Investigate the subject of marketing
27 agricultural products and recommend efficient and
28 economical methods of marketing.

29 b. Promote the sales, distribution, and
30 merchandising of agricultural products to be indicated
31 by the number of trade or sales leads originated
32 through the agricultural marketing programs, by the
33 number of Iowa companies represented at trade shows,
34 and by the number of out-of-state buyers contacted
35 through trade shows and other promotional events.

36 c. Furnish information and assistance to the
37 public concerning the marketing of agricultural
38 products to be indicated by the number of Iowa
39 companies that receive counseling or assistance.

40 d. Cooperate with the college of agriculture of
41 Iowa State University of science and technology in
42 farm marketing education and research and avoid
43 unnecessary duplications to be indicated by the number
44 of meetings with the university staff to discuss
45 marketing research and education and number and type
46 of recommendations generated from these meetings.

47 e. Gather and diffuse useful information
48 concerning all phases of the marketing of Iowa farm

49 products in cooperation with other public and private
50 agencies.

Page 6

1 f. Ascertain sources of supply of Iowa
2 agricultural products and prepare and publish from
3 time to time lists of names and addresses of producers
4 and consignors and furnish lists to persons applying
5 for them to be indicated by the number of potential
6 out-of-state buyers that receive the list of Iowa
7 suppliers.

8 g. Aid in the promotion and development of the
9 agricultural processing industry in the state to be
10 indicated by the number of trade or sales leads
11 originated through the agricultural marketing
12 programs, the number of Iowa companies represented at
13 trade shows, the number of out-of-state buyers
14 contacted through trade shows and other promotional
15 events, and the number of Iowa companies meeting with
16 out-of-state buyers brought to Iowa as part of the
17 agricultural marketing programs.”

18 31. Page 22, by striking lines 23 through 29 and
19 inserting the following:

20 “Sec. ____.

21 1. There is appropriated to the department of
22 agriculture and land stewardship for the fiscal year
23 beginning July 1, 1987 and ending June 30, 1988, from
24 the general fund of the state, the sum of one hundred
25 twelve thousand (112,000) dollars, or so much thereof
26 as is necessary, as an advance for volunteer
27 assistance and not more than three full-time
28 equivalent positions for the administration of section
29 99D.22.

30 2. There is appropriated from the funds available
31 under section 99D.13 to the general fund of the state
32 an amount equal to that expended under subsection 1
33 during the fiscal year beginning July 1, 1987 and
34 ending June 30, 1988.”

35 32. Page 29, by striking lines 8 through 16 and
36 inserting the following:

37 “Sec. ____ . There is appropriated from the general
38 fund of the state to the department of natural
39 resources for the fiscal year beginning July 1, 1987
40 and ending June 30, 1988, the sum of forty thousand
41 (40,000) dollars, or so much thereof as is necessary,
42 to conduct a feasibility study of constructing a dam
43 at Pine Lake state park.”

44 33. Page 30, line 27, by striking the word
45 “growing” and inserting the following: “production

46 and distribution”.

47 34. Page 30, line 31, by striking the words
48 “growing of” and inserting the following: “production
49 and distribution of the”.

50 35. Page 30, line 34, by striking the word

Page 7

1 “growing” and inserting the following: “production
2 and distribution”.

3 36. Page 31, by striking lines 14 through 23.

4 37. Page 32, line 28, by striking the figure
5 “1,691,788” and inserting the following: “1,641,788”.

6 38. Page 32, by inserting after line 28 the
7 following:

8 “As a condition of the appropriation made in this
9 subsection, the department shall enter into a 28E
10 agreement with the state board of regents for purposes
11 of insuring, to the greatest extent possible, that
12 research conducted at institutions under the control
13 of the state board of regents may be developed and
14 marketed by Iowa businesses.”

15 39. Page 32, by inserting after line 28 the
16 following:

17 “The department and the cooperative extension
18 service in agriculture and home economics of the Iowa
19 State University of science and technology shall enter
20 into an agreement under chapter 28E that provides a
21 procedure for coordinating the economic development
22 activities of the department with the economic
23 development activities of the cooperative extension
24 service in agriculture and home economics of the Iowa
25 State University of science and technology.”

26 40. Page 33, line 3, by striking the figure
27 “319,533” and inserting the following: “269,533”.

28 41. Page 33, by striking lines 4 through 6.

29 42. By striking page 33, line 12 through page 34,
30 line 19 and inserting the following:

31 “5. For personal services,
32 salaries and support for not
33 more than sixteen point four
34 full-time equivalent positions,
35 travel and subsistence of all
36 staff assigned to tourism promo-
37 tion including main office,
38 welcome center, and film office
39 personnel, office supplies, other
40 supplies, printing and binding,
41 communications, rentals, utilities,
42 outside services and repairs, and

43 office equipment	\$ 580,000
44 6. For tourism and	
45 promotion programs including	
46 contracted advertising and pub-	
47 licity, promotion, and printing	
48 services and for the state's	
49 share of a cooperative advertis-	
50 ing program	\$ 750,000

Page 8

1 Of the funds appropriated by this subsection, fifty
 2 thousand (50,000) dollars, or so much thereof as is
 3 necessary, may be used to purchase or support the
 4 Grant Wood gothic house in Eldon, Iowa. The
 5 department shall cooperate with the historical
 6 division of the department of cultural affairs to
 7 acquire and maintain the Grant Wood gothic house and
 8 to promote the property as a tourist attraction. Of
 9 the funds allocated for the purchase of the house,
 10 unexpended funds shall be credited to the Grant Wood
 11 gothic house trust fund which is created in the office
 12 of the treasurer of state. The moneys in this fund
 13 shall be administered by the historical division of
 14 the department of cultural affairs and shall be used
 15 to provide for the maintenance of the house and to
 16 receive local public and private contributions for the
 17 promotion and maintenance of the house as a tourist
 18 site.

19 Of the funds appropriated by this subsection,
 20 fifteen thousand (15,000) dollars, or so much thereof
 21 as is necessary, shall be used for the construction of
 22 a storage and multi-use facility in Stone City, Iowa
 23 for the storage of replicas of Grant Wood ice wagons
 24 in which artists lived in Stone City, Iowa. The funds
 25 available under this unnumbered paragraph shall be
 26 matched on a dollar-for-dollar basis with moneys or
 27 in-kind contributions from other sources.

28 Of the funds appropriated by this subsection,
 29 twenty-five thousand (25,000) dollars, or so much
 30 thereof as is necessary, shall be used for providing a
 31 permanent Grant Wood information center and art
 32 gallery in Anamosa, Iowa. The funds available under
 33 this unnumbered paragraph shall be matched on a
 34 dollar-for-dollar basis with moneys or in-kind
 35 contributions from other sources.

36 Of the funds appropriated by this subsection, fifty
 37 thousand (50,000) dollars, or so much thereof as is
 38 necessary, may be used for the evaluation of the
 39 feasibility of preserving the historical significance

40 of and establishing tourism and recreation centers in
 41 existing Iowa railway passenger stations and depots.
 42 Local communities in which Iowa railway passenger
 43 stations and depots are located shall match, on an
 44 equal basis, state funds expended on evaluating the
 45 respective station or depot.
 46 Of the funds appropriated by this subsection, one
 47 hundred twenty-five thousand (125,000) dollars, or so
 48 much thereof as is necessary, shall be used by the
 49 historical division of the department of cultural
 50 affairs to acquire by negotiated sale part of the land

Page 9

1 encompassing the Blood Run national historic landmark
 2 in Lyon county, Iowa.

3 Of the funds appropriated by this subsection, one
 4 hundred twenty-five thousand (125,000) dollars, or so
 5 much thereof as is necessary, to be used by the state
 6 department of transportation for the planning and
 7 acquisition of recreation trails as provided in House
 8 File 575. Not more than seventy-five thousand
 9 (75,000) dollars of the funds provided in this
 10 unnumbered paragraph shall be used for planning. Not
 11 more than fifty thousand (50,000) dollars shall be
 12 used for acquisition of land for recreation trails.

13 7. For state aid, distributed
 14 equally to three tourism
 15 regions for planning and
 16 operations of regional and
 17 local tourism development

18 programs \$ 100,000

19 8. For professional
 20 preparation of a state-
 21 wide tourism development,
 22 marketing, and information
 23 delivery plan covering needs
 24 and opportunities for the per-
 25 iod 1988 through 1992 and for
 26 implementation of the initial
 27 phases of the plan, including
 28 additional professional services,
 29 travel and expenses, office
 30 supplies, other supplies,
 31 printing and binding, communica-
 32 tions, and other outside services \$ 60,000

33 The director of the department of economic
 34 development shall establish and serve as chairperson
 35 of a council of representatives of state agencies
 36 having responsibilities for tourism development in

37 Iowa. The primary purposes of the council are to
38 improve the delivery of state tourism planning,
39 marketing, development, and funding services to the
40 private sector and to increase the efficiency and
41 quality of programs conducted by state agencies.
42 Council members shall include, but are not limited to,
43 representatives from the departments of economic
44 development, natural resources, cultural affairs, and
45 transportation and representatives of the private
46 sector.
47 Preparation of the statewide tourism development,
48 marketing, and information delivery plan as described
49 in subsection 8 shall involve, but is not limited to,
50 representatives of the departments of economic

Page 10

1 development, natural resources, cultural affairs, and
2 transportation and representatives of the private
3 sector. The department may enter into contracts with
4 professional service firms for the preparation of the
5 plan. The plan shall be submitted to the Seventy-
6 second General Assembly no later than January 15,
7 1988, and shall have received the review and approval
8 by representative organizations of the recreation and
9 tourism industry before being submitted to the general
10 assembly.”

11 43. Page 39, by inserting after line 26 the
12 following:

13 “Sec. ____ . **NEW SECTION. 15.110 TARGETED SMALL**
14 **BUSINESS LOAN AND EQUITY GRANT PROGRAM.**

15 A targeted small business loan and equity grant
16 program is established within the Iowa department of
17 economic development. The director shall adopt rules
18 establishing the standards and procedures for
19 distributing grants, providing loans, buying down the
20 interest on loans, or buying down the principal on
21 loans for newly created small businesses. The total
22 amount of assistance to any one business shall not
23 exceed five thousand dollars. Standards shall give
24 top priority to applicants who establish targeted
25 small businesses in industries or fields for which no
26 targeted small business has been certified pursuant to
27 section 15.108, subsection 7, paragraph “c”,
28 subparagraph (4).

29 Sec. ____ . Section 28.120, subsection 6, Code 1987,
30 is amended to read as follows:

31 6. If the Iowa department of economic development
32 determines that sufficient funds exist in the special
33 account provided in subsection 5 for the purposes

34 ~~provided in subsection 5, up to twenty-five~~ Fifteen
35 percent of the loan repayments for the fiscal year
36 received by the Iowa department of economic
37 development ~~may~~ shall be deposited in the revolving
38 loan fund to operate the self-employment loan program
39 as ~~both were~~ established in section 15.241 ~~under the~~
40 ~~department of economic development and five percent of~~
41 ~~the loan repayments for the fiscal year shall be~~
42 ~~deposited in the revolving loan fund to operate the~~
43 ~~targeted small business loan and equity grant program~~
44 ~~established in section 15.110.~~ Funds in this
45 revolving loan fund shall not revert to the state
46 general fund at the end of any fiscal year. Loan
47 repayments from the self-employment loan program ~~and~~
48 ~~the targeted small business loan and equity grant~~
49 ~~program~~ shall be deposited in the revolving loan fund.
50 Deposits of funds under this subsection ~~may~~ shall

Page 11

1 occur only for the fiscal years beginning July 1,
2 1986, July 1, 1987, July 1, 1988, and July 1, 1989.”
3 44. Page 39, by inserting after line 31 the fol-
4 lowing:
5 “Sec. ____ . The general assembly recognizes the
6 numerous environmental hazards which pose a threat to
7 human and animal life in Iowa and the world. The
8 technology for the removal of these hazards from our
9 environment will improve the quality of life for
10 Iowans and will also be an important body of knowledge
11 from which promising economic development oppor-
12 tunities will evolve.
13 In the areas of human health and life, Iowa has
14 been recognized as a leader in food production,
15 medical research, and pharmaceutical technology. To
16 protect the quality of life in Iowa and to enhance
17 economic opportunities for Iowans it is the policy of
18 this state that during the next twenty years the Iowa
19 economic development board shall focus Iowa’s
20 resources and developmental strategies on the basic
21 strengths of Iowa as they relate to human life and
22 health. The Iowa economic development board shall use
23 available resources to enhance the development of
24 Iowa’s industries and bodies of knowledge as they
25 relate to food production, food processing, food
26 preservation, nutrition, medicine, pharmacy, chemical-
27 free water, clean air, and environmental safety.
28 It is the intent of the general assembly that the
29 Iowa economic development board incorporate the goals
30 specified in this section into the twenty-year

31 comprehensive economic development plan to be
32 developed by the board pursuant to section 15.104,
33 subsection 1.”

34 45. Page 40, line 22, by striking the figure
35 “1,054,145” and inserting the following: “1,069,145”.

36 46. Page 40, line 34, by striking the figure
37 “151,367” and inserting the following: “146,931”.

38 47. Page 41, line 1, by striking the figure
39 “1,450,230” and inserting the following: “1,465,230”.

40 48. Page 41, by striking lines 2 through 24.

41 49. Page 42, by inserting after line 8 the
42 following:

43 “___ . WORK STUDY PROGRAM

44 For the work study program
45 under sections 261.81 through

46 261.84 \$ 1,000,000”.

47 50. Page 42, by striking lines 9 through 12.

48 51. Page 43, by striking lines 9 and 10 and
49 inserting the following: “not more than one hundred
50 twenty-one full-time equiva-”.

Page 12

1 52. Page 43, line 12, by striking the figure
2 “5,300,708” and inserting the following: “5,250,708”.

3 53. Page 43, by striking line 17 and inserting
4 the following: “program established by law, four
5 hundred thousand (400,000)”.

6 54. Page 43, line 22, by striking the words “the
7 state board of regents” and inserting the following:
8 “institutions of higher education”.

9 55. Page 43, by striking lines 25 through 33.

10 56. Page 45, by striking lines 10 through 13.

11 57. Page 46, line 11, by striking the word
12 “seven” and inserting the following: “eight”.

13 58. Page 46, by inserting after line 14 the
14 following:

15 “___ . EDUCATIONAL AID TO
16 INDIANS

17 For educational aid to

18 Indians under section 256.30 \$ 100,000”.

19 59. Page 46, by striking lines 15 through 17.

20 60. Page 48, by striking line 22 and inserting
21 the following:

22 “and miscellaneous purposes
23 and for the establishment of
24 a consortium consisting of
25 representatives of Iowa State
26 University, the University of
27 Iowa, and the University of

28 Northern Iowa as equal partic-
 29 ipants to establish and use a
 30 process for the exchange and
 31 integration of knowledge among
 32 the universities in the fields
 33 including but not limited to
 34 food production, food proces-
 35 sing, food preservation,
 36 nutrition, medicine, pharmacy,
 37 chemical-free water, clean air,
 38 and environmental safety. The
 39 consortium shall also establish
 40 a means for the integration of
 41 knowledge across disciplines
 42 in each of the universities.
 43 In the establishment of the
 44 process for integration and
 45 exchange of knowledge for these
 46 purposes, the consortium shall
 47 also develop a process for dis-
 48 seminating this knowledge to
 49 the public for personal and
 50 business use by Iowans \$ 483,370".

Page 13

1 61. Page 48, by inserting after line 22 the
 2 following:
 3 "The state of Iowa recognizes the numerous hazards
 4 which pose a threat to human health and the
 5 environment of Iowa and the world. The technology for
 6 the removal of these hazards from our environment will
 7 improve the quality of life for Iowans and will also
 8 be an important body of knowledge from which promising
 9 economic development opportunities will emerge.
 10 Iowa has been recognized as a leader in food
 11 production, medical research, and pharmaceutical
 12 technology. To protect the quality of life in Iowa
 13 and to enhance economic opportunities for Iowans it is
 14 the policy of this state that during the next twenty
 15 years the state board of regents shall focus Iowa's
 16 resources and developmental strategies on the basic
 17 strengths of Iowa as they relate to human health and
 18 environmental protection. The state board of regents
 19 shall enhance the development of Iowa's industries and
 20 bodies of knowledge as they relate to food production,
 21 food processing, food preservation, nutrition,
 22 medicine, pharmacy, chemical-free water, clean air and
 23 environmental safety."
 24 62. Page 48, by inserting after line 22 the

25 following:

- 26 "As a condition of the appropriation made in this
27 paragraph, the board of regents shall enter into a 28E
28 agreement with the department of economic development
29 for purposes of insuring, to the greatest extent
30 possible, that research conducted at institutions
31 under the control of the board of regents may be
32 developed and marketed by Iowa businesses."
33 63. Page 49, line 20, by striking the figure
34 "131,142,205" and inserting the following:
35 "128,164,112".
36 64. Page 49, by striking lines 21 through 31.
37 65. Page 50, line 28, by striking the figure
38 "25,529,058" and inserting the following:
39 "24,043,611".
40 66. Page 50, by striking lines 29 through 33.
41 67. Page 53, line 18, by striking the figure
42 "5,770,862" and inserting the following: "5,769,709".
43 68. Page 53, line 32, by striking the figure
44 "4,317,764" and inserting the following: "4,315,783".
45 69. Page 54, line 3, by striking the figure
46 "2,422,797" and inserting the following: "2,413,191".
47 70. Page 54, line 12, by striking the figure
48 "108,217,792" and inserting the following:
49 "105,974,261".
50 71. Page 54, by striking lines 13 through 25.

Page 14

- 1 72. Page 55, by inserting after line 5 the
2 following:
3 "The cooperative extension service in agriculture
4 and home economics and the department of economic
5 development shall enter into an agreement under
6 chapter 28E that provides a procedure for coordinating
7 the economic development activities of the cooperative
8 extension service in agriculture and home economics
9 with the economic development activities of the
10 department of economic development."
11 73. Page 55, line 13, by striking the word
12 "eleven" and inserting the following: "five point
13 one".
14 74. Page 55, line 14, by striking the figure
15 "414,846" and inserting the following: "140,377".
16 75. Page 55, line 25, by inserting after the word
17 "for" the following: "not more than one thousand".
18 76. Page 55, line 29, by striking the figure
19 "42,474,679" and inserting the following:
20 "41,418,676".
21 77. By striking page 55, line 30, through page

22 56, line 10.

23 78. Page 56, line 16, by striking the figure
24 "4,669,620" and inserting the following: "4,666,715".

25 79. Page 56, line 23, by striking the figure
26 "2,632,055" and inserting the following: "2,630,963".

27 80. Page 56, by inserting after line 31 the
28 following:

29 "Sec. ____ There is appropriated from the general
30 fund of the state to the Iowa department of public
31 health for the fiscal year beginning July 1, 1987 the
32 amount of four hundred sixteen thousand four hundred
33 seven (416,407) dollars to be used for the
34 decentralized indigent obstetrical program. The
35 appropriation in this section is in addition to funds
36 otherwise appropriated to the Iowa department of
37 public health for the decentralized indigent
38 obstetrical program."

39 81. By striking page 56, line 32 through page 58,
40 line 21.

41 82. Page 58, by striking lines 22 through 29 and
42 inserting the following:

43 "Sec. 410. 1986 Iowa Acts, chapter 1246, section
44 111, subsection 7, unnumbered paragraph 2, is amended
45 by striking the unnumbered paragraph."

46 83. Page 59, by striking lines 26 through 32.

47 84. By striking page 59, line 33, through page
48 60, line 2.

49 85. Page 60, by striking lines 10 through 30.

50 86. Page 62, by inserting after line 33 the

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1 following:

2 "Sec. ____ . Nothing in this Act is intended by the
3 general assembly to be the provision of a fair and
4 equitable funding formula specified in 1985 Iowa Acts,
5 chapter 249, section 9. Nothing in this Act shall be
6 construed, is intended, or shall imply a claim of
7 entitlement to any programs or services specified in
8 section 225C.28."

9 87. By striking page 63, line 31 through page 66,
10 line 31.

11 88. Page 67, by inserting after line 31 the
12 following:

13 "Sec. ____ . NEW SECTION. 256.30 EDUCATIONAL
14 EXPENSES FOR INDIANS.

15 The department of education shall provide moneys to
16 pay the expense of educating Indian children residing
17 in the Sac and Fox Indian settlement on land held in
18 trust by the secretary of the interior of the United

19 States in excess of federal moneys paid to the tribal
20 council for educating the Indian children when moneys
21 are appropriated for that purpose. The tribal council
22 shall administer the moneys distributed to it by the
23 department and shall submit an annual report and other
24 reports as required by the department to the
25 department on the expenditure of the moneys.

26 The tribal council shall first use moneys
27 distributed to it by the department of education for
28 the purposes of this section to pay the additional
29 costs of salaries for certificated instructional staff
30 for educational attainment and full-time equivalent
31 years of experience to equal the salaries listed on
32 the proposed salary schedule for the school at the Sac
33 and Fox Indian settlement for the school year
34 beginning July 1, 1987 as that salary schedule existed
35 on May 1, 1987, but the salary for a certificated
36 instructional staff member employed on a full-time
37 basis shall not be less than eighteen thousand
38 dollars. The department of management shall approve
39 allotments of moneys appropriated in this section when
40 the department of education certifies to the
41 department of management that the requirements of this
42 section have been met."

43 89. Page 68, by striking lines 1 through 4 and
44 inserting the following:

45 "Sec. ____ . Section 261.9, subsection 5, Code 1987,
46 is amended by adding the following new paragraph:
47 NEW PARAGRAPH. e. Which was eligible to
48 participate in the tuition grant".

49 90. Page 68, by striking line 7 and inserting the
50 following: "will continue to be eligible during the".

Page 16

1 91. Page 69, by striking lines 3 through 11 and
2 inserting the following:

3 "Sec. ____ . Section 261.25, subsection 1, Code
4 1987, is amended to read as follows:

5 1. There is appropriated from the general fund of
6 the state to the commission for each fiscal year the
7 sum of twenty twenty-three million six hundred eight
8 hundred nineteen thousand eighty-four dollars for
9 tuition grants."

10 92. Page 70, line 14, by striking the word
11 "physical" and inserting the word "occupational".

12 93. Page 70, by inserting after line 22 the
13 following:

14 "Sec. ____ . Section 261.63, Code 1987, is amended
15 to read as follows:

16 261.63 APPROPRIATION.

17 Commencing July 1, ~~1984~~ 1988, there is appropriated
 18 from the general fund of the state to the commission
 19 for each fiscal year the sum of ~~one million five~~
 20 hundred thousand dollars for supplemental grants."

21 94. Page 70, by striking lines 23 through 33.

22 95. By striking page 71, line 22 through page 72,
 23 line 5.

24 96. Page 72, by inserting after line 5 the
 25 following:

26 "Sec. ____ . Section 262.61, Code 1987, is amended
 27 by adding the following new unnumbered paragraph:
 28 NEW UNNUMBERED PARAGRAPH. If the amount of bonds
 29 or notes issued under this chapter exceeds the actual
 30 costs of the projects for which the bonds or notes
 31 were issued, the amount of the difference shall be
 32 used to pay the principal and interest due on bonds or
 33 notes issued under this chapter."

34 97. Page 72, by inserting after line 5 the
 35 following:

36 "Sec. ____ . Section 262A.9, Code 1987, is amended
 37 by adding the following new unnumbered paragraph:
 38 NEW UNNUMBERED PARAGRAPH. If the amount of bonds
 39 issued under this chapter exceeds the actual costs of
 40 the projects for which bonds were issued, the amount
 41 of the difference shall be used to pay the principal
 42 and interest due on bonds issued under this chapter.

43 Sec. ____ . Section 263A.7, Code 1987, is amended by
 44 adding the following new unnumbered paragraph:
 45 NEW UNNUMBERED PARAGRAPH. If the amount of bonds
 46 or notes issued under this chapter exceeds the actual
 47 costs of the projects for which the bonds or notes
 48 were issued, the amount of the difference shall be
 49 used to pay the principal and interest due on bonds or
 50 notes issued under this chapter."

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1 98. Page 72, by inserting after line 5 the
 2 following:

3 "Sec. ____ . NEW SECTION. 269.3 CLASSROOM
 4 TEACHERS.

5 For purposes of chapter 20, classroom teachers
 6 employed by the Iowa braille and sight-saving school
 7 shall be accreted to the faculty employee organization
 8 at the University of Northern Iowa.

9 Sec. ____ . NEW SECTION. 270.11 CLASSROOM
 10 TEACHERS.

11 For purposes of chapter 20, classroom teachers
 12 employed by the school for the deaf shall be accreted

13 to the faculty employee organization at the University
14 of Northern Iowa.”

15 99. Page 72, by inserting after line 5 the
16 following:

17 “Sec. ____ . Section 273.3, subsection 6, Code 1987,
18 is amended to read as follows:

19 6. Area education agencies may co-operate and
20 contract between themselves and with other public
21 agencies to provide special education programs and
22 services, media services, and educational services to
23 schools and children residing within their respective
24 areas. Area education agencies may provide print and
25 nonprint materials to public and private colleges and
26 universities that have teacher education programs
27 approved by the state board of education.”

28 100. By striking page 72, line 8 through page 73,
29 line 8.

30 101. Page 82, by inserting after line 12 the
31 following:

32 “Sec. ____ . NEW SECTION. 294A.25 APPROPRIATION.

33 For each fiscal year commencing with the fiscal
34 year beginning July 1, 1987, there is appropriated
35 from the general fund of the state to the educational
36 excellence fund to be allocated to school districts
37 and area education agencies by the department of
38 education the amount of ninety-two million five
39 hundred thousand dollars, to be allocated in an amount
40 to meet the minimum salary requirements of this
41 chapter for phase I, in an amount of thirty-eight
42 million five hundred thousand dollars for phase II,
43 and the remainder of the appropriation for phase III.

44 As a condition of the appropriation in this
45 section, and notwithstanding section 8.31, if at any
46 time between July 1, 1987 and February 1, 1988, the
47 governor determines that the estimated budget
48 resources of the state will be insufficient to pay all
49 appropriations in full for the fiscal year beginning
50 July 1, 1987 and ending June 30, 1988, in lieu of

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1 using section 8.31 to modify allotments on a uniform
2 basis, the governor shall certify to the department of
3 education the amount by which budget resources are
4 insufficient. The department of education shall
5 notify the governor of the amount of moneys allocated
6 for phase III under this chapter and pursuant to the
7 appropriation made in this section. The governor
8 shall order that the allocation for phase III be
9 reduced by an amount equal to the amount that the

10 budget resources are insufficient or by the amount
11 contained in the department of education's
12 notification to the governor under this section,
13 whichever is less and shall certify to the department
14 of education the amount of money available for phase
15 III."

16 102. By striking page 82, line 24 through page
17 83, line 34.

18 103. Page 84, by striking lines 6 through 13.

19 104. Page 84, by striking lines 22 through 24 and
20 inserting the following: "enactment."

21 105. Title page, lines 6 and 7, by striking the
22 words "providing effective dates, and making certain
23 provisions retroactive" and inserting the following:
24 "providing a property tax exemption for certain
25 educational facilities, establishing an office of
26 state-federal relations, providing for the education
27 of Indian children, establishing an occupational
28 therapist loan program, providing for the sale of
29 certain property and the purchase of certain property,
30 providing tax exemption for certain property of a
31 public television station, and providing effective
32 dates".

33 106. By renumbering, relettering, or
34 redesignating and correcting internal references as
35 necessary.

HOUSE AMENDMENT TO
SENATE AMENDMENT TO
HOUSE FILE 411

S-4006

1 Amend Senate amendment, H-3839, to House File 411
2 as follows:

3 1. Page 2, line 49, by striking the words
4 "warehouse operator" and inserting the following:
5 "grain dealer".

6 2. Page 3, by inserting after line 5, the
7 following:

8 "___ . Page 1, line 10, by striking the words
9 "dealer, the seller, and the department" and inserting
10 the following: "dealer and the seller"."

11 3. Page 4, by inserting after line 33 the
12 following:

13 "___ . Page 2, line 24, by inserting after the
14 word "operator." the following: "However, assessable
15 grain does not include the following:

16 a. Grain purchased by an Iowa licensed grain

- 17 dealer from another licensed grain dealer, regardless
18 of which jurisdiction licenses the other grain dealer.
19 b. Grain deposited in a licensed grain warehouse
20 for custom drying, cleaning, conditioning, or
21 processing if the grain is redelivered to the
22 depositor immediately, as defined by rules adopted by
23 the department.””
- 24 4. Page 4, by inserting after line 33, the
25 following:
26 “___ . Page 2, line 23, by striking the words “for
27 storage”.
28 ___ . Page 4, line 29, by striking the word
29 “previously” and inserting the following:
30 “~~previously~~”.
31 ___ . Page 7, line 23, by striking the words
32 “~~grain dealer~~” and inserting the following: “or grain
33 dealer”.
34 ___ . Page 7, line 26, by striking the words “~~er~~
35 ~~grain dealer~~” and inserting the following: “or grain
36 dealer”.
37 ___ . Page 9, by striking lines 29 through 31.”
- 38 5. Page 4, by inserting after line 37, the
39 following:
40 “___ . Title page, by striking lines 10 and 11,
41 and inserting the following: “and requirements for
42 recovery from the fund.””
- 43 6. By renumbering, relettering, or redesignating
44 and correcting internal references as necessary.

HOUSE AMENDMENT TO
SEANTE AMENDMENT TO
HOUSE FILE 567

S-4007

- 1 Amend the Senate amendment, H-4118, to House File
2 567, as amended, passed, and reprinted by the House,
3 as follows:
4 1. Page 1, by striking lines 3 through 45.
5 2. By striking page 1, line 49 through page 2,
6 line 11.
7 3. By renumbering, relettering, or redesignating
8 and correcting internal references as necessary.

HOUSE AMENDMENT TO
SENATE FILE 55

S-4008

1 Amend Senate File 55, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 1, by inserting after line 18 the
4 following:

5 "Sec. ____ . NEW SECTION. 99B.2A MINIMUM AGE.

6 It is unlawful for an individual under eighteen
7 years of age to participate in or be in attendance at
8 a bingo occasion after seven o'clock p.m. if the prize
9 for a winner is greater than or equal to twenty-five
10 dollars in a single game."

11 2. Page 1, by inserting after line 18 the
12 following:

13 "Sec. ____ . Section 99B.5, subsection 1, paragraph
14 g, Code 1987, is amended to read as follows:

15 g. The actual retail value of any prize does not
16 exceed fifty dollars. If a prize consists of more
17 than one item, unit, or part, the aggregate retail
18 value of all items, units, or parts shall not exceed
19 fifty dollars. However, either a fair sponsor or a
20 qualified organization, but not both, may hold one
21 raffle per calendar year at which a ~~prize~~ prizes
22 having a combined value not greater than twenty
23 thousand dollars may be offered. If the prize is
24 merchandise, its value shall be determined by the
25 purchase price paid by the fair sponsor or qualified
26 organization."

27 3. Page 1, by inserting after line 18 the
28 following:

29 "Sec. ____ . Section 99B.6, subsection 1, unnumbered
30 paragraph 1, Code 1987, is amended to read as follows:

31 Except as provided in subsections 5, 6, and 6 7,
32 gambling is unlawful on premises for which a class
33 "A", class "B", class "C", or class "D" liquor control
34 license, or class "B" beer permit has been issued
35 pursuant to chapter 123 unless all of the following
36 are complied with:

37 Sec. ____ . Section 99B.6, Code 1987, is amended by
38 adding the following new subsection:

39 NEW SUBSECTION. 7. The holder of a liquor control
40 license or beer permit may conduct a sports betting
41 pool if the game is publicly displayed and the rules
42 of the game, including the cost per participant and
43 the amount of the winning is conspicuously displayed

44 on or near the pool. No participant may wager more
 45 than five dollars and the maximum winnings to all
 46 participants from the pool shall not exceed five
 47 hundred dollars. The provisions of subsection 1,
 48 except paragraphs "c" and "h" and the prohibition of
 49 the use of concealed numbers in paragraph "d", are
 50 applicable to pools conducted under this subsection.

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1 If a pool permitted by this subsection involves the
 2 use of concealed numbers, the numbers shall be
 3 selected by a random method and no person shall be
 4 aware of the numbers at the time wagers are made in
 5 the pool. All moneys wagered shall be awarded to
 6 participants. For purposes of this subsection, "pool"
 7 means a game in which the participants select a square
 8 on a grid corresponding to numbers on two intersecting
 9 sides of the grid and winners are determined by
 10 whether the square selected corresponds to numbers
 11 relating to an athletic event in the manner prescribed
 12 by the rules of the game."

13 4. Page 1, by inserting after line 18 the fol-
 14 lowing:

15 "Sec. ____ . Section 99B.7, subsection 1, Code 1987,
 16 is amended by adding the following new lettered para-
 17 graph:

18 NEW LETTERED PARAGRAPH. p. The person or
 19 organization shall keep records of all persons who
 20 serve as manager or cashier, or who are responsible
 21 for carrying out duties with respect to a bingo
 22 account. Any person or organization which knowingly
 23 permits a person who was a manager, cashier, or
 24 responsible for carrying out duties with respect to a
 25 bingo account for another organization at the time of
 26 one or more violations leading to revocation of its
 27 license, and which license is currently under
 28 revocation shall be subject to license revocation."

29 5. Page 1, by striking lines 19 through 21 and
 30 inserting the following:

31 "Sec. ____ . Section 99B.7, subsection 2, paragraph
 32 c, unnumbered paragraph 1, Code 1987, is amended to
 33 read as follows:

34 The Except for purposes of bingo, the person from
 35 whom the premises are rented shall not be a liquor
 36 control licensee or beer permittee with respect to
 37 those premises or with respect to adjacent premises."

38 6. Page 1, by inserting before line 22 the
 39 following:

40 "Sec. ____ . Section 99B.8, subsection 1, unnumbered

41 paragraph 1, Code 1987, is amended to read as follows:
42 Games of skill, games of chance, card games and
43 raffles lawfully may be conducted during a period of
44 twelve consecutive hours once each year ~~at any~~
45 ~~location, or by any person. The games or raffles may~~
46 ~~be conducted at any location~~ except one for which a
47 license is required pursuant to section 99B.3 or
48 section 99B.5, ~~or except a location covered by a class~~
49 ~~"C", or class "D" liquor control license, or any beer~~
50 ~~permit unless such location has been licensed pursuant~~

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1 ~~to section 99B.6 as premises upon which gambling is~~
2 ~~allowed, but only if all of the following are complied~~
3 with:

4 Sec. ____ . Section 99B.8, subsection 3, Code 1987,
5 is amended to read as follows:

6 3. The division may issue a license pursuant to
7 this section only once during a calendar year to any
8 one person ~~or for any one location~~. The license may be
9 issued only upon submission to the division of an
10 application and a license fee of twenty-five dollars."

11 7. Title page, line 6, by inserting after the
12 word "permittee" the following: ", and relating to
13 the age of individuals allowed to be present at a
14 bingo occasion."

15 8. By renumbering, relettering, or redesignating
16 and correcting internal references as necessary.

HOUSE AMENDMENT TO
SENATE AMENDMENT TO
HOUSE FILE 469

S-4009

1 Amend the Senate amendment, H-4099, to House File
2 469 as amended, passed, and reprinted by the House as
3 follows:

4 1. Page 1, by striking lines 32 through 34 and
5 inserting the following: "impairment presents a
6 danger to the safety of the".

7 2. Page 1, line 37, by striking the word
8 "intoxication" and inserting the following: "the
9 effects of a controlled substance".

10 3. Page 1, by striking lines 42 through 44 and
11 inserting the following: "public health."

12 4. Page 2, lines 10 and 11, by striking the words
13 "for those employees whose" and inserting the
14 following: "the first time an employee's".

15 5. Page 2, by striking lines 12 through 19 and
16 inserting the following: "controlled substance. An
17 employer shall take no disciplinary action against an
18 employee due to the employee's drug involvement the
19 first time the employee's drug test indicates the
20 presence of alcohol or a controlled substance if the
21 employee undergoes a substance abuse evaluation, and
22 if the employee successfully completes substance abuse
23 treatment if treatment is recommended by the
24 evaluation. However,".

25 6. Page 2, by striking lines 37 and 38, and
26 inserting the following: "the employee's duties while
27 on the job."

28 7. Page 3, by striking lines 3 and 4, and
29 inserting the following: "physical or as a part of
30 a".

31 8. Page 3, by striking lines 7, 8, and 9 and
32 inserting the following:

33 "a. For a preemployment physical, the employer
34 shall include notice that a drug test will be part of
35 a preemployment physical in any notice or
36 advertisement soliciting applicants for employment or
37 in the application for employment, and an applicant
38 for employment shall be personally informed of the
39 requirement for a drug test at the first interview."

40 9. Page 3, line 12, by striking the word
41 "fifteen" and inserting the word "thirty".

42 10. Page 3, line 22, by striking the words
43 "medical and".

44 11. Page 3, by striking lines 32 through 37 and
45 inserting the following:

46 "9. This section may be enforced through a civil
47 action.

48 a. A person who violates this section or who aids
49 in the violation of this section is liable to an
50 aggrieved employee or applicant for employment for

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1 affirmative relief including reinstatement or hiring,
2 with or without back pay, or any other equitable
3 relief as the court deems appropriate including
4 attorney fees and court costs.

5 b. When a person commits, is committing, or
6 proposes to commit, an act in violation of this
7 section, an injunction may be granted through an
8 action in district court to prohibit the person from

9 continuing such acts. The action for injunctive
10 relief may be brought by an aggrieved employee or
11 applicant for employment, the county attorney, or the
12 attorney general.

13 In an action brought under this subsection alleging
14 that an employer has required or requested a drug test
15 in violation of this section, the employer has the
16 burden of proving that the requirements of this
17 section were met.”

18 12. By striking page 3, line 50 through page 4,
19 line 48.

HOUSE AMENDMENT TO
SENATE FILE 504

S-4010

1 Amend Senate File 504, as amended, passed, and re-
2 printed by the Senate, as follows:

3 1. Page 1, line 31, by striking the figure
4 “45,000” and inserting the following: “50,000”.

5 2. Page 1, line 35, by striking the figure
6 “45,000” and inserting the following: “50,000”.

7 3. Page 2, by striking lines 7 and 8 and insert-
8 ing the following: “ment which the person
9 represents.”

10 4. Page 2, line 14, by striking the figure
11 “70,000” and inserting the following: “70,900”.

12 5. Page 5, line 20, by striking the figure
13 “45,000” and inserting the following: “45,500”.

14 6. Page 5, line 21, by striking the figure
15 “56,000” and inserting the following: “57,000”.

16 7. Page 5, line 22, by striking the figure
17 “65,000” and inserting the following: “66,200”.

18 8. Page 5, lines 27 and 28, by striking the words
19 “executive director of the department of elder
20 affairs,”.

21 9. Page 5, line 34, by inserting after the word
22 “services,” the following: “executive director of the
23 department of elder affairs,”.

24 10. Page 8, line 14, by inserting after the word
25 “for” the following: “state employees who are exempt
26 from chapter 19A and who are included in the
27 department of revenue and finance’s centralized
28 payroll system, and”.

29 11. Page 10, by inserting after line 26 the
30 following:

31 “ ____ . The funds appropriated to the state board of

32 regents for faculty salary adjustments at the three
33 state universities shall be distributed based on an
34 amount necessary to fund an eleven percent increase in
35 the faculty salaries after funds received from
36 increased tuition, less the amount committed to
37 student aid, have been allocated for that purpose. If
38 the funds from the tuition increase exceed estimates
39 which determined the amount of the salary adjustment
40 fund appropriation to the state board of regents for
41 faculty salary adjustments, the state board of regents
42 shall reallocate the funds from the salary adjustment
43 fund to the three state universities so that, first,
44 the collective bargaining agreement negotiated
45 pursuant to chapter 20 for employees in the University
46 of Northern Iowa faculty bargaining unit is fully
47 funded from the salary adjustment fund and,
48 thereafter, the salary adjustments for the faculties
49 at the State University of Iowa and Iowa State
50 University of science and technology are funded. The

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1 state board of regents shall estimate funds to be
2 received from tuition increases before allocating the
3 first half of the salary adjustment funds for the
4 faculty salary adjustments and shall estimate funds
5 from tuition increases again before distribution of
6 the second half of the salary adjustment funds for
7 faculty salary adjustments. These funds are separate
8 from any other reallocations that may be utilized.”
9 12. Page 15, by striking lines 1 through 7 and
10 inserting the following: “or as authorized in the
11 contract of the state January 1, 1989, unless a member
12 of the general assembly is a member of a state group
13 insurance plan on December 31, 1988. A member of the
14 general assembly may continue membership in a state
15 group insurance plan without reapplication during the
16 member’s tenure as a member of consecutive general
17 assemblies. For the purpose of electing to become a
18 member of the state health or medical service group
19 insurance plan for the first time, a member of the
20 general assembly has the status of a “new hire”, full-
21 time state employee. A member of the general assembly
22 may change programs or coverage under the state health
23 or medical service group insurance plan during the
24 month of January following reelection without a
25 statement of health, a physical examination, or a
26 condition rider. If a member of the general assembly
27 elected to be paid the member’s total salary during
28 each pay period during the first six months of 1988,

29 that member may become a member of the state health or
 30 medical service group insurance plan by paying the
 31 premium due until that member's salary and payroll
 32 deductions commence."

33 13. Page 16, line 3, by striking the figures "12,
 34 1987" and inserting the following: "9, 1989".

35 14. Page 16, line 5, by striking the figures "12,
 36 1987" and inserting the following: "9, 1989".

37 15. Page 16, by striking lines 6 through 19.

38 16. By striking page 16, line 34 through page 17,
 39 line 20.

40 17. By striking page 18, line 21 through page 19,
 41 line 3.

42 18. Page 19, by striking lines 26 through 29.

43 19. Page 24, by inserting after line 17 the
 44 following:

45 "Sec. ____ . Sections 15 and 17 of this Act take
 46 effect January 1, 1989."

47 20. By renumbering, relettering, or redesignating
 48 and correcting internal references as necessary.

S-4011

- 1 Amend the House amendment, S-3962, to Senate File
- 2 455 as passed by the Senate as follows:
- 3 1. Page 1, by striking lines 9 through 16.
- 4 2. By renumbering as necessary.

WALLY HORN

S-4012

- 1 Amend Senate amendment, S-3455, to House File 164
- 2 as passed by the House as follows:
- 3 1. Page 1, by striking lines 9 through 14 and
- 4 inserting the following:
- 5 "1. The secretary of state may appoint notaries
- 6 public and may revoke an appointment for cause.
- 7 2. The secretary of state shall appoint members of
- 8 the general assembly as notaries public and may revoke
- 9 the appointment for cause."
- 10 2. Page 1, by striking line 29, and inserting the
- 11 following: "by this subsection.
- 12 Sec. ____ . Section 77.6, Code 1987, is amended to
- 13 read as follows:
- 14 77.6 REVOCATION -- NOTICE.
- 15 Should the commission of ~~any~~ a person appointed
- 16 notary public be revoked by the secretary of state,

17 the secretary shall immediately notify ~~such the~~ person
18 through the mail. The notice shall state the cause of
19 the revocation and shall inform the person of the
20 right to a hearing on the revocation. The secretary
21 of state shall adopt rules under chapter 17A to
22 provide for a hearing for persons whose commission is
23 revoked."

24 ____ . Page 1, by inserting after line 11 the
25 following:

26 "Sec. ____ . Sections 77.15 and 77.16, Code 1987,
27 are repealed."

28 3. By renumbering as required.

DONALD V. DOYLE

S-4013

1 Amend House File 468 as amended, passed and
2 reprinted by the House as follows:

3 1. Page 1, by striking lines 16 through 20 and
4 inserting the following:

5 "5. "Gambling game" means twenty-one, pull tabs,
6 jar tickets, and punchboards."

WILLIAM DIELEMAN

S-4014

1 Amend House File 468 as amended, passed and
2 reprinted by the House as follows:

3 1. Page 3, line 12, by striking the word "five"
4 and inserting the following: "two".

WILLIAM DIELEMAN

S-4015

1 Amend House File 468, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 3, line 14, by striking the words "per
4 gambling excursion" and inserting the following:
5 "during any twenty-four hour period".

WILLIAM W. DIELEMAN

S-4016

- 1 Amend House File 468, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 3, line 13, by striking the word "two"
- 4 and inserting the following: "one".

WILLIAM W. DIELEMAN

S-4017

- 1 Amend the House amendment, S-4008, to Senate File
- 2 55 as amended, passed and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 1, by striking lines 3 through 10.

JOE J. WELSH

S-4018

- 1 Amend the House amendment, S-4008, to Senate File
- 2 55, as amended, passed and reprinted by the Senate as
- 3 follows:
- 4 1. Page 3, by inserting after line 10 the
- 5 following:
- 6 "____. Page 1, by inserting before line 22, the
- 7 following:
- 8 "Sec. ____ . This Act, being deemed of immediate
- 9 importance, takes effect upon enactment."
- 10 2. Page 3, line 14, by striking the word
- 11 "occasion." and inserting in lieu thereof the
- 12 following: "occasion, and providing an effective
- 13 date."

HURLEY W. HALL

S-4019

- 1 Amend amendment, S-3994, to House amendment, S-
- 2 3705, to Senate File 480 as amended, passed and
- 3 reprinted by the Senate as follows:
- 4 1. By striking page 5, line 48 through page 6,
- 5 line 1 and inserting the following: "by both the
- 6 donor and donee."
- 7 2. Page 6, by striking lines 11 through 13 and
- 8 inserting the following: "both the donor and donee".
- 9 3. Page 6, by striking lines 23 through 25 and

10 inserting the following: "by both the donor and
 11 donee."
 12 4. Page 6, by striking lines 37 through 39 and
 13 inserting the following: "donee. Copies of the rules
 14 and".

RICHARD DRAKE

S-4020

1 Amend the House amendment, S-4010, to Senate File
 2 504, as amended, passed and reprinted by the Senate as
 3 follows:
 4 1. Page 1, by striking line 29 through page 2,
 5 line 8.
 6 2. Page 2, by striking line 37 and inserting in
 7 lieu thereof the following:
 8 "___ . Page 16, line 17, by inserting after the
 9 word "assembly." the following: "The amount of the
 10 daily expense allowance included in wages shall not
 11 exceed fifty dollars per day."
 12 3. Page 2, by striking lines 40 and 41.

BILL HUTCHINS
 JOE J. WELSH
 RICHARD J. VARN

S-4021

1 Amend Senate File 514 as follows:
 2 1. By striking everything after the enacting
 3 clause and inserting the following:
 4 "Section 1. NEW SECTION. 294A.25 APPROPRIATION.
 5 For each fiscal year commencing with the fiscal
 6 year beginning July 1, 1987, there is appropriated
 7 from the general fund of the state to the educational
 8 excellence fund to be allocated to school districts
 9 and area education agencies by the department of
 10 education the amount of ninety-seven million five
 11 hundred thousand dollars, to be allocated in an amount
 12 to meet the minimum salary requirements of this
 13 chapter for phase I, in an amount of thirty-eight
 14 million five hundred thousand dollars for phase II,
 15 and the remainder of the appropriation for phase III.
 16 Sec. 2. Section 1 of this Act takes effect only if
 17 House File 499, creating chapter 294A and an
 18 educational excellence trust fund, is enacted by the

19 Seventy-second General Assembly, 1987 Session, and
20 becomes law.”

WALLY HORN

S-4022

1 Amend House File 468, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 3, line 13, by striking the word “two”
4 and inserting the following: “one”.
5 2. Page 9, line 12, by striking the word “two”
6 and inserting the following: “one”.

WILLIAM W. DIELEMAN

S-4023

1 Amend House File 468 as amended, passed and
2 reprinted by the House as follows:
3 1. Page 3, by striking line 14 and inserting the
4 following: “individual player per gambling excursion.
5 The commission shall prohibit, by rule, the purchase,
6 sale or sharing of gambling chips or credit cards
7 among casino customers or players. The commission
8 shall also prohibit the use of gambling chips or
9 credit cards issued for a gambling excursion or period
10 during a subsequent gambling excursion or period.”
11 2. Page 13, by inserting after line 30 the
12 following:
13 “d. Violating any of the wagering limits and
14 procedures imposed by the commission pursuant to
15 section 99F.4, subsection 4.”

WILLIAM W. DIELEMAN

S-4024

1 Amend House File 468 as amended, passed and
2 reprinted by the House as follows:
3 1. Page 3, line 12, by striking the word “five”
4 and inserting the following: “two”.
5 2. Page 9, line 11, by striking the word “five”
6 and inserting the following: “two”.

WILLIAM DIELEMAN

S-4025

1 Amend House File 650 as amended, passed and
 2 reprinted by the House as follows:
 3 1. Page 4, by inserting before line 22 the
 4 following:
 5 "Sec. ____ . NEW SECTION. 299B.1010 ADDITIONAL
 6 REQUIREMENTS.
 7 In addition to the requirements specified in
 8 section 299B.6, the parent or guardian providing
 9 private instruction shall also provide on an annual
 10 basis to the board of directors of the local school
 11 district the following:
 12 1. A written explanation of the reason for not
 13 enrolling the child in a public school or an
 14 accredited nonpublic school, including but not limited
 15 to, religious or political reasons and the religious
 16 or political affiliation related to the explanation.
 17 2. Evidence that the educational program for the
 18 child provides instruction in a multicultural
 19 nonsexist approach."

BEVERLY HANNON
 ROBERT M. CARR
 JOY C. CORNING
 MICHAEL E. GRONSTAL
 JULIA GENTLEMAN
 AL STURGEON
 JEAN LLOYD-JONES
 WALLY E. HORN
 TOM MANN, Jr.

S-4026

1 Amend House File 650 as amended, passed and
 2 reprinted by the House as follows:
 3 1. Page 4, by inserting after line 33 the
 4 following:
 5 "Sec. ____ . NEW SECTION. 299B.8 REPEAL.
 6 This chapter is repealed July 1, 1992."

DAVID M. READINGER
 LARRY MURPHY

S-4027

1 Amend House File 468, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 6, line 30, by inserting after the word
4 "river." the following: "However, during the first
5 excursion season, the commission shall license only
6 three excursion gambling boats, one licensed for
7 operation on the Mississippi river, one licensed for
8 operation on the Missouri river, and one licensed for
9 operation on lakes, rivers, or reservoirs other than
10 the Mississippi river and the Missouri river."

WILLIAM W. DIELEMAN

S-4028

1 Amend House File 468, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 8, by striking lines 13 through 17 and
4 inserting the following:
5 "7. A licensee shall not dock an excursion
6 gambling boat within the jurisdiction of a city unless
7 the city council enacts an ordinance authorizing the
8 docking or within an area outside the limits of a city
9 unless the board of supervisors enacts an ordinance
10 authorizing the docking. If an admission tax is
11 proposed, the ordinance shall include the tax as
12 authorized in section 99F.10, subsection 3. If,
13 before an excursion boat gambling ordinance becomes
14 effective, a city council or a board of supervisors
15 receives a petition of two hundred or more residents
16 of the city or the area of the county outside the
17 limits of a city, as applicable, requesting a
18 referendum on the ordinance, the city council or the
19 board of supervisors shall submit the ordinance to the
20 voters of its jurisdiction at the next regular
21 election. The ordinance shall not become effective
22 unless it is approved by a majority of the voters
23 voting on the proposition."

WILLIAM W. DIELEMAN

S-4029

1 Amend House File 468, as amended, passed, and re-
2 printed by the House, as follows:

3 1. Page 1, by striking lines 5 through 7 and
4 inserting the following: "occupational license or
5 applying for a license to operate an excursion boat
6 with casino space rented to a qualified sponsoring
7 organization, or a qualified sponsoring organization."
8 2. Page 2, by inserting after line 5 the follow-
9 ing:

10 "14. "Qualified sponsoring organization" means a
11 person or association that can show to the
12 satisfaction of the commission that the person or
13 association is eligible for exemption from federal
14 income taxation under section 501(c)(3), 501(c)(4),
15 501(c)(5), 501(c)(6), 501(c)(7), 501(c)(8),
16 501(c)(10), or 501(c)(19) of the Internal Revenue Code
17 of 1954, as defined in section 422.3. A qualified
18 sponsoring organization licensed to operate gambling
19 games under this chapter shall certify that the
20 receipts of all gambling games, less reasonable
21 expenses, charges, taxes, fees, and deductions allowed
22 under this chapter, will be distributed as winnings to
23 players or participants or will be distributed to
24 educational, civic, public, charitable, patriotic, or
25 religious uses as defined in section 99B.7, subsection
26 3, paragraph "b".

27 3. Page 2, by striking line 28 and inserting the
28 following:

29 "2. To license qualified sponsoring organizations,
30 to".

31 4. Page 2, by striking lines 33 and 34 and
32 inserting the following: "occupational licenses and
33 licenses for qualified sponsoring organizations. The
34 fees shall be paid to the commission and".

35 5. Page 4, by striking lines 25 through 27 and
36 inserting the following: "license to operate an
37 excursion gambling boat. A qualified sponsoring
38 organization may apply for a license for a casino
39 gambling operation on an excursion gambling boat as
40 provided in this chapter. The application shall be
41 filed with".

42 6. Page 5, by striking lines 7 through 9 and
43 inserting the following:

44 "1. A person shall not be issued a license to
45 operate an excursion gambling boat under this".

46 7. Page 6, by striking line 20 and inserting the
47 following: "decide which of the gambling games
48 authorized under this chapter it will permit. The
49 commission".

50 8. Page 10, by striking line 2 and inserting the

Page 2

- 1 following:
- 2 "1. The qualified sponsoring organization of a
- 3 casino gambling operation on an excursion".

WILLIAM W. DIELEMAN

HOUSE AMENDMENT TO
SENATE FILE 17

S-4030

- 1 Amend Senate File 17 as amended, passed, and
- 2 reprinted by the Senate as follows:
- 3 1. By striking everything after the enacting
- 4 clause and inserting the following:
- 5 "Section 1. Section 717.2, Code 1987, is amended
- 6 to read as follows:
- 7 717.2 CRUELTY TO ANIMALS.
- 8 A person who impounds or confines, in any place, a
- 9 domestic animal or fowl, or dog or cat, and fails to
- 10 supply the animal during confinement with a sufficient
- 11 quantity of food, and water, or who fails to provide a
- 12 dog or cat with adequate shelter, or who tortures,
- 13 torments, deprives of necessary sustenance, mutilates,
- 14 overdrives, overloads, drives when overloaded, beats,
- 15 or kills an animal by any means which cause
- 16 unjustified pain, distress, or suffering, whether
- 17 intentionally or negligently, is guilty of a simple
- 18 serious misdemeanor."

HOUSE AMENDMENT TO
SENATE FILE 513

S-4031

- 1 Amend Senate File 513 as passed by the Senate as
- 2 follows:
- 3 1. Page 10, by striking lines 33 and 34 and
- 4 inserting the following: "fiscal year beginning
- 5 October 1, 1988, fifteen percent of the funds
- 6 appropriated by".

S-4032

- 1 Amend amendment, S-3358, to Senate File 351 as
2 follows:
- 3 1. Page 1, lines 2 and 3, by striking the words
4 "By striking everything after the enacting clause and
5 inserting the following:" and inserting the following:
6 "Page 1, by striking lines 1 through 20 and
7 inserting the following:".
- 8 2. Page 9, line 34, by striking the word "area."
9 and inserting the following: "area.""
- 10 3. Page 9, by inserting after line 34 the
11 following:
12 "___ . Page 1, by inserting after line 20 the
13 following:"
- 14 4. Page 9, line 35, by striking the word "Sec."
15 and inserting the following: ""Sec."
- 16 5. Page 10, line 5, by striking the word and
17 figure "section 524.1802." and inserting the
18 following: "section 524.1802.""
- 19 6. Page 10, by inserting after line 5 the
20 following:
21 "___ . Page 1, by inserting after line 20 the
22 following:".
- 23 7. Page 10, line 6, by striking the word "Sec."
24 and inserting the following: ""Sec."
- 25 8. Page 14, line 7 by striking the word "force."
26 and inserting the following: "force.""
- 27 9. Page 14, by inserting after line 7 the
28 following:
29 "___ . Page 1, by inserting after line 20 the
30 following:"
- 31 10. Page 14, line 8, by striking the word "Sec."
32 and inserting the following: ""Sec."
- 33 11. Page 14, by inserting after line 8 the
34 following:
35 "Sec. ___ . The Code editor shall codify new
36 sections 525.1 through 525.11 as division I of chapter
37 525."
- 38 12. Page 14, by inserting after line 8 the
39 following:
40 "Sec. ___ . The Code editor shall codify new
41 sections 525.21 through 525.29 as division II of
42 chapter 525."
- 43 13. Page 14, by striking lines 9 through 12.

JACK RIFE

S-4033

1 Amend the amendment, S-3844, to House File 617, as
2 amended, passed, and reprinted by the House, as
3 follows:

4 1. Page 1, by striking lines 1 through 27 and in-
5 serting the following:

6 "Amend House File 617, as amended, passed, and re-
7 printed by the House, as follows:

8 ____ . By striking page 1, line 1 through page 10,
9 line 25 and inserting the following:

10 "Section 1. Section 524.803, subsection 1, Code
11 1987, is amended by adding the following new lettered
12 paragraph:

13 NEW LETTERED PARAGRAPH. f. Organize, acquire, or
14 invest in a subsidiary for the purpose of engaging in
15 any one or more of the following, subject to the prior
16 approval of the superintendent:

17 (1) Nondepository activities that a state bank is
18 authorized to engage in directly under this chapter.

19 (2) Any activity that a bank service corporation
20 is authorized to engage in under state or federal law
21 or regulation.

22 (3) Any activity authorized pursuant to section
23 524.825.

24 Sec. 2. NEW SECTION. 524.825 SECURITIES
25 ACTIVITIES.

26 Subject to the prior approval of the
27 superintendent, a state bank or a subsidiary of a
28 state bank organized or acquired pursuant to section
29 524.803, subsection 1, paragraph "f" may engage in
30 directly, or may organize, acquire, or invest in a
31 subsidiary for the purpose of engaging in securities
32 activities and any aspect of the securities industry,
33 including, but not limited to, any of the following:

34 1. Issuing, underwriting, selling, or distributing
35 stocks, bonds, debentures, notes, interest in mutual
36 funds or money-market-type mutual funds, or other
37 securities.

38 2. Organizing, sponsoring, and operating one or
39 more mutual funds.

40 3. Acting as a securities broker-dealer licensed
41 under chapter 502. The business relating to
42 securities shall be conducted through, and in the name
43 of, the broker-dealer. The requirements of chapter
44 502 apply to any business of the broker-dealer
45 transacted in this state.

46 A subsidiary engaging in activities authorized by
47 this section may also engage in any other authorized

48 activities under section 524.803, subsection 1,
49 paragraph "f".
50 Sec. 3. Section 524.901, subsection 1, Code 1987,

Page 2

1 is amended by adding the following new lettered
2 paragraph:
3 NEW LETTERED PARAGRAPH. f. Futures, forward, and
4 standby contracts to purchase and sell any of the
5 instruments eligible for state banks' purchase and
6 sale, subject to the prior approval of the
7 superintendent and pursuant to applicable federal laws
8 and regulations governing such contracts. Purchase
9 and sale of such contracts shall be conducted in
10 accordance with safe and sound banking practices and
11 with levels of the activity being reasonably related
12 to the state bank's business needs and capacity to
13 fulfill its obligations under the contracts.

14 Sec. 4. Section 524.901, subsection 1, Code 1987,
15 is amended by adding the following new lettered

16 paragraph:
17 NEW LETTERED PARAGRAPH. g. Bonds and securities
18 which are authorized investments under paragraph "a",
19 "b", "c", or "d" include investments in an investment
20 company or investment trust registered under the
21 Investment Company Act of 1940, 15 U.S.C. § 80a, the
22 portfolio of which is limited to the United States
23 government obligations described in paragraph "a",
24 "b", "c", or "d" and to repurchase agreements fully
25 collateralized by the United States government
26 obligations described in paragraph "a", "b", "c", or
27 "d", if the investment company or investment trust
28 takes delivery of the collateral either directly or
29 through an authorized custodian.

30 Sec. 5. Section 524.901, subsection 3, paragraph
31 d, Code 1987, is amended to read as follows:

32 d. Shares in a corporation which the state bank is
33 authorized to acquire and hold pursuant to section
34 524.803, subsection 1, paragraphs "c", "d", and "e",
35 "f", and section 524.825.

36 Sec. 6. Section 524.901, subsection 3, Code 1987,
37 is amended by adding the following new lettered
38 paragraphs:

39 NEW LETTERED PARAGRAPH. i. Shares of investment
40 companies, up to a maximum of twenty percent of
41 capital and surplus of the state bank in any one
42 company, if the portfolio of such an investment
43 company consists wholly of investments in which the
44 state bank could invest directly without limitation

45 pursuant to this section.

46 NEW LETTERED PARAGRAPH. j. Shares of investment
47 companies whose portfolios contain investments which
48 are subject to limitations pursuant to this section,
49 provided that a state bank's investment in such shares
50 does not exceed the limitation set forth in this

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1 section for the underlying instrument.

2 Sec. 7. Section 524.901, Code 1987, is amended by
3 adding the following new subsection:

4 NEW SUBSECTION. 6. A state bank may, in the
5 exercise of the powers granted in this chapter,
6 purchase cash value life insurance contracts which may
7 include provisions for the lump sum payment of
8 premiums and which may include insurance against the
9 loss of the lump sum payment. The cash value life
10 insurance contracts purchased from any one company
11 shall not exceed twenty percent of capital and surplus
12 of the state bank.

13 Sec. 8. Section 533.4, subsection 5, Code 1987, is
14 amended by adding the following new paragraph.

15 NEW PARAGRAPH. i. Commercial paper issued by
16 United States corporations as defined by rule.

17 Sec. 9. Section 533.4, subsection 7, Code 1987, is
18 amended to read as follows:

19 7. Assess fines as may be provided by the bylaws
20 ~~for failure to make repayments on loans and payments~~
21 ~~on shares when due, provided no such fine shall exceed~~
22 ~~one percent per month on amounts in arrears or five~~
23 ~~cents, whichever is the larger.~~

24 Sec. 10. Section 533.5, Code 1987, is amended by
25 striking the section and inserting in lieu thereof the
26 following:

27 533.5 MEMBERSHIP.

28 The membership of a credit union consists of those
29 persons in the common bond, duly admitted, who have
30 paid any required one-time or periodic membership fee,
31 or both, have subscribed to one or more shares, and
32 have complied with the other requirements specified by
33 the articles of incorporation and bylaws. To continue
34 membership, a member must comply with any changes in
35 the par value of the share. Credit union organization
36 shall be available to groups of individuals who have a
37 common bond of association such as, but not limited
38 to, occupation, common employer, or residence within
39 specified geographic boundaries. Changes in the
40 common bond may be made by the board of directors. If
41 adopted as a policy by the board of directors of a

42 credit union, members who cease to meet qualifications
43 of membership may retain their credit union membership
44 and all membership privileges. Organizations,
45 incorporated or otherwise, may be members.
46 Sec. 11. Section 533.9, unnumbered paragraph 1,
47 Code 1987, is amended to read as follows:
48 Within five days following the organization meeting
49 and each annual meeting the directors shall elect from
50 their own number a chairperson of the board, a vice

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1 chairperson, ~~president and a~~ secretary, ~~of whom the~~
2 ~~last two may be the same individual, and also a chief~~
3 ~~financial officer whose title shall be designated by~~
4 ~~the board of directors,~~ a credit committee of not less
5 than three members, and an auditing committee of not
6 less than three members, and may also elect alternate
7 members of the credit committee. The board may
8 appoint an executive committee to act on its behalf
9 when designated for that purpose. It shall be the
10 duty of the ~~The~~ directors ~~to have general management~~
11 ~~of the affairs of the credit union; particularly to:~~

12 Sec. 12. Section 533.9, subsections 1 through 7,
13 and unnumbered paragraph 2, Code 1987, are amended by
14 striking the subsections and unnumbered paragraph.

15 Sec. 13. Section 533.11, subsections 1 and 2, Code
16 1987, are amended to read as follows:

17 1. Make or cause to be made an examination of the
18 affairs of the credit union at least ~~quarterly semi-~~
19 ~~annually,~~ including an audit of its books and, ~~in the~~
20 ~~event said if the~~ committee feels such action to be
21 necessary, it shall call the members together
22 ~~hereafter after the audit~~ and submit to them its
23 report.

24 2. Make or cause to be made an annual ~~audit and~~
25 report and submit ~~the same it~~ at the annual meeting of
26 the members.

27 Sec. 14. Section 533.34, subsection 1, Code 1987,
28 is amended to read as follows:

29 1. A state credit union may convert into a federal
30 credit union with the approval of the administrator of
31 the national credit union administration and by the
32 affirmative vote of a majority of the credit union's
33 members ~~eligible to who~~ vote on the proposal. This
34 vote, if taken, shall be at a special meeting called
35 for that purpose and shall be in the manner prescribed
36 by the bylaws. ~~Any member eligible to vote and not~~
37 ~~present at the meeting may, within twenty days after~~
38 ~~the date on which the meeting was held, vote in favor~~

39 of conversion by signing a statement in a form
40 satisfactory to the superintendent. This vote shall
41 have the same force and effect as if cast at the
42 meeting.

43 Sec. 15. Section 533.38, unnumbered paragraph 1,
44 Code 1987, is amended to read as follows:

45 A corporate central credit union may be
46 established. Credit unions organized under this
47 chapter, the Federal Credit Union Act, or any other
48 credit union act and credit union organizations may be
49 members. In addition, regulated financial
50 institutions, nonprofit organizations, and cooperative

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1 organizations may be members to the extent and manner
2 provided for in the bylaws of the corporate central
3 credit union. The corporate central credit union
4 shall have all the powers, restrictions, and
5 obligations imposed upon, or granted to a credit union
6 under this chapter, except that the corporate central
7 credit union may exercise any of the following
8 additional powers subject to the adoption of rules by
9 the superintendent pursuant to chapter 17A and with
10 the prior written approval of the superintendent:

11 Sec. 16. **NEW SECTION. 533.48 INVESTMENT IN BANKS**
12 **OR SAVINGS AND LOAN ASSOCIATIONS.**

13 1. **INVESTMENTS IN BANKS.** A credit union may, with
14 the prior approval of the superintendent, invest in
15 the capital stock, obligations, or other securities of
16 a bank.

17 2. **INVESTMENT IN SAVINGS AND LOANS.** A credit
18 union may, with the prior approval of the
19 superintendent, invest in the capital stock,
20 obligations, or other securities of a state savings
21 and loan association.

22 3. **FINDINGS REQUIRED.** The superintendent shall
23 not grant an approval under subsection 1 or 2, except
24 after making one of the following findings:

25 a. Based upon a preponderance of the evidence
26 presented, the proposed investment will not have the
27 immediate effect of significantly reducing competition
28 between depository financial institutions located in
29 the same community as the institution whose shares
30 would be acquired.

31 b. Based upon a preponderance of the evidence
32 presented, the proposed investment would have an
33 anticompetitive effect as described in paragraph "a",
34 but other factors, specifically cited, outweigh the
35 anticompetitive effect so that there would be a net

36 public benefit as a result of the investment.
 37 4. COMPETITION PRESERVED. The subsequent
 38 liquidation of a bank or state savings and loan
 39 association whose shares are acquired under this
 40 section shall not prevent the subsequent incorporation
 41 of another bank or savings and loan association in the
 42 same community, and the superintendent of banking
 43 shall not find the liquidation of such a bank to be
 44 grounds for disapproving the incorporation of another
 45 bank in the same community under section 524.305, and
 46 the superintendent of savings and loan associations
 47 shall not find the liquidation of such a savings and
 48 loan association to be grounds for disapproving the
 49 incorporation of another savings and loan association
 50 in the same community under chapter 534.

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1 Sec. 17. Section 534.103, subsection 6, Code 1987,
 2 is amended to read as follows:
 3 6. LIMITED TRUST POWERS. Associations An
 4 association incorporated under this chapter may act as
 5 trustee for trusts which are created or organized in
 6 the United States, and which form part of a stock
 7 bonus, pension, or profit sharing plan which qualifies
 8 for special tax treatment under section 401(d) or
 9 subsection (a) of section 408 of the Internal Revenue
 10 Code of 1954, as amended, or as trustee with no active
 11 fiduciary duties, if the funds of ~~such the~~ trust are
 12 invested only in savings accounts or deposits in ~~such~~
 13 the association or in obligations or securities issued
 14 by ~~such the~~ association. All funds held in such a
 15 fiduciary capacity by ~~any such an~~ association may be
 16 commingled for appropriate purposes of investment, but
 17 individual records shall be kept by the fiduciary for
 18 each participant and shall show in proper detail all
 19 transactions engaged in under the authority of this
 20 subsection.
 21 The ~~administrator~~ superintendent is authorized to
 22 grant by special permit to an association the right to
 23 act as trustee, executor, administrator, guardian, or
 24 in any other fiduciary capacity. However, this
 25 authority is available only for periods of time when
 26 federally chartered savings and loan associations
 27 operating in this state are granted similar authority,
 28 and the state authorization is subject to the rights
 29 and limitations established in rules adopted by the
 30 superintendent, which shall be consistent with the
 31 rights and limitations for federally chartered
 32 associations engaged in this type of activity.

33 Sec. 18. Section 534.107, Code 1987, is amended to
34 read as follows:

35 534.107 EXPENDITURES AND OPERATING EXPENSES.

36 All expenses for management in conducting the
37 affairs of an association, excluding the cost of
38 borrowed money, shall be paid from interest, service
39 charges and other sources of profit. The said
40 operating expense for of an association in any one
41 year shall not exceed three percent for associations
42 with assets not to exceed eight hundred thousand
43 dollars and two percent for those over such amount as
44 shown by the associations in their last annual report
45 of the association's average assets during that year
46 without the written approval of the superintendent.

47 Sec. 19. Section 534.111, unnumbered paragraph 2,
48 Code 1987, is amended to read as follows:

49 Every association organized under the provisions of
50 this chapter shall have and exercise has all the

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1 rights, powers, and privileges pertaining to savings
2 and to loans not in conflict with the laws of this
3 state, which are conferred upon federal savings and
4 loan associations by the Home Owners' Loan Act of
5 1933, title 12, section 1464, United States Code 12
6 U.S.C. § 1464, and conferred by regulations adopted by
7 the federal home loan bank board and the federal
8 savings and loan insurance corporation.

9 Sec. 20. NEW SECTION. 534.112 REGULATORY
10 CAPITAL.

11 An association shall maintain regulatory capital in
12 the amount required by regulations of the federal
13 savings and loan insurance corporation. For the
14 purpose of this section, "regulatory capital" means
15 the sum of all reserve accounts (except specific
16 reserves established to offset actual or anticipated
17 losses), undivided profits, surplus, capital stock,
18 and any other nonwithdrawable accounts.

19 Sec. 21. Section 534.207, subsection 1, paragraph
20 a, Code 1987, is amended to read as follows:

21 a. Loans secured by first liens or first claims on
22 residential real estate, participation interests in
23 groups of loans secured by first liens or first claims
24 on residential real estate, securities that are
25 secured by groups of loans secured by first liens or
26 first claims on residential real estate, or property
27 improvement loans for the making of improvements upon
28 residential real property, or a combination of these.

29 Sec. 22. Section 534.209, Code 1987, is amended by

30 striking the section and inserting in lieu thereof the
31 following:

32 534.209 COMMERCIAL LENDING AND ACCOUNTS.

33 1. An association shall not hold more than forty
34 percent of its assets in commercial loans and consumer
35 loans as an annual average based on monthly
36 computations.

37 2. An association may accept a commercial NOW
38 account. For the purposes of this subsection, a
39 "commercial NOW account" is a NOW account, as
40 authorized by section 534.301, subsection 3, for a
41 commercial, corporate, business, or agricultural
42 entity.

43 3. For the purposes of this section, unless the
44 context otherwise requires:

45 a. "Commercial loan" means a loan to a person
46 borrowing money for a business or agricultural
47 purpose.

48 b. "Business purpose" means a loan to a for-profit
49 entity, or a for-profit activity, including but not
50 limited to a commercial, service, or industrial

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1 enterprise carried on for profit, or an investment
2 activity.

3 c. "Agricultural purpose" means as defined in
4 section 535.13.

5 d. "Commercial loan" does not include a loan
6 secured by an interest in real estate for the purpose
7 of financing the acquisition of real estate or the
8 construction of improvements on real estate. In
9 determining which loans are "commercial loans" the
10 rules of construction stated in section 535.2,
11 subsection 2, paragraph "b", apply.

12 4. For the purposes of this section, a lease of
13 personal property is treated as a commercial loan if a
14 loan to the lessee to acquire the property would have
15 been a commercial loan.

16 Sec. 23. NEW SECTION. 534.215 FALSE STATEMENT
17 FOR CREDIT.

18 A person who knowingly does either of the following
19 is guilty of a fraudulent practice:

20 1. Makes or causes to be made, directly or
21 indirectly, a false statement in writing with the
22 intent that the false statement shall be relied upon
23 by an association for the purpose of procuring the
24 delivery of property, the payment of cash, or the
25 receipt of credit in any form, for the benefit of the
26 person or of any other person in which the person is

27 interested or for whom the person is acting.
28 2. Procures the delivery of property, the payment
29 of cash, or the receipt of credit in any form, knowing
30 that a false statement in writing has been made
31 concerning the financial condition or means or ability
32 to pay of the person, or any other person in which the
33 person is interested or for whom the person is acting,
34 if the person knew that the association relied or
35 would rely upon the false written statement.
36 Sec. 24. Section 534.307, subsection 2, Code 1987,
37 is amended by striking the subsection.
38 Sec. 25. Section 534.505, subsection 4, Code 1987,
39 is amended by striking the subsection.
40 Sec. 26. Section 534.702, Code 1987, is amended by
41 adding the following new subsection:
42 **NEW SUBSECTION. 9.** Subject to the laws and
43 regulations of the United States, a foreign
44 association transacting business within this state is
45 subject to the provisions of this chapter and is
46 subject to the supervision of the superintendent as to
47 its operations in this state. Notwithstanding
48 subsection 2 of section 534.102, the term
49 "association" or "state association" in this chapter
50 shall include a foreign association and any foreign

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1 association which is a party to a plan of merger under
2 section 534.511 as to its operations in this state."
3 2. Page 1, by inserting after line 27 the
4 following:
5 "___, Page 10, by inserting after line 25 the
6 following:
7 "Sec. 27. Section 537.2501, Code 1987, is amended
8 by adding the following new subsection:
9 **NEW SUBSECTION. 3.** A creditor may contract for
10 and receive additional charges, including charges as a
11 result of default by the consumer, as agreed between
12 the consumer and the creditor with respect to a loan
13 under open-end credit pursuant to a credit card issued
14 by the creditor which entitles the cardholder to
15 purchase or lease goods or services from at least one
16 hundred persons not related to the card issuer."
17 3. Title page, line 1, by inserting after the
18 word "institutions" the following: ", acts which
19 constitute a fraudulent practice, and imposing
20 penalties".
21 4. By renumbering as necessary.

HOUSE AMENDMENT TO
SENATE FILE 517

S-4034

1 Amend Senate File 517, as amended, passed, and re-
2 printed by the Senate, as follows:

3 1. By striking everything after the enacting
4 clause and inserting the following:

5 "Section 1. There is appropriated for the fiscal
6 year beginning July 1, 1987 and ending June 30, 1989,
7 the following amounts, or so much thereof as is
8 necessary, from the funds in the Exxon and Stripper
9 Well accounts in the energy conservation trust fund
10 created in section 93.11, as indicated, to the energy
11 and geological resources division of the department of
12 natural resources for disbursement under section 93.11
13 to the following agencies for the purposes designated:

	Exxon	Stripper Wells
14		
15 1. To the division of		
16 community action agencies		
17 of the department of human		
18 rights for qualifying energy		
19 conservation programs for		
20 low-income persons, including		
21 but not limited to energy		
22 weatherization projects, and		
23 including administrative		
24 costs	\$ 175,000	\$
25 2. To the department of		
26 natural resources for the		
27 following purposes:		
28 a. For deposit in the		
29 energy bank for schools and		
30 merged area schools created		
31 in 565 Iowa administrative code,		
32 rule 6.5	\$	\$ 500,000
33 b. An independent study		
34 evaluating federal weather-		
35 ization due July 1, 1988	\$ 75,000	\$
36 c. For energy conservation		
37 efforts by low-income nonprofit		
38 housing organizations	\$	\$ 500,000
39 d. For a competitive grant		
40 program administered by the		
41 energy fund disbursement		
42 council with the following		
43 funds to be transferred to the		
44 designated agencies for the		
45 indicated purposes:		

46 (1) To the department of
 47 natural resources in cooperation
 48 with the department of economic
 49 development to provide venture
 50 capital to new businesses

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1 in Iowa whose products or services		
2 are directly related to energy		
3 conservation	\$	500,000
4 (2) To the department of		
5 natural resources for energy		
6 conservation grants and contracts		
7 to be used to fund cost-effective		
8 and environmentally sound energy		
9 conservation and renewable		
10 resource projects which meet the		
11 guidelines of one or more of the		
12 five energy programs specified in		
13 Pub. L. No. 97-377, § 155, 96		
14 Stat. 1830, 1919 (1982)	\$ 1,000,000	\$
15 e. For the administration		
16 of the programs funded by		
17 this subsection, except		
18 paragraph "f"	\$	200,000
19 f. For deposit in the		
20 oil overcharge account of		
21 the groundwater protection		
22 fund created by House File		
23 631, 1987 Iowa Acts, and		
24 allocated as provided in		
25 that Act	\$ 2,000,000	\$ 3,530,000
26 3. To the state depart-		
27 ment of transportation for		
28 the following purposes:		
29 a. For energy conserva-		
30 tion loans, grants, or ex-		
31 penditures to aid mass		
32 transit, to be distributed		
33 according to the existing		
34 department of transporta-		
35 tion formula and targeted		
36 for low-income lowans	\$	1,700,000
37 b. For grants and loans		
38 for one or more pilot proj-		
39 ects of intermodal trans-		
40 portation facilities, in-		
41 cluding ports, terminals,		
42 transfer facilities and		

43 freight distribution centers	\$ 750,000	\$	
44 c. For energy con-			
45 servation projects	\$	\$	1,500,000
46 4. To the state board of			
47 regents for research by the			
48 Iowa State University of			
49 science and technology cen-			
50 ter for industrial research			

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1 and service on establishing			
2 a waste stream for used			
3 motor oil, investigating			
4 alternative disposal methods,			
5 and coordinating with other			
6 states' research projects			
7 on used motor oil collec-			
8 tion and disposal	\$	\$	30,000
9 5. To the department			
10 of economic development for			
11 the Iowa main street	\$ 125,000	\$	
12 6. To the department of			
13 general services for energy			
14 conservation improvements			
15 at Terrace Hill	\$	\$	50,000
16 Sec. 2.			

17 1. It is a condition of the funds appropriated by
 18 section 1, subsection 1, of this Act that the
 19 department of human rights adopt rules to provide that
 20 rents shall not be raised because of the increased
 21 value of dwelling units due solely to weatherization
 22 assistance provided under that paragraph.

23 2. Notwithstanding section 8.33, the funds
 24 appropriated by section 1, subsection 3, paragraph "c"
 25 shall not revert and shall continue until the
 26 completion of the projects.

27 3. If an appropriation made by section 1 from the
 28 Stripper Wells account of the energy conservation
 29 trust fund is eligible to be made in whole or in part
 30 from the Exxon account, then, to the extent of that
 31 eligibility, that appropriation shall be made from the
 32 Exxon account instead of the Stripper Wells account.

33 Sec. 3. There is appropriated to the designated
 34 agencies from the Amoco/Beldridge/Nordstrom account,
 35 Amoco Refined account, OKC & Coline account, and the
 36 Exxon account in the energy conservation trust fund
 37 created in section 93.11 for the fiscal year beginning
 38 July 1, 1987 and ending July 1, 1988 the following
 39 amounts, or so much thereof as is necessary to

40 maintain the funding level for each of the following
 41 programs at the level of the preceding fiscal year, to
 42 supplement federal funds for the following programs:
 43 1. To the department of
 44 human rights for low-income
 45 weatherization program \$ 936,934
 46 2. To the department of
 47 natural resources for:
 48 a. Institutional conser-
 49 vation program \$ 270,702
 50 b. State energy conservation

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1 program \$ 118,500
 2 c. Energy extension service
 3 program \$ 49,700
 4 All the funds in the Amoco/Beldridge/Nordstrom
 5 account, Amoco Refined account, and OKC & Coline
 6 account shall be appropriated by this section before
 7 the funds in the Exxon account are appropriated by
 8 this section.
 9 Sec. 4. The state agencies appropriated and
 10 disbursed funds under section 1 of this Act shall
 11 adopt rules under chapter 17A to establish and
 12 implement the programs funded by this Act.
 13 Sec. 5. Section 93.11, subsections 1 and 4, Code
 14 1987, are amended by striking the subsections and
 15 inserting in lieu thereof the following:
 16 1. a. The energy conservation trust fund is
 17 created within the state treasury. This state on
 18 behalf of itself, its citizens, and its political
 19 subdivisions accepts any moneys awarded or allocated
 20 to the state, its citizens, and its political
 21 subdivisions as a result of the federal court
 22 decisions and federal department of energy settlements
 23 resulting from alleged violations of federal petroleum
 24 pricing regulations and deposits the moneys in the
 25 energy conservation trust fund.
 26 b. The energy conservation trust fund is
 27 established to provide for an orderly, efficient, and
 28 effective mechanism to make maximum use of moneys
 29 available to the state, in order to increase energy
 30 conservation efforts and thereby to save the citizens
 31 of this state energy expenditures. The moneys in the
 32 accounts in the fund shall be expended only upon
 33 appropriation by the general assembly and only for
 34 programs which will benefit citizens who may have
 35 suffered economic penalties resulting from the alleged
 36 petroleum overcharges.

37 c. The moneys awarded or allocated from each court
38 decision or settlement shall be placed in a separate
39 account in the energy conservation trust fund.
40 Notwithstanding section 453.7, interest and earnings
41 on investments from moneys in the fund shall be
42 credited proportionately to the accounts in the fund.
43 d. Unless prohibited by the conditions applying to
44 an account, the moneys in the energy conservation
45 trust fund may be used for the payment of attorney
46 fees and expenses incurred by the state to obtain the
47 moneys and shall be paid by the director of revenue
48 and finance from the available moneys in the fund
49 subject to the approval of the attorney general.
50 e. However, petroleum overcharge funds received

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1 pursuant to claims filed on behalf of the state, its
2 institutions, departments, agencies, or political
3 subdivisions shall be deposited in the general fund of
4 the state to be disbursed directly to the appropriate
5 claimants in accordance with federal guidelines and
6 subject to the approval of the attorney general.
7 4. The administrator of the energy and geological
8 resources division of the department of natural
9 resources shall be the administrator of the energy
10 conservation trust fund. The administrator shall
11 disburse moneys appropriated by the general assembly
12 from the accounts in the fund in accordance with the
13 federal court orders, law and regulation, or
14 settlement conditions applying to the moneys in that
15 account, and subject to the approval of the energy
16 fund disbursement council if such approval is
17 required. The council, after consultation with the
18 attorney general, shall immediately approve the
19 disbursement of moneys from the account in the fund
20 for projects which meet the federal court orders, law
21 and regulations, or settlement conditions which apply
22 to that account.
23 Sec. 6. Section 93.11, subsection 3, unnumbered
24 paragraph 1, Code 1987, is amended to read as follows:
25 An energy fund disbursement council is established.
26 The council shall be composed of the governor or the
27 governor's designee, the director of the department of
28 management, who shall serve as the council's
29 chairperson, the administrator of the division of
30 community action agencies of the department of human
31 rights, the administrator of the energy and geological
32 resources division of the department of natural
33 resources, and a designee of the director of the

34 department of transportation, who is knowledgeable in
35 the field of energy conservation. The council shall
36 include as nonvoting members two members of the senate
37 appointed by the majority leader of the senate and two
38 members of the house of representatives appointed by
39 the speaker of the house. The legislative members
40 shall be appointed upon the convening and for the
41 period of each general assembly. Not more than one
42 member from each house shall be of the same political
43 party. The council shall be staffed by the energy and
44 geological resources division of the department of
45 natural resources. The attorney general shall provide
46 legal assistance to the council.

47 Sec. 7. Section 93.11, Code 1987, is amended by
48 adding the following new subsections:
49 **NEW SUBSECTION. 5.** The following accounts are
50 established in the energy conservation trust fund:

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- 1 a. The Warner/Imperial account.
- 2 b. The Amoco/Beldridge/Nordstrom account.
- 3 c. The Exxon account.
- 4 d. The Stripper Wells account.
- 5 e. The Diamond Shamrock account.
- 6 f. The Amoco Refined account.
- 7 g. The OKC & Coline account.
- 8 h. The other funds account.
- 9 **NEW SUBSECTION. 6.** The moneys in the account in
10 the energy conservation trust fund distributed to the
11 state as a result of the 1985 federal court decision
12 finding Exxon corporation in violation of federal
13 petroleum pricing regulations shall be expended, to
14 the extent possible, over a period of no more than six
15 years and shall be disbursed for projects which meet
16 the strict guidelines of the five existing federal
17 energy conservation programs specified in Pub. L. No.
18 97-377, § 155, 96 Stat. 1830, 1919 (1982). The
19 council shall approve the disbursement of moneys from
20 the account in the fund for other projects only if the
21 project meets one or more of the following conditions:
22 a. The projects meet the guidelines for allowable
23 projects under a modification order entered by the
24 federal court in the case involving Exxon corporation.
25 b. The projects meet the guidelines for allowable
26 projects under a directive order entered by the
27 federal court in the case involving Exxon corporation.
28 c. The projects meet the guidelines for allowable
29 projects under the regulations adopted or written
30 clarifications issued by the United States department

31 of energy.

32 Sec. 8. 1986 Iowa Acts, chapter 1249, section 4,
33 unnumbered paragraph 1, is amended to read as follows:

34 There is appropriated from the funds available in
35 the energy conservation trust fund, established in
36 section 93.11, for the fiscal year ~~period~~ beginning
37 July 1, 1986, and ending June 30, ~~1987~~ 1988, to the
38 energy and geological resources division of the
39 department of natural resources for disbursement under
40 section 93.11, the following amounts, or so much
41 thereof as is necessary, to be used for the purposes
42 designated consistent with the expressed legislative
43 intent of this Act:

44 Sec. 9. The treasurer of state shall transfer and
45 deposit funds in the petroleum overcharge fund created
46 by section 93.15 into the appropriate accounts in the
47 energy conservation trust fund created by section
48 93.11. Any appropriation of the funds in the
49 petroleum overcharge fund shall follow and apply to
50 the funds in the energy conservation trust fund.

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1 Sec. 10. Section 93.15, Code 1987, is repealed."

2 2. Title page, line 1, by inserting after the
3 word "Act" the words "relating to and".

HOUSE AMENDMENT TO
SENATE AMENDMENT TO
HOUSE FILE 600

S-4035

1 Amend the Senate amendment, H-3904, to House File
2 600 as amended, passed, and reprinted by the House as
3 follows:

- 4 1. Page 1, by striking lines 14 through 23.
- 5 2. Page 1, by striking lines 35 through 42.
- 6 3. Page 3, by striking lines 36 through 47 and
7 inserting the following: "at the time of the canvass
8 of the election."
- 9 4. Page 4, by striking lines 23 through 28.
- 10 5. Page 5, line 8, by striking the words "~~October~~
11 December" and inserting the following: "October".
- 12 6. Page 5, line 24, by striking the words
13 "~~September~~ November" and inserting the following:
14 "September".
- 15 7. Page 5, line 40, by inserting after the word

- 16 "paragraphs" the following: "a,"
- 17 8. Page 5, by inserting after line 42 the
- 18 following:
- 19 "a. Election at large from the entire district by
- 20 the electors of the entire district unless the school
- 21 district has a certified enrollment of greater than
- 22 five thousand students."
- 23 9. Page 10, by striking lines 2 through 4 and
- 24 inserting the following: "biennially on the second
- 25 Tuesday in September in each odd-numbered year in each
- 26 school district for the election".
- 27 10. Page 10, by striking lines 8 through 27.
- 28 11. By striking page 10, line 30 through page 11,
- 29 line 13, and inserting the following:
- 30 "'Sec. ____ . Section 277.23, unnumbered paragraph
- 31 2,".
- 32 12. Page 12, line 2, by striking the words
- 33 "~~September November~~" and inserting the following:
- 34 "September".
- 35 13. Page 12, line 15, by striking the words
- 36 "~~September November~~" and inserting the following:
- 37 "September".
- 38 14. Page 13, line 5, by striking the words
- 39 "~~October December~~" and inserting the word "October".
- 40 15. Page 14, line 31, by striking the words
- 41 "~~sixty-five seventy-two~~" and inserting the following:
- 42 "sixty-five".
- 43 16. Page 14, line 32, by striking the words
- 44 "~~fortieth forty-seventh~~" and inserting the following:
- 45 "fortieth".
- 46 17. Page 15, by striking line 5 and inserting the
- 47 words "last Monday in September,".
- 48 18. Page 15, by inserting after line 39 the
- 49 following:
- 50 " ____ . Page 17, by inserting after line 3 the

Page 2

- 1 following:
- 2 "Sec. ____ . Section 280A.22, subsection 1, Code
- 3 1987, is amended by adding the following new lettered
- 4 paragraph:
- 5 NEW LETTERED PARAGRAPH. f. During the years 1988
- 6 and 1990, the board of directors of a merged area may
- 7 cause the tax authorized by paragraph "a" to be placed
- 8 before the voters of the merged area at a special
- 9 election to be held on the second Tuesday in September
- 10 of that year. All provisions of this subsection,
- 11 other than the date of the authorizing election, shall
- 12 apply the authorization and implementation of the tax.

- 13 This paragraph is repealed December 31, 1990.””
 14 19. Page 15, by striking lines 40 through 50.
 15 20. Page 16, line 19, by striking the word
 16 “November” and inserting the following: “September”.
 17 21. Page 16, line 26, by striking the word
 18 “December” and inserting the word “October”.
 19 22. Page 17, line 10, by striking the word
 20 “November” and inserting the word “September”.
 21 23. Page 17, line 18, by striking the word
 22 “December” and inserting the word “October”.
 23 24. Page 17, line 23, by striking the word
 24 “December” and inserting the word “October”.
 25 25. Page 17, line 28, by striking the word
 26 “December” and inserting the word “October”.
 27 26. Page 17, line 35, by striking the figures
 28 “39.24, 47.2, 49.30, 52.24.”.
 29 27. Page 17, line 35, by inserting after the
 30 figure “274.7,” the following: “275.12.”.
 31 28. Page 17, lines 36 and 37, by striking the
 32 figures “277.3, 277.20.”.
 33 29. Page 17, line 38, by striking the word and
 34 figures “280A.22, and 376.1” and inserting the
 35 following: “and 280A.22”.
 36 30. By renumbering, relettering, or redesignating
 37 and correcting internal references as necessary.

S-4036

- 1 Amend House File 676 as amended, passed and
 2 reprinted by the House as follows:
 3 1. Page 1, by striking lines 1 through 15.

MICHAEL E. GRONSTAL

S-4037

- 1 Amend Senate File 520 as follows:
 2 1. Page 1, by striking lines 8 through 13 and
 3 inserting in lieu thereof the following: “hazardous
 4 waste transported off the site, excluding the water
 5 content”.
 6 2. Page 1, line 16 by striking the words “shall be
 7 excluded”.
 8 3. Page 1, by striking lines 25 and 26.

CALVIN O. HULTMAN
DON GETTINGS
JOHN SOORHOLTZ

JOY CORNING
ALVIN MILLER

S-4038

- 1 Amend House File 468 as amended, passed, and
- 2 reprinted by the House as follows:
- 3 1. Page 14, line 2, by striking the word "'D'"
- 4 and inserting in lieu thereof the word "'C'".

WILLIAM W. DIELEMAN

S-4039

- 1 Amend the House amendment, S-4030, to Senate File
- 2 17 as amended, passed, and reprinted by the Senate as
- 3 follows:
- 4 1. Page 1, lines 8 and 9, by striking the words
- 5 "a domestic" and inserting the following: "~~a domestic~~
- 6 an".

JAMES RIORDAN

S-4040

- 1 Amend the House amendment, S-4030, to Senate File
- 2 17 as amended, passed, and reprinted by the Senate as
- 3 follows:
- 4 1. Page 1, lines 8 and 9, by striking the words
- 5 "a domestic" and inserting the following: "~~a domestic~~
- 6 an".

JAMES RIORDAN

S-4041

- 1 Amend Senate File 520 as follows:
- 2 1. Page 1, by inserting after line 26 the
- 3 following:
- 4 "Sec. ____ . Section 455B.424, subsection 5, Code
- 5 1987, is amended to read as follows:
- 6 5. Fees imposed by this section shall be paid to
- 7 the department on an annual basis. Fees are due on
- 8 April 15 for the previous calendar year. The payment
- 9 shall be accompanied by a return in the form
- 10 prescribed by the department. Any fees paid after
- 11 April 1, 1986, for waste that is determined to be non-

- 12 hazardous by the federal Environmental Protection
- 13 Agency within two years following the date the payment
- 14 was made shall be refunded."

JOY CORNING
 JIM LIND
 CALVIN O. HULTMAN
 DONALD GETTINGS

S-4042

- 1 Amend House File 683 as amended, passed, and
- 2 reprinted by the House as follows:
- 3 1. Page 2, by inserting after line 19 the
- 4 following: "The board may also exempt a public
- 5 utility from application of this section if, following
- 6 reasonable notice to its customers as described in
- 7 subsection 2, the cost of administering the utility
- 8 shut-off fund exceeds the amount of contributions
- 9 collected."

COMMITTEE ON WAYS AND MEANS
 CHARLES BRUNER, Chairperson

S-4043

- 1 Amend Senate File 521 as follows:
- 2 1. Page 4, by inserting after line 19 the
- 3 following:
- 4 "Sec. ____ . Section 327H.18, Code 1987, is amended
- 5 by adding the following new unnumbered paragraph:
- 6 NEW UNNUMBERED PARAGRAPH. Notwithstanding section
- 7 453.7, subsection 2, interest on earnings or
- 8 investments or time deposits of the moneys in the
- 9 railroad assistance fund shall be credited to the
- 10 railroad assistance fund."
- 11 2. Renumber sections and correct internal
- 12 references as necessary.

RICHARD F. DRAKE
 BILL HUTCHINS

S-4044

- 1 Amend Senate File 521 as follows:
- 2 1. Page 4, by inserting after line 19 the
- 3 following:

4 "Sec. ____ . Section 324.38, Code 1987, is amended
5 by adding the following new subsection:
6 NEW SUBSECTION. 7. When a return is timely filed
7 and the taxes due are paid in the manner provided in
8 this section, the special fuel dealer or the special
9 fuel distributor shall be allowed a credit or discount
10 of one-half of one percent of the taxes due on the
11 first one hundred thousand gallons of special fuel
12 sold in a calendar month. The credit or discount is
13 allowed to the special fuel dealer or distributor as
14 remuneration for collecting the tax, keeping the
15 record, and filing timely returns required by this
16 chapter."

EDGAR H. HOLDEN

S-4045

1 Amend House File 468, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 7, by striking lines 2 through 4 and
4 inserting the following: "boat while docked."
5 2. Page 7, line 9, by inserting after the word
6 "operation" the following: "of a gambling game or".
7 3. Page 8, line 6, by striking the words "in
8 other states".
9 4. Page 9, by striking lines 28 through 34 and
10 inserting the following: "excursion gambling boat is
11 docked."

EDGAR H. HOLDEN

S-4046

1 Amend House File 468, as amended, passed, and re-
2 printed by the House, as follows:
3 1. Page 5, line 13, by striking the words "social
4 security number,".
5 2. Page 6, by striking lines 4 through 13.

COMMITTEE ON WAYS AND MEANS
CHARLES BRUNER, Chairperson

S-4047

1 Amend Senate File 521 as follows:
2 1. Page 1, by inserting after line 18 the

3 following:

4 "Sec. ____ . Section 312.2, subsection 16, Code
5 1987, is amended to read as follows:

6 16. The treasurer of state, before making the
7 allotments provided for in this section, shall credit
8 monthly from the road use tax fund to revitalize
9 Iowa's sound economy fund, created under section
10 315.2, the revenue accruing to the road use tax fund
11 in the amount equal to ~~two-thirds~~ of the revenues
12 collected under each of the following:

13 a. From the excise tax on motor fuel and special
14 fuel imposed under the tax rate of section 324.3:

15 (1) For the period ~~July 1, 1985~~ January 1, 1986,
16 through ~~December 31, 1985~~ June 30, 1987, the amount of
17 excise tax collected from two cents per gallon.

18 (2) From and after ~~January 1, 1986~~ July 1, 1987,
19 the amount of excise tax collected from three cents
20 per gallon.

21 b. From the excise tax on special fuel for diesel
22 engines: ~~the amount of excise tax collected from two~~
23 cents per gallon.

24 (1) ~~For the period July 1, 1985, through December~~
25 ~~31, 1985, the amount of excise tax collected from one~~
26 ~~cent per gallon.~~

27 (2) ~~For the period January 1, 1986, through~~
28 ~~December 31, 1986, the amount of excise tax collected~~
29 ~~from two cents per gallon.~~

30 (3) ~~From and after January 1, 1987, the amount of~~
31 ~~excise tax collected from three cents per gallon."~~

32 2. Page 2, by striking lines 26 through 33.

33 3. Renumber sections and correct internal
34 references as necessary.

MICHAEL E. GRONSTAL

S-4048

1 Amend House File 468 as amended, passed and
2 reprinted by the House as follows:

3 1. Page 11, by striking lines 13 through 30.

WILLIAM W. DIELEMAN

S-4049

1 Amend House File 468 as amended, passed, and
2 reprinted by the House as follows:

3 1. Page 6, line 18, by striking the words "or
4 will be."

WILLIAM W. DIELEMAN

S-4050

1 Amend House File 468 as amended, passed, and
2 reprinted by the House as follows:
3 1. Page 5, lines 20 and 21 by striking the words
4 "or repeated acts of violence".

WILLIAM W. DIELEMAN

S-4051

1 Amend House File 468 as amended, passed, and
2 reprinted by the House as follows:
3 1. Page 4, by striking line 22 through page 5,
4 line 4.

WILLIAM W. DIELEMAN

S-4052

1 Amend House File 468 as amended, passed, and
2 reprinted by the House as follows:
3 1. Page 2, by striking lines 6 through 12.

WILLIAM W. DIELEMAN

S-4053

1 Amend House File 468 as amended, passed, and
2 reprinted by the House as follows:
3 1. Page 2, by striking lines 13 through 18.

WILLIAM W. DIELEMAN

S-4054

1 Amend Senate File 521 as follows:
2 1. By striking page 1, line 31 through page 2,
3 line 33.

KENNETH D. SCOTT
ALVIN V. MILLER

BERL E. PRIEBE
 HURLEY W. HALL
 DALE L. TIEDEN
 JOHN W. JENSEN
 JACK W. HESTER
 RICHARD VANDE HOEF
 JOHN A. PETERSON
 JOHN E. SOORHOLTZ
 WILMER RENSINK
 EMIL J. HUSAK

S-4055

- 1 Amend House File 468, as amended, passed, and re-
 2 printed by the House, as follows:
 3 1. Page 5, line 22, by striking the word "finger-
 4 prints,".
 5 2. Page 5, lines 28 and 29, by striking the words
 6 "and classification of fingerprints".
 7 3. Page 14, line 25, by striking the words "or
 8 possesses with the intent to use".
 9 4. Page 15, by striking lines 2 through 5.
 10 5. By striking page 15, line 31 through page 16,
 11 line 11.
 12 6. Page 16, by striking lines 27 through 30.
 13 7. By renumbering subsections and relettering
 14 paragraphs as necessary.

TOM MANN, Jr.

S-4056

- 1 Amend House File 468, as amended, passed, and re-
 2 printed by the House, as follows:
 3 1. Page 10, by striking line 8 and inserting the
 4 following: "shall be set by the commission at a level
 5 calculated to raise an amount equal to the total of
 6 the appropriation to the commission in accordance with
 7 subsection 4 and the appropriation to the department
 8 of pubic safety to fulfill duties imposed on the
 9 department by excursion boat gambling. The admission
 10 tax shall be increased by the amount calculated to re-
 11 cover the difference between the tax revenue and the
 12 actual administrative and law enforcement expenses
 13 after it has been determined that the admission tax
 14 revenue fails to equal the appropriations."

RAY TAYLOR

S-4057

1 Amend House File 468, as amended, passed, and re-
2 printed by the House, as follows:

3 1. Page 10, line 25, by striking the words "fifty
4 cents" and inserting the following: "one dollar".

5 2. Page 10, lines 27 and 28, by striking the
6 words "fifty cents" and inserting the following: "one
7 dollar".

RAY TAYLOR

S-4058

1 Amend House File 468, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 9, line 23, by striking the word
4 "eighteen" and inserting the following: "twenty-one".

5 2. Page 13, by inserting after line 30 the
6 following:

7 "d. Employing a person who is otherwise employed
8 as a public law enforcement or peace officer to
9 provide security services for a gambling game
10 operation or an excursion gambling boat operation
11 under this chapter."

12 3. Page 13, line 32, by striking the word
13 "eighteen" and inserting the following: "twenty-one".

RAY TAYLOR

S-4059

1 Amend House File 683 as amended, passed and
2 reprinted by the House, as follows:

3 1. Page 5, by inserting after line 32 the
4 following:

5 "c. The utility shall certify the amount of the
6 arrearages forgiven under subsection 5, paragraph "b"
7 and under subsection 7, paragraphs "a" and "b". The
8 utility may apply for a refund on the sales tax
9 collected by the utility under chapter 422, division
10 IV for the certified amount of the arrearages
11 forgiven. The refund shall be provided in accordance
12 with the provisions of subsection 6, paragraph "c",
13 subparagraph (1), subparagraph parts (a) through (d).

14 d. After the application of paragraph "c", any
 15 remaining forgiven arrearage may be included in the
 16 utility's rate structure in accordance with rules
 17 adopted by the utilities board. The utility shall not
 18 include in its rate structure amounts of forgiven
 19 arrearage for which the utility has received state tax
 20 refunds under paragraph "c".

EDGAR H. HOLDEN

HOUSE AMENDMENT TO
 SENATE AMENDMENT TO
 HOUSE FILE 316

S-4060

- 1 Amend the Senate amendment, H-4112, to House File
 2 316 as amended, passed, and reprinted by the House as
 3 follows:
- 4 1. Page 1, by striking lines 5 through 10.
 - 5 2. Page 1, line 16, by striking the words "one
 6 dollar" and inserting the following: "two dollars".
 - 7 3. Page 1, by inserting after line 19 the
 8 following:
 9 "____. Page 2, by striking lines 5 through 8 and
 10 inserting the following: "110.11. A writing fee may
 11 shall not be charged for dispensing the user permits
 12 as provided under section 110.12 for licenses.
 13 Duplicate user permits shall not be."
 - 14 4. Renumber as necessary.

S-4061

- 1 Amend Senate File 521 as follows:
- 2 1. Page 3, by inserting after line 21 the
 3 following:
 4 "Sec. ____ . NEW SECTION. 324.3A REDUCED RATE OF
 5 TAX FOR CERTAIN DEALERS.
 6 Notwithstanding the rate of tax imposed under
 7 section 324.3, the excise tax on motor fuel delivered
 8 to a qualified dealer is reduced as provided in this
 9 section.
 10 1. The excise tax on motor fuel delivered to a
 11 qualified dealer located not more than eight miles
 12 from the border of a state contiguous to Iowa which
 13 has in effect a motor fuel tax which makes the Iowa
 14 motor fuel tax uncompetitive is reduced to be five

15 cents per gallon in excess of the motor fuel tax in
16 effect for the contiguous state.

17 2. The excise tax on motor fuel delivered to a
18 qualified dealer located more than eight miles but not
19 more than sixteen miles from the border of a state
20 contiguous to Iowa which has in effect a motor fuel
21 tax which makes the Iowa motor fuel tax uncompetitive
22 is reduced to be six cents per gallon in excess of the
23 motor fuel tax in effect for the contiguous state.

24 3. The excise tax on motor fuel delivered to a
25 qualified dealer located more than sixteen miles but
26 not more than twenty-four miles from the border of a
27 state contiguous to Iowa which has in effect a motor
28 fuel tax which makes the Iowa motor fuel tax
29 uncompetitive is reduced to be seven cents per gallon
30 in excess of the motor fuel tax in effect for the
31 contiguous state.

32 As used in this section, a "qualified dealer" means
33 a dealer located within the distances provided under
34 subsections 1 through 3 measured by the shortest
35 distance from the border of the contiguous state. If
36 a qualified dealer is located within the corporate
37 limits of a city, all dealers within the corporate
38 limits of the city are qualified dealers.

39 As used in this section, a "motor fuel tax in
40 effect for the contiguous state" means the total
41 excise, sales or use taxes in effect in the contiguous
42 state on the sale of motor fuel expressed in cents per
43 gallon. The department of revenue and finance shall
44 adopt rules pursuant to chapter 17A establishing the
45 methodology for ascertaining the motor fuel tax in
46 effect for contiguous states. As used in this
47 section, a contiguous state has a "motor fuel tax
48 which makes the Iowa motor fuel tax uncompetitive" if
49 the excise tax on motor fuel under section 324.3
50 exceeds the motor fuel tax in effect for the

Page 2

1 contiguous state by more than five cents per gallon.

2 If more than one contiguous state has in effect a
3 motor fuel tax which makes the Iowa motor fuel tax
4 uncompetitive, the excise tax for a qualified dealer
5 located not more than twenty-four miles from the
6 borders of two such contiguous states is the excise
7 tax under the application of subsections 1 through 3
8 which results in the lowest excise tax to the
9 qualified dealer.

10 A qualified dealer shall be allowed a credit by the
11 distributor for the amount of the reduction in motor

12 fuel tax allowed and a qualified dealer, before
 13 receiving the credit, shall be registered by the
 14 department of revenue and finance. The department of
 15 revenue and finance shall adopt rules pursuant to
 16 chapter 17A for registering dealers and accounting for
 17 credits by distributors.

18 This section only applies to qualified dealers who
 19 would experience a reduction in the excise tax on
 20 motor fuel through its application.”

21 2. Page 4, by inserting after line 19 the
 22 following:

23 “Sec. ____ . NEW SECTION. 324.34A REDUCED RATE OF
 24 TAX FOR CERTAIN DEALERS.

25 Notwithstanding the rate of tax imposed under
 26 section 324.34, the excise tax on special fuel for
 27 diesel engines delivered to a qualified dealer is
 28 reduced as provided in this section.

29 1. The excise tax on special fuel for diesel
 30 engines delivered to a qualified dealer located not
 31 more than eight miles from the border of a state
 32 contiguous to Iowa which has in effect a tax on
 33 special fuel for diesel engines which makes the Iowa
 34 excise tax on special fuel for diesel engines
 35 uncompetitive is reduced to be seven and one-half
 36 cents per gallon in excess of the tax on special fuel
 37 for diesel engines in effect for the contiguous state.

38 2. The excise tax on special fuel for diesel
 39 engines delivered to a qualified dealer located more
 40 than eight miles but not more than sixteen miles from
 41 the border of a state contiguous to Iowa which has in
 42 effect a tax on special fuel for diesel engines which
 43 makes the Iowa excise tax on special fuel for diesel
 44 engines uncompetitive is reduced to be eight and one-
 45 half cents per gallon in excess of the tax on special
 46 fuel for diesel engines in effect for the contiguous
 47 state.

48 3. The excise tax on special fuel delivered to a
 49 qualified dealer located more than sixteen miles but
 50 not more than twenty-four miles from the border of a

Page 3

1 state contiguous to Iowa which has in effect a tax on
 2 special fuel for diesel engines which makes the Iowa
 3 excise tax on special fuel for diesel engines
 4 uncompetitive is reduced to be nine and one-half cents
 5 per gallon in excess of the tax on special fuel for
 6 diesel engines in effect for the contiguous state.

7 As used in this section, a “qualified dealer” means
 8 a dealer located within the distances provided under

9 subsections 1 through 3 measured by the shortest
10 distance from the border of the contiguous state. If
11 a qualified dealer is located within the corporate
12 limits of a city, all dealers within the corporate
13 limits of the city are qualified dealers.

14 As used in this section, a "tax on special fuel for
15 diesel engines in effect for the contiguous state"
16 means the total excise, sales or use taxes in effect
17 in the contiguous state on the sale of special fuel
18 for diesel engines expressed in cents per gallon. The
19 department of revenue and finance shall adopt rules
20 pursuant to chapter 17A establishing the methodology
21 for ascertaining the tax on special fuel for diesel
22 engines in effect for contiguous states. As used in
23 this section, a contiguous state has a "tax on special
24 fuel for diesel engines which makes the Iowa excise
25 tax on special fuel for diesel engines uncompetitive"
26 if the excise tax on special fuel for diesel engines
27 under section 324.34 exceeds the tax on special fuel
28 for diesel engines in effect for the contiguous state
29 by more than seven and one-half cents per gallon.

30 If more than one contiguous state has in effect a
31 tax on special fuel for diesel engines which makes the
32 Iowa excise tax on special fuel for diesel engines
33 uncompetitive, the excise tax for a qualified dealer
34 located not more than twenty-four miles from the
35 borders of two such contiguous states is the excise
36 tax under the application of subsections 1 through 3
37 which results in the lowest excise tax to the
38 qualified dealer.

39 A qualified dealer shall be allowed a credit by the
40 distributor for the amount of the reduction in excise
41 tax on special fuel for diesel engines allowed and a
42 qualified dealer, before receiving the credit, shall
43 be registered by the department of revenue and
44 finance. The department of revenue and finance shall
45 adopt rules pursuant to chapter 17A for registering
46 dealers and accounting for credits by distributors.

47 This section only applies to qualified dealers who
48 would experience a reduction in the excise tax on
49 special fuel for diesel engines through its
50 application."

Page 4

1 3. Renumber sections as necessary.

LEONARD L. BOSWELL
JOHN A. PETERSON
EUGENE FRAISE
DON GETTINGS

HOUSE AMENDMENT TO
SENATE FILE 518

S-4062

- 1 Amend Senate File 518 as amended, passed and
- 2 reprinted by the Senate as follows:
- 3 1. Page 1, by striking lines 8 through 19 and
- 4 inserting the following:
- 5 "1. For salaries and support for
- 6 not more than twenty-four point
- 7 thirty-six full-time equivalent
- 8 positions, maintenance and
- 9 miscellaneous purposes \$ 749,800
- 10 Notwithstanding section 384.15, subsection 7,
- 11 paragraph "b", there is appropriated from the
- 12 unencumbered and unobligated money remaining in the
- 13 law enforcement training reimbursement fund on June
- 14 30, 1987 to the Iowa law enforcement academy the sum
- 15 of twenty-eight thousand two hundred (28,200) dollars
- 16 for repair of a chiller unit, repair of a parking lot,
- 17 repair or replacement of carpet and replacement of a
- 18 washing machine at the academy."
- 19 2. Page 4, by striking lines 4 through 11 and
- 20 inserting the following:
- 21 "a. For salaries and support for
- 22 not more than forty-five point
- 23 seventy-five full-time equivalent
- 24 positions, maintenance, and miscel-
- 25 laneous purposes of the department's
- 26 administrative functions including
- 27 the medical examiner's office and
- 28 the criminal justice information
- 29 system \$ 1,957,800".
- 30 3. Page 6, by inserting after line 4 the
- 31 following:
- 32 "c. Notwithstanding section 384.15, subsection 7,
- 33 paragraph "b", there is appropriated from the
- 34 unencumbered and unobligated money remaining in the
- 35 law enforcement training reimbursement fund on June
- 36 30, 1987 to the department of public safety, division
- 37 of criminal investigation, the sum of one hundred
- 38 thousand (100,000) dollars, or so much thereof as is
- 39 necessary, to be used for salaries, support,
- 40 maintenance, and miscellaneous purposes."
- 41 4. Page 6, line 5, by striking the word "c." and

42 inserting the following: "d."
 43 5. Page 6, by striking lines 19 through 23.
 44 6. Page 6, by striking lines 24 through 33.
 45 7. Page 7, by striking lines 6 through 19 and
 46 inserting the following:
 47 "1. For salaries and support
 48 for not more than four hundred
 49 forty full-time equivalent
 50 positions, maintenance, and miscel-

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1 laneous purposes including the
 2 federal Highway Safety Act program,
 3 and the state's contributions to the
 4 peace officers' retirement, acci-
 5 dent, and disability system pro-
 6 vided in chapter 97A in the
 7 amount of sixteen percent of
 8 the salaries for which the funds
 9 are appropriated \$ 19,256,000".
 10 8. Page 8, by striking lines 2 through 6.
 11 9. Page 8, line 7, by striking the figure and
 12 word "2. For" and inserting the following:
 13 "Sec. ____ . There is appropriated from the primary
 14 road fund to the department of public safety, division
 15 of highway safety and uniformed force, for the fiscal
 16 year beginning July 1, 1987 and ending June 30, 1988,
 17 for".
 18 10. By striking page 8, line 22 through page 9,
 19 line 5 and inserting the following:
 20 "STATE DEPARTMENT OF TRANSPOR-
 21 TATION
 22 1. For salaries and support for
 23 not more than six hundred nine full-
 24 time equivalent positions, mainten-
 25 ance, and miscellaneous purposes \$ 17,977,243".
 26 11. Page 9, line 22, by striking the words "road
 27 use tax" and inserting the words "primary road".
 28 12. Page 9, line 22, by inserting after the
 29 word "fund" the following: "from revenue credited to
 30 the road use tax fund under section 423.24, subsection
 31 1, paragraph "b",".
 32 13. Page 9, line 25, by striking the words and
 33 figures "one million (1,000,000)" and inserting the
 34 following: "seven hundred fifty thousand (750,000)".
 35 14. By striking page 9, line 34 through page 10,
 36 line 19 and inserting the following:
 37 "STATE DEPARTMENT OF TRANSPOR-
 38 TATION

39 1. For salaries and support
 40 for not more than three thousand
 41 three hundred seventy-five full-
 42 time equivalent positions,
 43 maintenance, and miscellaneous
 44 purposes \$135,054,390".
 45 15. Page 11, line 7, by striking the figure
 46 "417,237" and inserting the following: "1,417,237".
 47 16. Page 11, lines 8 and 9, striking the words
 48 "general fund of the state" and inserting the
 49 following: "road use tax fund from revenue credited
 50 to the road use tax fund under section 423.24,

Page 3

1 subsection 1, paragraph "b".
 2 17. Page 12, by inserting after line 35 the
 3 following:
 4 "3. For removal and disposal
 5 of asbestos from the Ames
 6 office complex \$ 1,000,000".
 7 18. Page 12, by inserting after line 35 the
 8 following:
 9 "It is the intent of the general assembly that the
 10 state department of transportation check on the
 11 availability of existing buildings in these cities to
 12 determine the feasibility of remodeling existing
 13 buildings rather than constructing new facilities."
 14 19. Page 13, line 1, by striking the figure "3."
 15 and inserting the following: "4."
 16 20. Page 13, by inserting after line 12 the
 17 following:
 18 "Sec. ____ . Section 306.42, Code 1987, amended by
 19 adding the following new subsection:
 20 NEW SUBSECTION. 6. Notwithstanding any other
 21 provision of the Code, for transfers of roads and
 22 streets made after May 1, 1987, neither the
 23 transferring jurisdiction or the receiving
 24 jurisdiction shall be held liable for any claim or
 25 damage for any act or omission relating to the design,
 26 construction, or maintenance of the road or street
 27 that occurred prior to the effective date of the
 28 transfer. This paragraph shall apply to all transfers
 29 pursuant to this chapter or section 313.2."
 30 21. By striking page 13, line 13 through page 14,
 31 line 34.
 32 22. Page 17, by inserting before line 23 the
 33 following:
 34 "Sec. ____ . Section 327H.24, Code 1987, is amended
 35 by adding the following new unnumbered paragraph:

36 NEW UNNUMBERED PARAGRAPH. Notwithstanding section
37 453.7, subsection 2, interest and earnings on moneys
38 deposited in the railroad assistance fund shall be
39 credited to the railroad assistance fund. Interest
40 and earnings credited to the railroad assistance fund
41 under this paragraph shall be expended as
42 nonreimbursable grants."

43 23. Page 17, by inserting before line 23 the
44 following:

45 "Sec. ____ . 1983 Iowa Acts, chapter 198, section
46 32, unnumbered paragraph 1, is amended to read as
47 follows:

48 SEC. 32. Notwithstanding the provisions of section
49 423.24, there is transferred from revenues collected
50 under chapter 423 during each year of the fiscal

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1 period beginning July 1, 1983 and ending June 30, 1985
2 from the use tax imposed on motor vehicles, trailers
3 and motor vehicle accessories and equipment under
4 section 423.7 the sum of seven million five hundred
5 thousand (7,500,000) dollars which shall be
6 transferred to the special railroad facility fund to
7 be used exclusively for the purposes provided in this
8 section. The Iowa railway finance authority may enter
9 into a partnership agreement as allowed under section
10 307B.7, subsection 7, for the purpose of acquiring the
11 right-of-way of the Chicago, Rock Island and Pacific
12 railroad. The funds shall be expended to supplement
13 private investment capital obtained for that purpose
14 by matching any private investment capital on an equal
15 basis. The funds transferred to the special railroad
16 facility fund under this section shall be considered
17 an interest-free loan to be repaid to the road use tax
18 fund from receipts credited to the special railroad
19 facility fund under section 307B.23 except that moneys
20 credited for repayment of the loan during the period
21 beginning July 1, 1987 and ending June 30, 1989, shall
22 be credited to the railroad assistance fund."
23 24. By renumbering, relettering, or redesignating
24 and correcting internal references as necessary.

S-4063

- 1 Amend the House amendment, S-4034, to Senate File
- 2 517 as amended, passed, and reprinted by the Senate as
- 3 follows:
- 4 1. By striking page 2, line 46 through page 3,

5 line 8 and inserting the following:

6 "4. To the state board of
7 regents for the following
8 purposes:

9 a. For energy conser-
10 vation improvements at the
11 University of Northern Iowa
12 including the installation
13 of a new, more efficient
14 boiler \$

\$ 2,400,000

15 b. For research by the
16 Iowa State University of
17 science and technology cen-
18 ter for industrial research
19 and service on establishing
20 a waste stream for used
21 motor oil, investigating
22 alternative disposal methods,
23 and coordinating with other
24 states' research projects
25 on used motor oil collec-
26 tion and disposal \$

\$ 30,000".

27 2. Page 3, by inserting after line 23 the
28 following:

29 "2. The state board of regents is authorized to
30 enter into contracts for the purpose of commencing
31 construction of the boiler project. It is the intent
32 of the general assembly to fund the balance of the ten
33 million one hundred thousand (10,100,000) dollar
34 boiler project through other appropriations or through
35 authorizing additional academic building revenue
36 bonds. If the funds in the Stripper Wells account are
37 insufficient to satisfy the appropriations from that
38 account in section 1 of this Act, the appropriation in
39 subsection 4, paragraph "a", shall be suspended by the
40 amount of the shortage and the suspended appropriation
41 shall continue and carry over until sufficient funds
42 are deposited in that account."

43 3. Renumber as necessary.

JOY CORNING

S-4064

1 Amend Senate File 521 as follows:

2 1. Page 3, line 18, by striking the word
3 "eighteen" and inserting the following: "seventeen".

RICHARD VANDE HOEF
WILMER RENSINK

JACK W. HESTER
LINN FUHRMAN
KENNETH D. SCOTT
HURLEY W. HALL
BERL E. PRIEBE

S-4065

- 1 Amend House File 683 as amended, passed, and
2 reprinted by the House as follows:
3 1. Page 2, by striking lines 20 through 25.

EDGAR H. HOLDEN

HOUSE AMENDMENT TO
SENATE FILE 515

S-4066

- 1 Amend Senate File 515, as amended, passed, and re-
2 printed by the Senate, as follows:
3 1. Page 1, by inserting before line 1 the
4 following:
5 "Section 1. Section 99E.9, Code 1987, is amended
6 by adding the following new subsection:
7 NEW SUBSECTION. In making decisions relating to
8 the marketing or advertising of the Iowa lottery and
9 the various games offered, the board shall give
10 consideration to marketing or advertising through
11 Iowa-based advertising agencies and media outlets."
12 2. Page 3, line 4, by inserting after the word
13 "grants." the following: "Loans in excess of fifty
14 thousand dollars involving a city or county, if the
15 city or county has established a special economic de-
16 velopment fund to which repayments of interest would
17 be credited and from which moneys would be used solely
18 for additional economic development projects or
19 purposes, shall be made on the following terms:
20 principal payments shall be paid to the community
21 economic betterment account; interest payments shall
22 be paid to the city or county making the loan; and the
23 city or county shall supervise and enforce the terms
24 of the loan and the cost of supervision and
25 enforcement shall be borne and paid by the city or
26 county from funds other than those received as
27 interest payments on economic development loans."
28 3. Page 3, line 21, by inserting after the word
29 "businesses" the following: "and shall consider the

30 level of excess production capacity within an industry
31 when making this determination”.

32 4. Page 3, by striking lines 22 through 25 and
33 inserting the following: “In determining the impact
34 on businesses in competition with the business being
35 considered for assistance, jobs created as a result of
36 other jobs being displaced elsewhere in the state
37 shall not be considered direct jobs created.”

38 5. Page 4, line 20, by inserting after the word
39 “from” the following: “the merged area schools,”.
40 6. Page 5, lines 24 and 25, by striking the words
41 “three million six hundred” and inserting the
42 following: “six million six hundred seventy-five”.

43 7. Page 5, line 26, by striking the words “one
44 million” and inserting the following: “one three
45 million seven hundred fifty thousand”.

46 8. Page 5, line 27, by striking the words “one
47 million” and inserting the following: “one three
48 million seven hundred fifty thousand”.

49 9. Page 5, lines 33 and 34, by striking the words
50 “seven million one hundred fifty” and inserting the

Page 2

1 following: “eight million three hundred seventy-
2 five”.

3 10. Page 6, line 4, by striking the words “eight
4 million” and inserting the following: “seven million
5 two hundred fifty thousand”.

6 11. Page 6, line 24, by striking the words “one
7 million three hundred sixty-five thousand” and
8 inserting the following: “two million”.

9 12. Page 6, by striking lines 25 through 35 and
10 inserting the following: “dollars.”

11 13. Page 7, line 3, by inserting after the word
12 “million” the following: “five hundred thousand”.

13 14. Page 7, line 7, by striking the word “one”
14 and inserting the following: “six”.

15 15. Page 7, line 16, by inserting after the word
16 “dollars” the following: “of which fifty thousand
17 dollars shall be used by the department to hire a
18 rural development coordinator; forty-five thousand
19 dollars for an informational referral center; and
20 ninety-five thousand dollars for model rural
21 development projects”.

22 16. Page 7, line 28, by striking the words “of
23 new incubators” and inserting the following: “of at
24 least one new incubator in the fiscal year”.

25 17. Page 7, lines 32 and 33, by striking the
26 words “within a certain time frame” and inserting the

27 following: "from the need for further grants within
28 three years of its start-up".

29 18. Page 8, by striking lines 24 through 31 and
30 inserting the following: "dollars."

31 19. By striking page 9, line 4 through page 10,
32 line 6 and inserting the following:

33 "NEW LETTERED PARAGRAPH. i. For the fiscal year
34 beginning July 1, 1987 only, to the department of
35 agriculture and land stewardship the sum of one
36 hundred thousand dollars, or so much as is necessary,
37 to provide a grant to the organizers from the 1988
38 world ag expo in the Amana colonies."

39 20. Page 10, line 32, by inserting after the word
40 "dollars" the following: "of which five hundred
41 thousand dollars shall be allocated to the Iowa State
42 University of science and technology for the national
43 center for food and industrial agricultural product
44 development; and two hundred fifty thousand dollars
45 shall be allocated to the University of Northern Iowa
46 for the decision making science institute".

47 21. Page 11, by striking lines 4 through 14.

48 22. Page 11, line 18, by striking the words
49 "maintenance, and miscellaneous purposes" and insert-
50 ing the following: "and maintenance".

Page 3

1 23. Page 11, line 20, by inserting after the word
2 "institute." the following: "The peace institute
3 shall not use any of the state funds for the construc-
4 tion or purchase of real property."

5 24. Page 11, line 21, by striking the words "a
6 and c" and inserting the following: "c and h".

7 25. Page 11, by striking lines 23 through 29.

8 26. Page 12, by inserting after line 1 the
9 following:

10 "h. There is appropriated from the allotment made
11 to the jobs now capitals account under subsection 1
12 for the fiscal year beginning July 1, 1986 to the
13 legislative council for the use of the world trade
14 advisory committee the sum of one hundred twenty-five
15 thousand dollars, or so much thereof as is necessary,
16 to pay expenses of the members of the committee and
17 other expenses approved by the committee.
18 Notwithstanding subsection 7, any moneys not expended
19 under this paragraph by June 30, 1987 shall revert to
20 the Iowa plan fund to be allotted be transferred for
21 the fiscal year beginning July 1, 1987 to the various
22 accounts in the Iowa plan fund department of economic
23 development for a labor management council for which

24 the department may contract out."

25 27. Page 12, line 7, by striking the word "one"
26 and inserting the following: "two".

27 28. Page 12, line 8, by striking the words
28 "tourism and cultural centers." and inserting the
29 following: "welcome centers as provided in 1987 Iowa
30 Acts, House File 540. Of the amounts appropriated,
31 sixty thousand dollars shall be used for the
32 establishment of rural centers to be located in or
33 near communities with populations of five thousand or
34 less. Not more than twenty thousand dollars shall be
35 expended for each center. The local communities are
36 required to equally match state funds."

37 29. Page 12, by striking lines 11 through 13 and
38 inserting the following: "for construction,
39 equipment, renovation, and other costs associated with
40 buildings in the capitol complex the sum of two
41 million seven hundred fifty thousand dollars for each
42 of the fiscal years beginning July 1, 1987; July 1,
43 1988; and July 1, 1989 to the department of general
44 services. Of the total funds appropriated, seven
45 hundred fifty thousand dollars shall be utilized to
46 pay costs of equipping the new historical building and
47 the costs of moving exhibits into that building; the
48 funds shall next be used to construct and equip
49 additional space for the general assembly as approved
50 by the legislative council; and the remaining funds

Page 4

1 shall be used for renovation and remodeling of
2 buildings in the capitol complex."

3 30. Page 12, by striking lines 14 through 24.

4 31. Page 12, by striking lines 29 and 30 and
5 inserting the following: "sum of fifty thousand
6 dollars."

7 32. By striking page 12, line 35 through page 13,
8 line 1 and inserting the following: "the sum of fifty
9 thousand dollars."

10 33. Page 13, by inserting after line 30 the fol-
11 lowing:

12 "Sec. ____ . Section 28.101, subsection 2,
13 unnumbered paragraph 1, Code 1987, is amended to read
14 as follows:

15 To aid in fulfilling the purpose of the primary
16 research and marketing center for business and
17 international trade, the department may provide grants
18 to establish satellite centers throughout the state.
19 To facilitate establishment of satellite centers, the
20 state is divided up into fifteen regional economic

21 delivery areas which have the same area boundaries as
22 merged areas, as defined in section 280A.2, in
23 existence on May 3, 1985. Each regional delivery area
24 wishing to receive a grant from the department to
25 establish a satellite center in its area shall create
26 a regional coordinating council which shall develop a
27 plan for the area to coordinate all federal, state,
28 and local economic development services within the
29 area. After developing this plan, the council may
30 seek a grant for a satellite center by submitting the
31 coordinating plan and an application for a grant to
32 the department. A grant shall not be awarded within
33 the regional economic delivery area without the
34 approval of the regional coordinating plan by the
35 department. The department may rescind its approval
36 of a regional coordinating plan upon thirty days
37 notice, if the department determines that the stated
38 purpose of the plan is not being carried out. The
39 department may then accept an alternative proposal for
40 a regional coordinating plan. If a regional
41 coordinating council is awarded a grant for a
42 satellite center, it shall employ a center director at
43 the satellite center. The regional coordinating
44 councils shall have sole authority to hire the
45 director of the satellite centers. If, in the opinion
46 of the department, the director of any satellite
47 center is not fulfilling the regional coordinating
48 plan, the department may rescind its approval of the
49 plan. The center director's duties and
50 responsibilities include the following:"

Page 5

- 1 34. By renumbering, relettering, or redesignating
- 2 and correcting internal references as necessary.

S-4067

- 1 Amend House File 683 as follows:
- 2 1. Page 1, line 4, by striking the word and
- 3 figure "and 476.61" and inserting the following:
- 4 "~~and, 476.61 and 476.66~~".
- 5 2. Page 2, line 30, by inserting after the word
- 6 "select" the following: "for participation in this
- 7 project a representative area from".
- 8 3. Page 3, line 4, by striking the words "and
- 9 preference" and inserting the following: "
10 Preference".
- 11 4. Page 3, line 5, by striking the words

- 12 "utilities whose service".
 13 5. Page 3, line 5, by inserting after the word
 14 "areas" the following: "which".

LARRY MURPHY

S-4068

- 1 Amend House File 683 as amended, passed and
 2 reprinted by the House as follows:
 3 1. Page 9, by striking line 28 and inserting in
 4 lieu thereof the following: "December 1, 1989".
 5 2. Page 9, line 34, by striking the figure "1989"
 6 and inserting in lieu thereof the following: "1990".

HURLEY W. HALL

HOUSE AMENDMENT TO
 SENATE AMENDMENT TO
 HOUSE FILE 658

S-4069

- 1 Amend the Senate amendment, H-3906, to House File
 2 658, as passed by the House, as follows:
 3 "1. Page 1, by striking lines 1 through 6
 4 and inserting the following:
 5 "Amend House File 658 as passed by the House as
 6 follows:
 7 1. Page 8, line 32, by striking the word "reasonable"
 8 and inserting in lieu thereof the word "~~reasonable~~".
 9 2. Page 8, line 35, by striking the word "appropriate"
 10 and inserting in lieu thereof the word "~~appropriate~~".
 11 3. Page 9, by inserting after line 9 the following:
 12 "Sec. ____ . Section 524.803, subsection 1, Code
 13 1987, is amended by adding the following new lettered
 14 paragraph:
 15 NEW LETTERED PARAGRAPH. f. Organize, acquire, or
 16 invest in a subsidiary for the purpose of engaging in
 17 any one or more of the following, subject to the prior
 18 approval of the superintendent:
 19 (1) Nondepository activities that a state bank is
 20 authorized to engage in directly under this chapter.
 21 (2) Any activity that a bank service corporation
 22 is authorized to engage in under state or federal law
 23 or regulation.
 24 (3) Any activity authorized pursuant to section

25 524.825.

26 Sec. ____ . NEW SECTION. 524.825 SECURITIES
27 ACTIVITIES.

28 Subject to the prior approval of the
29 superintendent, a state bank or a subsidiary of a
30 state bank organized or acquired pursuant to section
31 524.803, subsection 1, paragraph "f" may engage in
32 directly, or may organize, acquire, or invest in a
33 subsidiary for the purpose of engaging in securities
34 activities and any aspect of the securities industry,
35 including, but not limited to, any of the following:
36 1. Issuing, underwriting, selling, or distributing
37 stocks, bonds, debentures, notes, interest in mutual
38 funds or money-market-type mutual funds, or other
39 securities.

40 2. Organizing, sponsoring, and operating one or
41 more mutual funds.

42 3. Acting as a securities broker-dealer licensed
43 under chapter 502. The business relating to
44 securities shall be conducted through, and in the name
45 of, the broker-dealer. The requirements of chapter
46 502 apply to any business of the broker-dealer
47 transacted in this state.

48 A subsidiary engaging in activities authorized by
49 this section may also engage in any other authorized
50 activities under section 524.803, subsection 1,

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1 paragraph "f".

2 Sec. ____ . Section 524.901, subsection 1, Code 1987,
3 is amended by adding the following new lettered
4 paragraph:

5 NEW LETTERED PARAGRAPH. f. Futures, forward, and
6 standby contracts to purchase and sell any of the
7 instruments eligible for state banks' purchase and
8 sale, subject to the prior approval of the
9 superintendent and pursuant to applicable federal laws
10 and regulations governing such contracts. Purchase
11 and sale of such contracts shall be conducted in
12 accordance with safe and sound banking practices and
13 with levels of the activity being reasonably related
14 to the state bank's business needs and capacity to
15 fulfill its obligations under the contracts.

16 Sec. ____ . Section 524.901, subsection 1, Code 1987,
17 is amended by adding the following new lettered
18 paragraph:

19 NEW LETTERED PARAGRAPH. g. Bonds and securities
20 which are authorized investments under paragraph "a",
21 "b", "c", or "d" include investments in an investment

22 company or investment trust registered under the
23 Investment Company Act of 1940, 15 U.S.C. § 80a, the
24 portfolio of which is limited to the United States
25 government obligations described in paragraph "a",
26 "b", "c", or "d" and to repurchase agreements fully
27 collateralized by the United States government
28 obligations described in paragraph "a", "b", "c", or
29 "d", if the investment company or investment trust
30 takes delivery of the collateral either directly or
31 through an authorized custodian.

32 Sec. ____ . Section 524.901, subsection 3, paragraph
33 d, Code 1987, is amended to read as follows:

34 d. Shares in a corporation which the state bank is
35 authorized to acquire and hold pursuant to section
36 524.803, subsection 1, paragraphs "c", "d", and "e",
37 and "f" and section 524.825.

38 Sec. ____ . Section 524.901, subsection 3, Code
39 1987, is amended by adding the following new lettered
40 paragraphs:

41 NEW LETTERED PARAGRAPH. i. Shares of investment
42 companies, up to a maximum of twenty percent of
43 capital and surplus of the state bank in any one
44 company, if the portfolio of such an investment
45 company consists wholly of investments in which the
46 state bank could invest directly without limitation
47 pursuant to this section.

48 NEW LETTERED PARAGRAPH. j. Shares of investment
49 companies whose portfolios contain investments which
50 are subject to limitations pursuant to this section,

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1 provided that a state bank's investment in such shares
2 does not exceed the limitation set forth in this
3 section for the underlying instrument.

4 Sec. ____ . Section 524.901, Code 1987, is amended
5 by adding the following new subsection:

6 NEW SUBSECTION. 6. A state bank may, in the
7 exercise of the powers granted in this chapter,
8 purchase cash value life insurance contracts which may
9 include provisions for the lump sum payment of
10 premiums and which may include insurance against the
11 loss of the lump sum payment. The cash value life
12 insurance contracts purchased from any one company
13 shall not exceed twenty percent of capital and surplus
14 of the state bank.

15 Sec. ____ . Section 533.4, subsection 5, Code 1987,
16 is amended by adding the following new paragraph.

17 NEW PARAGRAPH. i. Commercial paper issued by
18 United States corporations as defined by rule.

19 Sec. ____ . Section 533.4, subsection 7, Code 1987,
20 is amended to read as follows:

21 7. Assess fines as may be provided by the bylaws
22 ~~for failure to make repayments on loans and payments~~
23 ~~on shares when due, provided no such fine shall exceed~~
24 ~~one percent per month on amounts in arrears or five~~
25 ~~cents, whichever is the larger.~~

26 Sec. ____ . Section 533.5, Code 1987, is amended by
27 striking the section and inserting in lieu thereof the
28 following:

29 533.5 MEMBERSHIP.

30 The membership of a credit union consists of those
31 persons in the common bond, duly admitted, who have
32 paid any required one-time or periodic membership fee,
33 or both, have subscribed to one or more shares, and
34 have complied with the other requirements specified by
35 the articles of incorporation and bylaws. To continue
36 membership, a member must comply with any changes in
37 the par value of the share. Credit union organization
38 shall be available to groups of individuals who have a
39 common bond of association such as, but not limited
40 to, occupation, common employer, or residence within
41 specified geographic boundaries. Changes in the
42 common bond may be made by the board of directors. If
43 adopted as a policy by the board of directors of a
44 credit union, members who cease to meet qualifications
45 of membership may retain their credit union membership
46 and all membership privileges. Organizations,
47 incorporated or otherwise, may be members.

48 Sec. ____ . Section 533.9, unnumbered paragraph 1,
49 Code 1987, is amended to read as follows:

50 Within five days following the organization meeting

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1 and each annual meeting the directors shall elect from
2 their own number a chairperson of the board, a vice
3 chairperson, ~~president and a~~ secretary, ~~of whom the~~
4 ~~last two may be the same individual, and also a chief~~
5 ~~financial officer whose title shall be designated by~~
6 ~~the board of directors, a credit committee of not less~~
7 ~~than three members, and an auditing committee of not~~
8 ~~less than three members, and may also elect alternate~~
9 ~~members of the credit committee. The board may~~
10 ~~appoint an executive committee to act on its behalf~~
11 ~~when designated for that purpose. It shall be the~~
12 ~~duty of the The directors to have general management~~
13 ~~of the affairs of the credit union, particularly to.~~

14 Sec. ____ . Section 533.9, subsections 1 through 7,
15 and unnumbered paragraph 2, Code 1987, are amended by

16 striking the subsections and unnumbered paragraph.

17 Sec. ____ . Section 533.11, subsections 1 and 2,

18 Code 1987, are amended to read as follows:

19 1. Make or cause to be made an examination of the
20 affairs of the credit union at least ~~quarterly~~ semi-
21 annually, including an audit of its books and, ~~in the~~
22 ~~event said~~ if the committee feels such action to be
23 necessary, it shall call the members together
24 ~~thereafter~~ after the audit and submit to them its
25 report.

26 2. Make or cause to be made an annual ~~audit and~~
27 report and submit ~~the same~~ it at the annual meeting of
28 the members.

29 Sec. ____ . Section 533.34, subsection 1, Code 1987,
30 is amended to read as follows:

31 1. A state credit union may convert into a federal
32 credit union with the approval of the administrator of
33 the national credit union administration and by the
34 affirmative vote of a majority of the credit union's
35 members ~~eligible to~~ who vote on the proposal. This
36 vote, if taken, shall be at a ~~special~~ meeting called
37 for that purpose and shall be in the manner prescribed
38 by the bylaws. ~~Any member eligible to vote and not~~
39 ~~present at the meeting may, within twenty days after~~
40 ~~the date on which the meeting was held, vote in favor~~
41 ~~of conversion by signing a statement in a form~~
42 ~~satisfactory to the superintendent. This vote shall~~
43 ~~have the same force and effect as if cast at the~~
44 ~~meeting.~~

45 Sec. ____ . Section 533.38, unnumbered paragraph 1,
46 Code 1987, is amended to read as follows:

47 A corporate central credit union may be
48 established. Credit unions organized under this
49 chapter, the Federal Credit Union Act, or any other
50 credit union act and credit union organizations may be

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1 members. In addition, regulated financial
2 institutions, nonprofit organizations, and cooperative
3 organizations may be members to the extent and manner
4 provided for in the bylaws of the corporate central
5 credit union. The corporate central credit union
6 shall have all the powers, restrictions, and
7 obligations imposed upon, or granted to a credit union
8 under this chapter, except that the corporate central
9 credit union may exercise any of the following
10 additional powers subject to the adoption of rules by
11 the superintendent pursuant to chapter 17A and with
12 the prior written approval of the superintendent:

13 Sec. ____ . NEW SECTION. 533.48 INVESTMENT IN
14 BANKS OR SAVINGS AND LOAN ASSOCIATIONS.

15 1. INVESTMENTS IN BANKS. A credit union may, with
16 the prior approval of the superintendent, invest in
17 the capital stock, obligations, or other securities of
18 a bank.

19 2. INVESTMENT IN SAVINGS AND LOANS. A credit
20 union may, with the prior approval of the
21 superintendent, invest in the capital stock,
22 obligations, or other securities of a state savings
23 and loan association.

24 3. FINDINGS REQUIRED. The superintendent shall
25 not grant an approval under subsection 1 or 2, except
26 after making one of the following findings:

27 a. Based upon a preponderance of the evidence
28 presented, the proposed investment will not have the
29 immediate effect of significantly reducing competition
30 between depository financial institutions located in
31 the same community as the institution whose shares
32 would be acquired.

33 b. Based upon a preponderance of the evidence
34 presented, the proposed investment would have an
35 anticompetitive effect as described in paragraph "a",
36 but other factors, specifically cited, outweigh the
37 anticompetitive effect so that there would be a net
38 public benefit as a result of the investment.

39 4. COMPETITION PRESERVED. The subsequent
40 liquidation of a bank or state savings and loan
41 association whose shares are acquired under this
42 section shall not prevent the subsequent incorporation
43 of another bank or savings and loan association in the
44 same community, and the superintendent of banking
45 shall not find the liquidation of such a bank to be
46 grounds for disapproving the incorporation of another
47 bank in the same community under section 524.305, and
48 the superintendent of savings and loan associations
49 shall not find the liquidation of such a savings and
50 loan association to be grounds for disapproving the

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1 incorporation of another savings and loan association
2 in the same community under chapter 534.

3 Sec. ____ . Section 534.103, subsection 6, Code
4 1987, is amended to read as follows:

5 6. LIMITED TRUST POWERS. Associations An
6 association incorporated under this chapter may act as
7 trustee for trusts which are created or organized in
8 the United States, and which form part of a stock
9 bonus, pension, or profit sharing plan which qualifies

10 for special tax treatment under section 401(d) or
 11 subsection (a) of section 408 of the Internal Revenue
 12 Code of 1954, as amended, or as trustee with no active
 13 fiduciary duties, if the funds of such the trust are
 14 invested only in savings accounts or deposits in such
 15 the association or in obligations or securities issued
 16 by such the association. All funds held in such a
 17 fiduciary capacity by ~~any such an~~ association may be
 18 commingled for appropriate purposes of investment, but
 19 individual records shall be kept by the fiduciary for
 20 each participant and shall show in proper detail all
 21 transactions engaged in under the authority of this
 22 subsection.

23 The ~~administrator~~ superintendent is authorized to
 24 grant by special permit to an association the right to
 25 act as trustee, executor, administrator, guardian, or
 26 in any other fiduciary capacity. However, this
 27 authority is available only for periods of time when
 28 federally chartered savings and loan associations
 29 operating in this state are granted similar authority,
 30 and the state authorization is subject to the rights
 31 and limitations established in rules adopted by the
 32 superintendent, which shall be consistent with the
 33 rights and limitations for federally chartered
 34 associations engaged in this type of activity.

35 Sec. ____ . Section 534.107, Code 1987, is amended
 36 to read as follows:

37 534.107 EXPENDITURES AND OPERATING EXPENSES.

38 All expenses for management in conducting the
 39 affairs of an association, excluding the cost of
 40 borrowed money, shall be paid from interest, service
 41 charges and other sources of profit. The said
 42 operating expense for of an association in any one
 43 year shall not exceed three percent for associations
 44 with assets not to exceed eight hundred thousand
 45 dollars and two percent for those over such amount as
 46 shown by the associations in their last annual report
 47 of the association's average assets during that year
 48 without the written approval of the superintendent.

49 Sec. ____ . Section 534.111, unnumbered paragraph 2,
 50 Code 1987, is amended to read as follows:

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1 Every association organized under the provisions of
 2 this chapter shall have and exercise has all the
 3 rights, powers, and privileges pertaining to savings
 4 and to loans not in conflict with the laws of this
 5 state, which are conferred upon federal savings and
 6 loan associations by the Home Owners' Loan Act of

7 1933, title 12, section 1464, United States Code 12
 8 U.S.C. § 1464, and conferred by regulations adopted by
 9 the federal home loan bank board and the federal
 10 savings and loan insurance corporation.

11 Sec. ____ . NEW SECTION. 534.112 REGULATORY
 12 CAPITAL.

13 An association shall maintain regulatory capital in
 14 the amount required by regulations of the federal
 15 savings and loan insurance corporation. For the
 16 purpose of this section, "regulatory capital" means
 17 the sum of all reserve accounts (except specific
 18 reserves established to offset actual or anticipated
 19 losses), undivided profits, surplus, capital stock,
 20 and any other nonwithdrawable accounts.

21 Sec. ____ . Section 534.207, subsection 1, paragraph
 22 a, Code 1987, is amended to read as follows:

23 a. Loans secured by ~~first~~ liens or ~~first~~ claims on
 24 residential real estate, participation interests in
 25 groups of loans secured by ~~first~~ liens or ~~first~~ claims
 26 on residential real estate, securities that are
 27 secured by groups of loans secured by ~~first~~ liens or
 28 ~~first~~ claims on residential real estate, or property
 29 improvement loans for the making of improvements upon
 30 residential real property, or a combination of these.

31 Sec. ____ . Section 534.209, Code 1987, is amended
 32 by striking the section and inserting in lieu thereof
 33 the following:

34 534.209 COMMERCIAL LENDING AND ACCOUNTS.

35 1. An association shall not hold more than forty
 36 percent of its assets in commercial loans and consumer
 37 loans as an annual average based on monthly
 38 computations.

39 2. An association may accept a commercial NOW
 40 account. For the purposes of this subsection, a
 41 "commercial NOW account" is a NOW account, as
 42 authorized by section 534.301, subsection 3, for a
 43 commercial, corporate, business, or agricultural
 44 entity.

45 3. For the purposes of this section, unless the
 46 context otherwise requires:

47 a. "Commercial loan" means a loan to a person
 48 borrowing money for a business or agricultural
 49 purpose.

50 b. "Business purpose" means a loan to a for-profit

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1 entity, or a for-profit activity, including but not
 2 limited to a commercial, service, or industrial
 3 enterprise carried on for profit, or an investment

4 activity.

5 c. "Agricultural purpose" means as defined in
6 section 535.13.

7 d. "Commercial loan" does not include a loan
8 secured by an interest in real estate for the purpose
9 of financing the acquisition of real estate or the
10 construction of improvements on real estate. In
11 determining which loans are "commercial loans" the
12 rules of construction stated in section 535.2,
13 subsection 2, paragraph "b", apply.

14 4. For the purposes of this section, a lease of
15 personal property is treated as a commercial loan if a
16 loan to the lessee to acquire the property would have
17 been a commercial loan.

18 Sec. ____ . NEW SECTION. 534.215 FALSE STATEMENT
19 FOR CREDIT.

20 A person who knowingly does either of the following
21 is guilty of a fraudulent practice:

22 1. Makes or causes to be made, directly or
23 indirectly, a false statement in writing with the
24 intent that the false statement shall be relied upon
25 by an association for the purpose of procuring the
26 delivery of property, the payment of cash, or the
27 receipt of credit in any form, for the benefit of the
28 person or of any other person in which the person is
29 interested or for whom the person is acting.

30 2. Procures the delivery of property, the payment
31 of cash, or the receipt of credit in any form, knowing
32 that a false statement in writing has been made
33 concerning the financial condition or means or ability
34 to pay of the person, or any other person in which the
35 person is interested or for whom the person is acting,
36 if the person knew that the association relied or
37 would rely upon the false written statement.

38 Sec. ____ . Section 534.307, subsection 2, Code
39 1987, is amended by striking the subsection.

40 Sec. ____ . Section 534.505, subsection 4, Code
41 1987, is amended by striking the subsection.

42 Sec. ____ . Section 534.702, Code 1987, is amended
43 by adding the following new subsection:

44 NEW SUBSECTION. 9. Subject to the laws and
45 regulations of the United States, a foreign
46 association transacting business within this state is
47 subject to the provisions of this chapter and is
48 subject to the supervision of the superintendent as to
49 its operations in this state. Notwithstanding
50 subsection 2 of section 534.102, the term

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1 "association" or "state association" in this chapter
2 shall include a foreign association and any foreign
3 association which is a party to a plan of merger under
4 section 534.511 as to its operations in this state."

5 4. Title page, line 2, by inserting after the
6 word "purposes" the following: ", the powers of
7 certain financial institutions, acts which constitute
8 a fraudulent practice, imposing penalties,".

9 5. By renumbering as necessary."

S-4070

1 Amend House File 468, as amended, passed, and re-
2 printed by the House, as follows:

3 1. Page 2, line 28, by striking the words "owners
4 of" and inserting the following: "cities to conduct".

5 2. By striking page 3, line 34 through page 4,
6 line 1 and inserting the following: "gambling
7 activities in this state."

8 3. Page 4, by striking lines 25 through 27 and
9 inserting the following: "license to operate an
10 excursion gambling boat. A city may apply for a
11 license to conduct gambling game operations on an
12 excursion gambling boat as provided in this chapter.
13 The application shall be filed with".

14 4. Page 5, by striking lines 7 through 9 and
15 inserting the following:

16 "1. A person shall not be issued a license to
17 operate an excursion gambling boat under this".

18 5. Page 5, line 34, by striking the words "a
19 gambling game operation on".

20 6. Page 8, line 28, by inserting after the word
21 "licensee" the following: ", except a city,".

22 7. Page 8, line 33, by striking the words ", and
23 conducts its games of chance".

24 8. Page 10, line 2, by striking the words "An
25 owner of" and inserting the following: "A city
26 licensed to conduct".

27 9. Page 16, line 13, by striking the word
28 "licensee" and inserting the following: "person".

S-4071

1 Amend House File 468 as amended, passed and
2 reprinted by the House as follows:
3 1. Page 8, by inserting after line 6 the
4 following:
5 "5. A license shall not be granted if there is
6 substantial evidence that the applicant, if an
7 individual, or the stockholders or officers of the
8 corporation, if the applicant is a corporation, are
9 not of good moral character."

WILLIAM W. DIELEMAN

S-4072

1 Amend House File 468 as amended, passed and
2 reprinted by the House as follows:
3 1. Page 13, by inserting after line 30 the
4 following:
5 "d. Serving alcoholic beverages, wine or beer as
6 defined in section 123.3 at no charge."

WILLIAM W. DIELEMAN

S-4073

1 Amend House File 468 as amended, passed and
2 reprinted by the House as follows:
3 1. Page 2, by inserting after line 18 the
4 following:
5 "This chapter also authorizes wagering on
6 cockfights when such contests are conducted on a
7 licensed excursion gambling boat which is operated on
8 the Mississippi River within ten miles of the city
9 limits of Davenport, Iowa."

JOHN W. JENSEN
RICHARD VANDE HOEF
JULIA GENTLEMAN
WILMER RENSINK

S-4074

1 Amend House File 468, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 1, by striking lines 8 and 9 and

4 inserting the following:

5 "2. "Commission" means the excursion gambling boat
6 commission created in this chapter."

7 2. Page 2, by inserting after line 18 the
8 following:

9 "Sec. ____ . NEW SECTION. 99F.4A CREATION OF
10 EXCURSION GAMBLING BOAT COMMISSION -- MEMBERS -- TERMS
11 -- QUALIFICATIONS -- BONDS -- PROHIBITED ACTIVITIES --
12 PENALTY.

13 1. There is created an excursion gambling boat
14 commission consisting of five members who shall be
15 appointed by the governor subject to confirmation by
16 the senate, and who shall serve not to exceed a three-
17 year term at the pleasure of the governor. The term
18 of each member shall begin and end as provided in
19 section 69.19.

20 2. A vacancy on the commission shall be filled as
21 provided in section 2.32.

22 3. Not more than three members of the commission
23 shall belong to the same political party and no two
24 members of the commission shall reside, when
25 appointed, in the same congressional district. A
26 member of the commission shall not have a financial
27 interest in a business, partnership, or corporation
28 operating an excursion gambling boat.

29 4. Commission members shall each receive an annual
30 salary of six thousand dollars. Members shall also be
31 reimbursed for necessary travel and expenses incurred
32 in the performance of their duties to a maximum of six
33 thousand dollars per year for the commission. Each
34 member shall post a bond in the amount of ten thousand
35 dollars, with sureties to be approved by the governor,
36 to guarantee the proper handling and accounting of
37 moneys and other properties required in the
38 administration of this chapter. The premiums on the
39 bonds shall be paid as other expenses of the
40 commission.

41 5. A member shall not knowingly:

42 a. Have a pecuniary, equitable, or other interest
43 in or engage in a business or employment which would
44 be a conflict of interest or interfere or conflict
45 with the proper discharge of the duties of the
46 commission including any of the following:

47 (1) A business which does business with a
48 licensee.

49 (2) A business issued a concession operator's
50 license.

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1 b. Place a wager on a gambling game operated on an
2 excursion gambling boat.
3 A violation of this subsection is a serious
4 misdemeanor. In addition, the individual may be
5 subject to disciplinary actions pursuant to the
6 commission rules.

7 6. A member, employee, or appointee of the
8 commission, spouse of a member, employee, or appointee
9 of the commission, or a family member related within
10 the second degree of affinity or consanguinity to a
11 member, employee, or appointee of the commission shall
12 not do either of the following:

13 a. Hold an occupational license.
14 b. Enter directly or indirectly into any business
15 dealing, venture, or contract with an owner or lessee
16 of an excursion gambling boat.

17 A member who knowingly approves of a violation of
18 this subsection is guilty of a serious misdemeanor.

19 Sec.____. NEW SECTION. 99F.4B CHAIRPERSON -- EM-
20 PLOYEES -- DUTIES -- BOND.

21 The commission shall elect in July of each year one
22 of its members chairperson for the succeeding year.
23 The commission may employ a secretary and other
24 assistants and employees as necessary to carry out its
25 duties. Some or all of the information required of
26 applicants in section 99F.6, subsections 1 and 2, may
27 also be required of employees of the commission if the
28 commission deems it necessary. The secretary shall
29 keep a record of the proceedings of the commission,
30 preserve the books, records, and documents entrusted
31 to the secretary's care, and perform other duties as
32 the commission prescribes. The commission shall
33 require the secretary to post a bond in a sum it may
34 fix, conditioned upon the faithful performance of the
35 administrator's duties. Subject to the approval of
36 the governor, the commission shall fix the
37 compensation of its administrator within salary range
38 five as set by the general assembly. The commission
39 shall also fix the compensation of its other
40 employees, subject to the approval of the governor.
41 The commission shall have its headquarters in the city
42 of Des Moines, and shall meet in July of each year and
43 at other times and places as it finds necessary for
44 the discharge of its duties."

- 45 3. Page 18, by striking lines 1 through 16.
46 4. By numbering sections as necessary.

RICHARD VANDE HOEF
JOHN JENSEN
RAY TAYLOR

S-4075

- 1 Amend House File 468, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 7, by striking lines 2 through 4 and
4 inserting the following: "boat while docked during
5 the off season."

RICHARD VANDE HOEF

S-4076

- 1 Amend the amendment, S-3844, to House File 617, as
2 amended, passed, and reprinted by the House as
3 follows:
4 1. Page 1, by striking lines 1 through 27 and
5 inserting the following:
6 " ____ . By striking everything after the enacting
7 clause and inserting the following:
8 "Sec. ____ . Section 524.1805, Code 1987, is amended
9 to read as follows:
10 524.1805 OUT-OF-STATE HOLDING COMPANIES.
11 ~~Nothing in this division shall be construed to~~
12 ~~authorize a bank holding company which is with respect~~
13 ~~to the state of Iowa an~~ An "out-of-state bank holding
14 company", as defined or referred to in 12 U.S.C. §
15 1842(d), as amended to January 1, 1971, ~~to may~~
16 directly or indirectly acquire any of the voting
17 shares of, all or a portion of the voting securities
18 or other capital stock of, or any interest in; all or
19 substantially all of the assets of, or power to
20 control in any manner the election of any of the
21 directors of, ~~any bank in this state, unless such bank~~
22 ~~holding company was on January 1, 1971 registered with~~
23 ~~the federal reserve board as a bank holding company,~~
24 ~~and on that date owned at least two banks in this~~
25 state one or more state banks or national banking
26 associations conducting a banking business in this
27 state or one or more bank holding companies located in
28 this state controlling one or more state banks or
29 national banks conducting a banking business in this

30 state.

31 As a condition of an acquisition pursuant to this
 32 section, an out-of-state bank holding company must
 33 file a statement with the superintendent describing
 34 how the acquisition will make available a minimum of
 35 one hundred million dollars of net new funds to this
 36 state. The statement must state the amount of capital
 37 funds, including the increase in equity capital that
 38 will result from the acquisition. The statement must
 39 also include a discussion of initial capital
 40 investments, loan policy, investment policy, dividend
 41 policy, and the general plan of business, including
 42 the full range of consumer and business services which
 43 will be offered by the bank or banks owned by the bank
 44 holding company after the acquisition. A description
 45 of compliance or progress towards compliance with the
 46 net new funds statement filed at the time of
 47 acquisition must be filed with the superintendent
 48 annually after an acquisition. The description must
 49 state the increase in net new funds for both the last
 50 year of operations and since the acquisition. For the

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1 purposes of this section, "net new funds" means an
 2 increase in loanable funds expressed as an increase in
 3 the total loan to asset ratio of Iowa loans and assets
 4 of the acquired bank or acquiring bank or bank holding
 5 company. If the superintendent finds that the
 6 acquisition will not make available one hundred
 7 million dollars in net new funds to this state, the
 8 superintendent shall disallow the acquisition. "

JACK RIFE

S-4077

1 Amend House File 675 as passed by the House as
 2 follows:
 3 1. Page 1, by inserting after line 7 the
 4 following:
 5 "Sec. ____ . Section 422.42, subsections 9 and 10,
 6 Code 1987, are amended to read as follows:
 7 9. Sales of building materials, supplies, and
 8 equipment to owners, contractors, subcontractors or
 9 builders, for the erection of buildings or the
 10 alteration, repair, or improvement of real property,
 11 are retail sales in whatever quantity sold. Where the

12 owner, contractor, subcontractor, or builder is also a
13 retailer holding a retail sales tax permit and
14 transacting retail sales of building materials,
15 supplies, and equipment, the person shall purchase
16 such items of tangible personal property without
17 liability for the tax if such property will be subject
18 to the tax at the time of resale or at the time it is
19 withdrawn from inventory for construction purposes.
20 The sales tax shall be due in the reporting period
21 when the materials, supplies, and equipment are
22 withdrawn from inventory for construction purposes or
23 when sold at retail. The tax shall not be due when
24 materials are withdrawn from inventory for use in
25 construction outside of Iowa and the tax shall not
26 apply to tangible personal property purchased and
27 consumed by the manufacturer as building materials in
28 the performance by the manufacturer or its
29 subcontractor of construction outside of Iowa.
30 10. The use within this state of tangible personal
31 property by the manufacturer thereof, as building
32 materials, supplies, or equipment, in the performance
33 of construction contracts ~~or for any other purpose~~
34 ~~except for resale or processing in Iowa~~, shall, for
35 the purpose of this division, be construed as a sale
36 at retail thereof by the manufacturer who shall be
37 deemed to be the consumer of such tangible personal
38 property. The tax shall be computed upon the cost to
39 the manufacturer of the fabrication or production
40 thereof.”

41 2. Page 1, by inserting after line 14 the
42 following:

43 “Sec. ____ . Section 423.1, subsection 10, Code
44 1987, is amended to read as follows:

45 10. Definitions contained in section 422.42 shall
46 apply to ~~the provisions~~ of this chapter according to
47 their context. The use in this state of building
48 materials, supplies, or equipment, the sale or use of
49 which is not treated as a retail sale or a sale at
50 retail under section 422.42, subsections 9 and 10,

Page 2

1 shall not be subject to tax under this chapter.”

2 3. Title page, line 2, by inserting after the
3 word “of” the following: “when certain building
4 materials are not subject to the tax and of the”.

AL STURGEON

S-4078

1 Amend the House amendment, S-4066, to Senate File
2 515, as amended, passed and reprinted by the Senate as
3 follows:

4 1. Page 2, line 5, by striking the words "two
5 hundred fifty" and inserting the following: "four
6 hundred".

7 2. Page 3, by inserting after line 4 the
8 following:

9 " ____ . Page 11, by inserting after line 20 the
10 following:

11 "f. For the fiscal years beginning July 1, 1987,
12 July 1, 1988, and July 1, 1989 to the Iowa State
13 University of science and technology, the sum of one
14 hundred fifty thousand dollars for each fiscal year
15 for allocation to the Iowa State University water
16 resource research institute for a subsurface water and
17 nutrient management system. This research shall
18 concentrate its efforts on providing optimum soil
19 water table level throughout the growing season,
20 reduction of nitrates in Iowa's surface and subsurface
21 waters, reduction of Iowa's dependency on subsurface
22 water for irrigation, increasing productivity of
23 selected Iowa soils for selected crops. The Iowa
24 State University water resource research institute
25 shall administer the research funds and report to the
26 general assembly by February 1 of each year, on the
27 program's progress and results."

LEONARD BOSWELL

S-4079

1 Amend Senate File 521 as follows:

2 1. Page 5, by inserting after line 14 the
3 following:

4 "Sec. ____ . Section 214A.18, Code 1987, is
5 repealed."

6 2. Renumber sections and correct internal
7 references as necessary.

MICHAEL E. GRONSTAL
JIM LIND
DONALD E. GETTINGS
DAVID M. READINGER

S-4080

- 1 Amend House File 680, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 3, by striking lines 2 through 23 and
4 inserting the following:
5 “The court shall conduct an initial appearance for
6 a child detained in a facility under subsection 2,
7 paragraph “c” within twenty-four hours of the child’s
8 admission to the facility to determine if the
9 detention is in accordance with the requirements of
10 subsection 2, paragraph “c” and this subsection.”
11 2. By renumbering as necessary.

AL STURGEON

S-4081

- 1 Amend House File 675, as passed by the House as
2 follows:
3 1. Page 1, by inserting before line 1 the
4 following:
5 “Section 1. Section 422.42, subsection 3, Code
6 1987, is amended to read as follows:
7 3. “Retail sale” or “sale at retail” means the
8 sale to a consumer or to any person for any purpose,
9 other than for processing, for resale of tangible
10 personal property or taxable services, or for resale
11 of tangible personal property in connection with
12 taxable services, and includes the sale of gas,
13 electricity, water, and communication service to
14 retail consumers or users, but does not include
15 agricultural breeding livestock and domesticated fowl,
16 or commercial fertilizer, agricultural limestone, or
17 herbicide, pesticide, insecticide, food and medication
18 and agricultural drain tile and installation thereof
19 which are to be used in disease control, weed control,
20 insect control, or health promotion of plants or
21 livestock produced as part of agricultural production
22 for market, and does not include electricity, steam or
23 any taxable service when purchased and used in the
24 processing of tangible personal property intended to
25 be sold ultimately at retail. When used by a
26 manufacturer of food products, electricity, steam, and
27 other taxable services are sold for processing when
28 used to produce marketable food products for human
29 consumption, including but not limited to, treatment
30 of material to change its form, context or condition,
31 in order to produce the food product, maintenance of

32 quality or integrity of the food product, changing or
 33 maintenance of temperature levels necessary to avoid
 34 spoilage or to hold the food product in marketable
 35 condition, maintenance of environmental conditions
 36 necessary for the safe or efficient use of machinery
 37 and material used to produce the food product,
 38 sanitation and quality control activities, formation
 39 of packaging, placement into shipping containers, and
 40 movement of the material or food product until
 41 shipment from the building of manufacture. Tangible
 42 personal property is sold for processing within the
 43 meaning of this subsection only when it is intended
 44 that the property will, by means of fabrication,
 45 compounding, manufacturing, or germination become an
 46 integral part of other tangible personal property
 47 intended to be sold ultimately at retail, or will be
 48 consumed as fuel in creating heat, power, or steam for
 49 processing including grain drying, for providing heat
 50 or cooling for livestock buildings or for generating

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1 electric current, or be consumed in self-propelled
 2 implements of husbandry engaged in agricultural
 3 production, or the property is a chemical, solvent,
 4 sorbent, or reagent, which is directly used and is
 5 consumed, dissipated, or depleted, in processing
 6 personal property which is intended to be sold
 7 ultimately at retail or consumed in the maintenance or
 8 repair of fabric or clothing, and which may not become
 9 a component or integral part of the finished product.
 10 The distribution to the public of free newspapers or
 11 shoppers guides is a retail sale for purposes of the
 12 processing exemption."

13 2. Page 1, by inserting after line 7 the
 14 following:

15 "Sec. ____ . Section 422.45, subsection 19, Code
 16 1987, is amended to read as follows:

17 19. The gross receipts from the sale of property
 18 which is a container, label, carton, pallet, packing
 19 case, wrapping paper, twine, bag, bottle, shipping
 20 case or other similar article or receptacle sold to
 21 retailers or manufacturers for the purpose of
 22 packaging or facilitating the transportation of
 23 tangible personal property sold at retail or
 24 transferred in association with the maintenance or
 25 repair of fabric or clothing."

26 3. Title page, line 3, by inserting after the
 27 word "property" the words "is used in processing or".

28 4. Renumber as necessary.

S-4082

1 Amend House File 675 as passed by the House as
2 follows:
3 1. Page 1, by inserting after line 7 the
4 following:
5 "Sec. ____ . Section 422.45, subsection 22, Code
6 1987, is amended by adding the following new
7 paragraph:
8 NEW PARAGRAPH. e. Community health centers as
9 defined in 42 U.S.C.A. § 254c, migrant health centers
10 as defined in 42 U.S.C.A. § 254b, legal services
11 corporations as defined in 42 U.S.C.A. § 2996 et seq.,
12 and legal aid organizations."

PATRICK J. DELUHERY
JACK RIFE
JOY C. CORNING
JIM LIND

HOUSE AMENDMENT TO
SENATE FILE 162

S-4083

1 Amend Senate File 162 as amended, passed and
2 reprinted by the Senate, as follows:
3 1. By striking everything after the enacting
4 clause and inserting the following:
5 "Section 1. Section 18.133, subsection 1, Code
6 1987, is amended to read as follows:
7 1. "State communications" refers to the
8 transmission of voice, data, video, the written word
9 or other visual signals by electronic means to serve
10 the needs of state agencies but does not include
11 communications activities of the state board of
12 regents, radio and television facilities and other
13 educational telecommunications systems and services
14 including narrowcast and broadcast systems under the
15 division of public broadcasting, department of
16 transportation distributed data processing and mobile
17 radio network, or law enforcement communications
18 systems.
19 Sec. 1A. Section 256.7, Code 1987, is amended by
20 adding the following new subsection:
21 NEW SUBSECTION. 9. Rules adopted under this

22 section shall provide that telecommunications shall
23 not be used by school districts as the exclusive means
24 to provide any course which is required by the minimum
25 educational standards for approval or accreditation.

26 Sec. 2. Section 303.1, subsection 4, Code 1987, is
27 amended to read as follows:

28 4. The director may create, combine, eliminate,
29 alter or reorganize the organization of the department
30 by rule except for those matters prescribed by
31 sections 303.75 through ~~303.83~~ 303.85.

32 Sec. 3. Section 303.1A, unnumbered paragraph 1,
33 Code 1987, is amended to read as follows:

34 Except for those matters prescribed by sections
35 303.75 through ~~303.83~~ 303.85, the director shall:

36 Sec. 4. Section 303.2, subsection 1, Code 1987, is
37 amended to read as follows:

38 1. The administrative services section shall
39 provide administrative, accounting, public relations
40 and clerical services for the department, report to
41 the director and perform other duties assigned to it
42 by the director, except for those matters prescribed
43 by sections 303.75 through ~~303.83~~ 303.85. The
44 administrative services section may provide services
45 to the public broadcasting division.

46 Sec. 5. Section 303.75, unnumbered paragraph 1,
47 Code 1987, is amended to read as follows:

48 As used in this section and sections 303.76 through
49 ~~303.83~~ 303.85 unless the context otherwise requires:

50 Sec. 6. Section 303.75, Code 1987, is amended by

Page 2

1 adding the following new subsections:

2 NEW SUBSECTION. 4. "Narrowcast" means
3 communications through systems that are directed
4 toward a narrowly defined audience.

5 NEW SUBSECTION. 5. "Broadcast" means
6 communications through a system that is receivable by
7 the general public with programming designed for a
8 large group of users.

9 NEW SUBSECTION. 6. "Radio and television
10 facility" means transmitters, towers, studios and all
11 necessary associated equipment for broadcasting,
12 including closed circuit television.

13 Sec. 7. Section 303.77, subsection 1, Code 1987,
14 is amended by striking the subsection and inserting
15 the following:

16 1. The Iowa public broadcasting board is created
17 to plan, establish, and operate educational radio and
18 television facilities and other telecommunications

19 services including narrowcast and broadcast systems to
20 serve the educational needs of the state. The board
21 shall be composed of nine members selected in the
22 following manner:

23 a. Four members shall be appointed by the governor
24 so that the portion of the board membership appointed
25 under this paragraph includes two male board members
26 and two female board members at all times:

27 (1) One member shall be appointed from the
28 business community other than the commercial
29 broadcasting industry and the telecommunications
30 industry.

31 (2) One member shall be appointed from the
32 commercial broadcast industry.

33 (3) One member shall be appointed from the
34 membership of a fund-raising nonprofit organization
35 financially assisting the Iowa public broadcasting
36 division.

37 (4) One member shall represent the general public.

38 b. Five members shall be selected in the manner
39 provided in this paragraph and the gender balance of
40 the membership shall be coordinated among the
41 associations and boards making the appointments so
42 that not more than three members serving under this
43 paragraph at the same time are of the same gender.

44 (1) One member shall be appointed by the state
45 association of private colleges and universities.

46 (2) One member shall be appointed jointly by the
47 superintendents of the merged area schools created by
48 chapter 280A.

49 (3) One member shall be appointed jointly by the
50 administrators of the area education agencies created

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1 by chapter 273.

2 (4) One member who is knowledgeable about
3 telecommunications shall be appointed by the state
4 board of regents.

5 (5) One member shall be appointed by the state
6 board of education.

7 Sec. 8. Section 303.77, subsection 3, unnumbered
8 paragraph 1, Code 1987, is amended to read as follows:

9 The board shall appoint at least two advisory
10 committees, each of which has no more than a simple
11 majority of members of the same gender, as follows:

12 Sec. 9. Section 303.77, subsection 3, paragraphs a
13 and b, Code 1987, are amended by striking the
14 paragraphs and inserting in lieu thereof the
15 following:

16 a. Advisory committee on the operation of the
 17 narrowcast system. The advisory committee shall be
 18 composed of members from among the users of the
 19 narrowcast system including representatives of
 20 institutions under the state board of regents, merged
 21 area schools, area education agencies, classroom
 22 teachers, school district administrators, school
 23 district boards of directors, the department of
 24 economic development, the department of education, and
 25 private colleges and universities.

26 b. Advisory committee on journalistic and
 27 editorial integrity. The division shall be governed
 28 by the national principles of editorial integrity
 29 developed by the editorial integrity project.

30 Sec. 10. Section 303.77, subsection 3, Code 1987,
 31 is amended by adding the following new unnumbered
 32 paragraph:

33 NEW UNNUMBERED PARAGRAPH. Members of advisory
 34 committees shall receive actual expenses incurred in
 35 performing their official duties.

36 Sec. 11. Section 303.78, subsection 2, Code 1987,
 37 is amended to read as follows:

38 2. Board members shall receive actual expenses
 39 incurred in performing their official duties. ~~Members~~
 40 ~~may also be eligible for compensation as provided in~~
 41 ~~section 7E.6.~~

42 Sec. 12. Section 303.79, Code 1987, is amended to
 43 read as follows:

44 303.79 ~~FACILITIES AND PERMITS FUNCTIONS OF THE~~
 45 BOARD.

46 1. The board may purchase, lease, and improve
 47 property, equipment, and services for ~~proper~~
 48 ~~educational communications uses~~ educational
 49 telecommunications including the broadcast and
 50 narrowcast systems, and may dispose of property and

Page 4

1 equipment when not necessary for its purposes. The
 2 board and division director may arrange for joint use
 3 of available services and facilities.

4 2. The board shall apply for channels,
 5 frequencies, licenses, and permits as ~~required for~~
 6 broadcasting necessary for the performance of the
 7 board's duties.

8 3. This section does not prohibit institutions
 9 under the state board of regents and merged area
 10 schools under the department of education from owning,
 11 operating, improving, ~~and~~ maintaining, and
 12 restructuring educational radio and television

13 stations and transmitters now in existence and
 14 ~~operation or other educational narrowcast~~
 15 ~~telecommunications systems and services.~~ The
 16 institutions and schools may enter into agreements
 17 with the board for the lease or purchase of equipment
 18 and facilities.

19 4. The board may locate its administrative offices
 20 and production facilities outside the city of Des
 21 Moines.

22 5. The board shall adopt and update a design plan
 23 for educational telecommunications systems and
 24 services in this state. Not later than January 1,
 25 1988, the board shall transmit to the general assembly
 26 a progress report concerning the development of the
 27 design plan. The design plan shall be adopted by the
 28 board not later than January 1, 1989, and shall be
 29 updated at least every two years thereafter. Copies
 30 of the design plan and updated design plan shall be
 31 made available to the governor and members of the
 32 general assembly upon request. The plan shall include
 33 a list of public utilities and private
 34 telecommunications companies being utilized by the
 35 educational telecommunications system; the cosdelines for and
 41 may impose ane not available from
 39 private telecommunications companies.

40 6. The board shall establish guidelines for and
 41 may impose and collect fees and charges for services.
 42 Fees and charges collected by the board for services
 43 shall be deposited to the credit of the division. Any
 44 interest earned on these receipts, and revenues
 45 generated under subsection 7, shall be retained and
 46 may be expended by the division subject to the
 47 approval of the board.

48 7. The board may make and execute agreements,
 49 contracts, and other instruments with any public or
 50 private entity and may retain revenues generated from

Page 5

1 these contracts. State departments and agencies,
 2 other public agencies, and governmental subdivisions
 3 and private entities including but not limited to
 4 institutions of higher education and nonpublic schools
 5 may enter into contracts and otherwise cooperate with
 6 the board.

7 8. The board may contract with engineers,
 8 attorneys, accountants, financial experts, and other
 9 advisors upon the recommendation of the director. The
 10 board may enter into contracts or agreements for such

11 services with local, state, or federal governmental
 12 agencies.

13 5 9. The board may adopt rules to implement and
 14 administer the programs of the division.

15 6 10. The decision of the board is final agency
 16 action under chapter 17A.

17 Sec. 13. Section 303.82, Code 1987, is amended to
 18 read as follows:

19 303.82 TRUSTS.

20 Notwithstanding section 633.63, the board may
 21 accept and administer trusts and may authorize
 22 nonprofit foundations acting solely for the support of
 23 ~~the educational radio and television facility~~
 24 educational telecommunications including the broadcast
 25 and narrowcast systems to accept and administer trusts
 26 deemed by the board to be beneficial to the operation
 27 of the educational radio and television facility. The
 28 board and the foundations may act as trustees in such
 29 instances.

30 Sec. 14. NEW SECTION. 303.84 STATE PLAN.

31 The board shall cause to be developed and adopt a
 32 state educational telecommunications design plan. Any
 33 agency of the state and any political subdivision of
 34 the state shall submit plans for the development of
 35 educational telecommunications systems to the board to
 36 be coordinated with the state educational telecommuni-
 37 cations design plan adopted by the board. Private
 38 institutions and entities may submit educational
 39 telecommunications proposals for coordination.

40 Sec. 15. NEW SECTION. 303.85 NARROWCAST
 41 OPERATIONS.

42 The board shall not use, permit use, or permit
 43 resale of its telecommunications narrowcast system for
 44 other than educational purposes. The board, in the
 45 establishment and operation of its telecommunications
 46 narrowcast system, shall use facilities and services
 47 of the private telecommunications industry companies
 48 to the greatest extent possible and is prohibited from
 49 constructing telecommunications facilities unless
 50 comparable facilities are not available from the

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1 private telecommunications industry at comparable
 2 quality and price.

3 Notwithstanding chapter 476, the provisions of
 4 chapter 476 shall not apply to a public utility in
 5 furnishing a telecommunications service or facility to
 6 the board.

7 Sec. 16. Section 303.83, Code 1987, is repealed.

8 Sec. 17. The terms of office of members of the
9 Iowa public broadcasting board shall expire on the
10 effective date of this Act. Insofar as possible,
11 members of the board shall be appointed from the
12 membership of the Iowa public broadcasting board on
13 June 30, 1987. For the initial board, the members
14 appointed by the state board of regents, by the state
15 board of education and by the governor from the fund-
16 raising nonprofit organization shall serve one-year
17 terms; the members appointed by the administrators of
18 the area education agencies and by the state
19 association representing private colleges and
20 universities and by the governor from the business
21 community shall serve two-year terms; and the member
22 appointed by the superintendents of the merged area
23 schools, the member appointed by the governor from the
24 commercial broadcast industry, and the member
25 appointed by the governor from the general public
26 shall serve three-year terms."

27 Sec. 18. Section 1A of this Act prevails over
28 section 256.7, subsection 8, unnumbered paragraph 4,
29 contained in section 1 of Senate File 333 if Senate
30 File 333 is enacted by the Seventy-second General
31 Assembly, 1987 Session, and becomes law.

32 2. Title page, by striking lines 1 through 4 and
33 inserting the following: "An Act relating to the
34 authority and composition of the Iowa public
35 broadcasting board including authority over".

36 3. Title page, line 6, by striking the words "and
37 to provide an effective date".

S-4084

1 Amend amendment, S-4029, to House File 468 as
2 amended, passed and reprinted by the House as follows:

3 1. Page 1, by striking lines 5 through 7 and
4 inserting the following: "the officers and members of
5 the board of directors of a qualified sponsoring
6 organization located in Iowa applying for a license to
7 conduct gambling games on an excursion gambling boat."

8 2. Page 1, by striking lines 27 through 30 and
9 inserting the following:

10 "___ . Page 2, by striking lines 28 and 29 and
11 inserting the following:

12 "2. To license qualified sponsoring organizations,
13 to identify".

14 3. Page 1, by inserting after line 34 the
15 following:

16 "___ . Page 4, by striking lines 22 and 23 and

17 inserting the following:

18 "Sec. 5. **NEW SECTION. 99F.5 LICENSES FOR**

19 **CONDUCTING GAMBLING GAMES ON AN EXCURSION GAMBLING**
20 **BOAT -- APPLICATIONS."**

21 4. Page 1, by striking lines 35 through 41 and

22 inserting the following:

23 "___ . Page 4, by striking lines 24 through 27 and

24 inserting the following:

25 "1. A qualified sponsoring organization may apply

26 to the commission for a license to conduct gambling

27 games on an excursion gambling boat as provided in

28 this chapter. The application shall be filed with".

29 5. Page 1, by striking lines 44 and 45 and

30 inserting the following:

31 "1. A person shall not be issued a license to

32 conduct gambling games on an excursion gambling boat

33 under this".

34 6. Page 2, by striking lines 2 and 3 and

35 inserting the following:

36 "1. The qualified sponsoring organization

37 conducting gambling games on an excursion".

38 7. By renumbering sections as necessary.

EUGENE FRAISE
ROBERT M. CARR
DONALD GETTINGS
WILLIAM W. DIELEMAN
JOHN W. JENSEN
WALLY HORN

S-4085

1 Amend the Senate amendment, S-3712, to House File

2 633, as passed by the House, as follows:

3 1. Page 1, line 8, by inserting after the figure

4 "172C.1." the following: "Upon cessation of the lease

5 to the immediate prior owner, the authorized farm

6 corporation or authorized trust shall, within three

7 years following the date of the cessation, sell or

8 otherwise dispose of the agricultural land leased to

9 the immediate prior owner."

AL STURGEON

HOUSE AMENDMENT TO
SENATE AMENDMENT TO
HOUSE FILE 626

S-4086

1 Amend the Senate amendment, H-3835, to House File

2 626, as amended, passed, and reprinted by the House as

3 follows:

4 1. By striking page 1, line 3 through page 9,
5 line 10 and inserting the following:
6 "____. By striking everything after the enacting
7 clause and inserting the following:

8 "DIVISION I

9 Section 101. Section 175.2, subsection 3, Code
10 1987, is amended to read as follows:

11 3. "Agricultural producer" means a person engaged
12 or intending to engage in the business of producing
13 and marketing agricultural produce in this state.

14 Sec. 102. Section 175.4, Code 1987, is amended by
15 adding the following new subsections:

16 NEW SUBSECTION. 19. The decline in the number of
17 beef cattle production operations is a serious problem
18 within the state, resulting in the conversion of land
19 used for pasture to row crop production, which
20 threatens to destroy a significant part of Iowa's
21 agricultural base and damage the economic viability of
22 the state.

23 NEW SUBSECTION. 20. It is necessary to create a
24 program in this state to assist agricultural producers
25 who have established or intend to establish beef
26 cattle production operations, to obtain adequate
27 financing, and management assistance and training, and
28 to convert land used for row crop production to
29 pasture.

30 Sec. 103. Section 175.35, subsection 3, Code 1987,
31 is amended by adding the following new paragraphs:

32 NEW PARAGRAPH. g. The farmer has a net worth of
33 not more than two hundred thousand dollars.

34 NEW PARAGRAPH. h. The farmer develops a farm unit
35 conservation plan, as defined in section 467A.42, with
36 the commissioners of the soil conservation district
37 where the land is located within one year from the
38 date of entering into the program, unless the
39 authority prescribes a shorter period by rule.

40 Sec. 104. NEW SECTION. 175.36 ASSISTANCE AND
41 MANAGEMENT PROGRAMS FOR BEEF CATTLE PRODUCERS.

42 1. The authority shall create and develop programs
43 to assist agricultural producers who have established
44 or intend to establish in this state, beef cattle
45 production operations, including but not limited to
46 the following assistance:

47 a. INSURANCE OR LOAN GUARANTEE PROGRAM. An
48 insurance or loan guarantee program to provide for the

49 insuring or guaranteeing of all or part of a loan made
50 to an agricultural producer for the acquisition of

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1 beef cattle to establish or expand a feeder cattle
2 operation.

3 b. AN INTEREST BUY-DOWN PROGRAM. The authority
4 may contract with a participating lending institution
5 and a qualified agricultural producer to reduce the
6 interest rate charged on a loan for the acquisition of
7 beef cattle breeding stock. The authority shall
8 determine the amount that the rate is reduced, by
9 considering the lending institution's customary loan
10 rate for the acquisition of beef cattle breeding stock
11 as certified to the authority by the lending
12 institution.

13 As part of the contract, in order to partially
14 reimburse the lending institution for the reduction of
15 the interest rate on the loan, the authority may agree
16 to grant the lending institution any amount foregone
17 by reducing the interest rate on that portion of the
18 loan which is one hundred thousand dollars or less.
19 However, the amount reimbursed shall not be more than
20 the lesser of the following:

21 (1) Three percent per annum of the principal
22 balance of the loan outstanding at any time for the
23 term of the loan or within one year from the loan
24 initiation date as defined by rules adopted by the
25 authority, whichever is less.

26 (2) Fifty percent of the amount of interest
27 foregone by the lending institution on the loan.

28 c. A COST-SHARING PROGRAM. The authority may
29 contract with an agricultural producer to reimburse
30 the producer for the cost of converting land planted
31 to row crops to pasture suitable for beef cattle
32 production. However, the amount reimbursed shall not
33 be more than twenty-five dollars per acre converted,
34 or fifty percent of the conversion costs, whichever is
35 less. The contract shall apply to not more than one
36 hundred fifty acres of row crop land converted to
37 pasture. The converted land shall be utilized in beef
38 cattle production for a minimum of five years. The
39 amount to be reimbursed shall be reduced by the amount
40 that the agricultural producer receives under any
41 other state or federal program that contributes toward
42 the cost of converting the same land from row crops to
43 pasture.

44 d. A MANAGEMENT ASSISTANCE AND TRAINING PROGRAM.
45 The authority in cooperation with any agency or

46 instrumentality of the federal government or with any
47 state agency, including any state university or those
48 associations organized for the purpose of assisting
49 agricultural producers involved in beef cattle
50 production, or with any farm management company if

Page 3

1 such company specializes in beef cattle production or
2 in assisting beef cattle producers, as prescribed by
3 rules adopted by the authority, shall establish
4 programs to train and assist agricultural producers to
5 effectively manage beef cattle production operations.

6 2. An agricultural producer shall be eligible to
7 participate in a program established under this
8 section only if all the following criteria are
9 satisfied:

10 a. The agricultural producer is a resident of the
11 state.

12 b. The agricultural producer has land or other
13 facilities available to establish a beef cattle
14 production operation as prescribed by rules of the
15 authority.

16 c. The agricultural producer is an individual,
17 partnership, or a family farm corporation, as defined
18 in section 172C.1, subsection 8.

19 d. The land or other facilities available to
20 establish a beef cattle production operation are
21 located within the state.

22 e. The agricultural producer has a net worth of
23 four hundred thousand dollars or less.

24 f. The agricultural producer develops a farm unit
25 conservation plan, as defined in section 467A.42, with
26 the commissioners of the soil conservation district
27 where the land is located within one year from the
28 date of entering into the program, unless the
29 authority prescribes a shorter period of time by rule.

30 3. The authority shall adopt rules to enforce the
31 provisions of this section or the terms of a contract
32 to which the authority is a party. The authority may
33 also enforce the provisions of this section or terms
34 of the contract by bringing an action in any court of
35 competent jurisdiction to recover damages. As a
36 condition of entering into the program, the authority
37 may require that the agricultural producer consent to
38 the jurisdiction of the courts of this state to hear
39 any matter arising from the provisions of this
40 section.

41

DIVISION II

42 Sec. 201. Section 331.429, subsection 1, paragraph

43 a, Code 1987, is amended to read as follows:

44 a. Transfers from the general fund not to exceed
45 in any year the dollar equivalent of a tax of sixteen
46 and seven-eighths cents per thousand dollars of
47 assessed value on all taxable property in the county
48 and an amount equivalent to the moneys derived by the
49 general fund from ~~livestock tax credits under section~~
50 ~~427.17~~; military service tax credits under chapter

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1 426A; and mobile home taxes under section 135D.22
2 multiplied by the ratio of sixteen and seven-eighths
3 cents to the general fund tax rate.

4 Sec. 202. Section 427.17, subsections 2 through 5,
5 Code 1987, are amended to read as follows:

6 2. A tax credit shall be allowed each ~~taxing~~
7 ~~school~~ district in the state for each head of
8 livestock that was assessed as of January 1, 1973.
9 The tax credit shall ~~commence and be effective for the~~
10 ~~tax year 1974 and each year thereafter~~ be based upon
11 the livestock assessed as of January 1, 1973.

12 3. On or before January 15, 1974, the county
13 auditor of each county shall prepare a statement
14 listing for each ~~taxing~~ district in the county the
15 assessed or taxable values of all livestock assessed
16 for taxation as of January 1, 1973. The statement
17 shall also show the tax rates of the various ~~taxing~~
18 districts and the total amount of taxes which in the
19 absence of this section would have been levied upon
20 livestock assessed as of January 1, 1973. The county
21 auditor shall certify and forward copies of the
22 statement to the director of revenue and finance not
23 later than January 15, 1974. ~~The For the taxes~~
24 ~~payable for fiscal year 1987 and for subsequent fiscal~~
25 ~~years,~~ the director of revenue and finance shall
26 compute the applicable tax credit and the amount due
27 to each ~~taxing school~~ district, which amount shall be
28 the dollar amount which would be payable if all
29 livestock so assessed were taxed, based upon those
30 assessed as of January 1, 1973.

31 4. The amounts due each ~~taxing school~~ district
32 shall be paid on warrants payable to the respective
33 county treasurers by the director of revenue and
34 finance on July 15 of each year. The county treasurer
35 shall apportion the proceeds to the various ~~taxing~~
36 ~~school~~ districts in the county.

37 5. In the event that the amount appropriated for
38 reimbursement of the ~~taxing school~~ districts is
39 insufficient to pay in full the amounts due to each of

40 the taxing school districts, then the amount of each
41 payment shall be reduced by the director of revenue
42 and finance according to the ratio that the total
43 amount of funds to be paid to each taxing school
44 district bears to the total amount to be paid to all
45 taxing school districts in the state.

46 DIVISION III

47 Sec. 301. Section 422.42, subsection 3, Code 1987,
48 is amended to read as follows:

49 3. "Retail sale" or "sale at retail" means the
50 sale to a consumer or to any person for any purpose,

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1 other than for processing, for resale of tangible
2 personal property or taxable services, or for resale
3 of tangible personal property in connection with
4 taxable services; and includes the sale of gas,
5 electricity, water, and communication service to
6 retail consumers or users; but does not include
7 agricultural breeding livestock and domesticated fowl;
8 ~~or; and does not include~~ commercial fertilizer,
9 agricultural limestone, ~~or~~ herbicide, pesticide,
10 insecticide, food, ~~and~~ medication, ~~and or~~ agricultural
11 drain tile ~~and, including installation thereof of~~
12 ~~agricultural drain tile, any of which are to be used~~
13 in disease control, weed control, insect control, or
14 health promotion of plants or livestock produced as
15 part of agricultural production for market; and does
16 not include electricity, steam, or any taxable service
17 when purchased and used in the processing of tangible
18 personal property intended to be sold ultimately at
19 retail. When used by a manufacturer of food products,
20 electricity, steam, and other taxable services are
21 sold for processing when used to produce marketable
22 food products for human consumption, including but not
23 limited to, treatment of material to change its form,
24 context, or condition, in order to produce the food
25 product, maintenance of quality or integrity of the
26 food product, changing or maintenance of temperature
27 levels necessary to avoid spoilage or to hold the food
28 product in marketable condition, maintenance of
29 environmental conditions necessary for the safe or
30 efficient use of machinery and material used to
31 produce the food product, sanitation and quality
32 control activities, formation of packaging, placement
33 into shipping containers, and movement of the material
34 or food product until shipment from the building of
35 manufacture. Tangible personal property is sold for
36 processing within the meaning of this subsection only

37 when it is intended that the property will, by means
 38 of fabrication, compounding, manufacturing, or
 39 germination become an integral part of other tangible
 40 personal property intended to be sold ultimately at
 41 retail; or will be consumed as fuel in creating heat,
 42 power, or steam for processing including grain drying,
 43 or for providing heat or cooling for livestock
 44 buildings, or for generating electric current, or be
 45 consumed in self-propelled implements of husbandry
 46 engaged in agricultural production; or the property
 47 is a chemical, solvent, sorbent, or reagent, which is
 48 directly used and is consumed, dissipated, or
 49 depleted, in processing personal property which is
 50 intended to be sold ultimately at retail, and which

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1 may not become a component or integral part of the
 2 finished product. The distribution to the public of
 3 free newspapers or shoppers guides is a retail sale
 4 for purposes of the processing exemption.
 5 Sec. 302. Section 422.45, Code 1987, is amended by
 6 adding the following new subsection:
 7 NEW SUBSECTION. The gross receipts from the sale,
 8 furnishing, or service of gas, electricity, water, or
 9 heat to be used in implements of husbandry engaged in
 10 agricultural production.

11 **DIVISION IV**

12 Sec. 401. NEW SECTION. 422.47C REFUNDS --
 13 **AGRICULTURAL IMPLEMENTS, MACHINERY OR EQUIPMENT.**

14 1. Sales, services, and use taxes paid on repairs
 15 to implements or on the purchase or rental of farm
 16 machinery or equipment, including replacement parts
 17 which are depreciable for state and federal income tax
 18 purposes, shall be refunded to the owner, purchaser,
 19 or renter provided all of the following conditions are
 20 met:
 21 a. The repairs, purchase, or rental was made on or
 22 after July 1, 1987.
 23 b. The tax was paid to the retailer or timely paid
 24 to the department by the user if section 423.14 is
 25 applicable.
 26 c. The claim is filed on forms provided by the
 27 department and is filed between July 1 and September 1
 28 for the previous calendar year.
 29 d. The implements, machinery or equipment is
 30 directly and primarily used in livestock or dairy
 31 production.
 32 e. The implement is not a self-propelled implement
 33 or an implement customarily drawn or attached to a

34 self-propelled implement, and the machinery or
35 equipment is not a grain dryer, subject to an
36 exemption under section 422.45.

37 2. A claim for refund timely filed under
38 subsection 1 shall be paid by the department within
39 ninety days after the last date a claim may be filed
40 under this section. The department of revenue and
41 finance shall not in any calendar year pay more than
42 three million eight hundred thousand dollars in claims
43 for refunds filed pursuant to this section. If the
44 department determines that the amount of claims is
45 greater than the amount of moneys available to fully
46 satisfy all claims, the refunds shall be paid on a
47 prorated basis. A claimant who makes an erroneous
48 application for refund shall be liable for payment of
49 any refund paid plus interest at the rate in effect
50 under section 421.7. In addition, a claimant who

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1 willfully makes a false application for refund is
2 guilty of a simple misdemeanor and is liable for a
3 penalty equal to fifty percent of the refund claimed.
4 Refunds, penalties, and interest due under this
5 section may be enforced and collected in the same
6 manner as the tax imposed by this division.

7 **DIVISION V**

8 Sec. 501. **NEW SECTION. 427B.7 ACTUAL VALUE ADDED**
9 **EXEMPTION FROM TAX -- CATTLE FACILITIES.**

10 A city council, or a county board of supervisors as
11 authorized by section 427B.2, may, by ordinance as
12 provided in section 427B.1, establish a partial
13 exemption from property taxation of the actual value
14 added to owner-operated cattle facilities, including
15 small or medium sized feedlots but not including
16 slaughter facilities, either by new construction or by
17 the retrofitting of existing facilities. The
18 application for the exemption shall be filed pursuant
19 to section 427B.4. The actual value added to owner-
20 operated cattle facilities, as specified in section
21 427B.1, is eligible to receive a partial exemption
22 from taxation for a period of five years. The amount
23 of actual value added which is eligible to be exempt
24 from taxation is the same as provided in the exemption
25 schedule in section 427B.3.

26 **DIVISION VI**

27 Sec. 601. **ASSISTANCE PROGRAMS -- FUNDING.** The
28 Iowa agricultural development authority shall develop
29 and establish assistance programs for agricultural
30 producers under this Act to be funded from moneys

- 31 appropriated to the Iowa agricultural development
 32 authority for that purpose.
 33 Sec. 602. EFFECTIVE DATE. Division I of this Act,
 34 being deemed of immediate importance, takes effect
 35 upon enactment.”
 36 — . Title page, line 1, by striking the words
 37 “the agricultural development authority” and inserting
 38 the following: “agriculture”.
 39 — . Title page, lines 4 and 5, by striking the
 40 words “making appropriations” and inserting the
 41 following: “maintaining certain tax credits to school
 42 districts, providing for certain tax exemptions,
 43 providing refunds for claims related to dairy or
 44 livestock implements, equipment or machinery,
 45 providing for a property tax exemption for certain
 46 cattle facilities.”
 47 2. By renumbering as necessary.

HOUSE AMENDMENT TO
 SENATE FILE 507

S-4087

- 1 Amend Senate File 507, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 13, by inserting after line 18 the
 4 following:
 5 “Notwithstanding any other provision of this
 6 chapter which assigns an employer a contribution rate
 7 which corresponds to the employer’s benefit ratio rank
 8 in the contribution rate table, an employer qualified
 9 for an experience rating shall contribute at the rate
 10 specified in the twenty-first benefit ratio rank for
 11 the next calendar year if the following two conditions
 12 are met: as of the computation date the total
 13 benefits paid by the employer during the five periods
 14 of four consecutive calendar quarters immediately
 15 preceding the computation date exceed the
 16 contributions paid by the employer for that same
 17 period; and for the previous computation date the
 18 total benefits paid by the employer during the five
 19 periods of four consecutive calendar quarters
 20 immediately preceding that previous computation date
 21 exceeded the total contributions paid by the employer
 22 for that same period.”
 23 2. Page 38, by inserting after line 27 the
 24 following:
 25 “d. This subsection is repealed July 1, 1990, and
 26 the repeal is applicable to contribution rates for

27 calendar year 1991 and subsequent calendar years."

28 3. Page 42, by inserting after line 4 the
29 following:

30 "Sec. ____ . FUTURE REPEAL. Sections 1, 2, 4, and
31 5, section 6 except for the amendment to section
32 96.19, subsection 20, and sections 7 and 9 of this Act
33 are repealed effective July 1, 1988, and the repeals
34 are applicable to contribution rates for calendar year
35 1989 and subsequent calendar years. The Code sections
36 amended by sections 1, 2, 4, and 5, section 6 except
37 for the amendment to section 96.19, subsection 20, and
38 section 7 of this Act revert on July 1, 1988,
39 applicable to contribution rates for calendar year
40 1989 and subsequent calendar years, to their content
41 before amendment by this Act, and the Code sections as
42 they existed before amendment by this Act are
43 reenacted in that form."

44 4. Title page, line 3, by inserting after the
45 word "applicability" the words "and providing for the
46 future repeals of certain portions of this Act".

47 5. By renumbering, relettering, or redesignating
48 and correcting internal references as necessary.

S-4088

1 Amend House File 687 as follows:

2 1. Page 3, line 24, by striking the words "one
3 hundred" and inserting the word "fifty".

4 2. Page 4, line 31, by striking the words "one
5 hundred" and inserting the word "fifty".

COMMITTEE ON WAYS AND MEANS
CHARLES BRUNER, Chairperson

S-4089

1 Amend the House amendment, S-4062, to Senate File
2 518 as amended, passed, and reprinted by the Senate as
3 follows:

DIVISION S—4089A

4 1. Page 1, line 3, by striking the figure "19"
5 and inserting the following: "13".

6 2. Page 1, by inserting after line 29 the
7 following:

8 " ____ . Page 5, line 31, by striking the figure
9 "5,299,675" and inserting the following:

10 "5,099,675".

11 3. Page 1, lines 37 and 38, by striking the words
12 and figure "one hundred thousand (100,000)" and
13 inserting the following: "two hundred thousand
14 (200,000)".

15 4. Page 1, by striking line 44 and inserting the
16 following:

17 "____. Page 6, by striking lines 24 through 29 and
18 inserting the following:

19 "Sec. 5. Notwithstanding section 384.15,
20 subsection 7, paragraph "b", there is appropriated all
21 unencumbered and unobligated money remaining in the
22 law enforcement training reimbursement fund on June
23 30, 1987, after operation of section 1, subsections 1
24 and 2, and section 4, subsection 4, paragraphs "b" and
25 "c" of this Act, to the department of public safety
26 for the capital acquisition of an automated
27 fingerprint identification system (AFIS). There is
28 also appropriated the unencumbered and unobligated
29 money credited to the law enforcement training
30 reimbursement fund during the fiscal year beginning
31 July 1, 1987 and ending June 30, 1988, to the
32 department of public safety for such fiscal year for
33 the capital acquisition of an automated fingerprint
34 identification system (AFIS). However, the total
35 moneys appropriated under this section shall not
36 exceed five hundred thousand (500,000) dollars."

37 5. By striking page 1, line 45 through page 2,
38 line 27.

39 6. Page 2, by striking lines 35 through 44.

40 7. Page 2, by inserting before line 45 the
41 following:

42 "____. Page 11, line 5, by striking the word
43 "forty-five" and inserting the following: "twenty-
44 three"."

45 8. Page 2, line 46, by striking the figure
46 "1,417,237" and inserting the following: "750,000".

47 9. Page 3, by striking lines 2 through 6.

48 10. Page 3, by striking lines 14 and 15.

49 11. Page 3, by inserting before line 16 the
50 following:

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DIVISION S—4089A (cont'd.)

1 "____. Page 13, by inserting after line 5 the
2 following:

3 "Sec. ____ . The state department of transportation

4 shall lower the entrance pipe by two feet at station
5 32960 Rt on U.S. highway 63 in Tama county, Iowa.””

DIVISION S—4089B

6 12. Page 3, by striking lines 30 and 31.

DIVISION S—4089A (cont'd.)

7 13. Page 4, by inserting after line 22 the
8 following:

9 “—. Page 18, line 6, by striking the word and
10 figure “subsection 2” and inserting the following:
11 “subsections 1 and 2, section 4, subsection 4,
12 paragraphs “b” and “c.”

13 —. Page 18, line 6, by inserting before the
14 figure “24” the following: “5.””

JOE J. WELSH
DON E. GETTINGS

S-4090

1 Amend House File 682 as amended, passed, and
2 reprinted by the House, as follows:

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

5 “Sec. —. Section 422.13, Code 1987, is amended
6 by adding the following new subsection:

7 NEW SUBSECTION. 5. Notwithstanding subsections 1
8 through 4 and sections 422.15 and 422.36, a
9 partnership, trust, or corporation whose stockholders
10 are taxed on the corporation’s income under the
11 provisions of the Internal Revenue Code is entitled to
12 request permission from the director to file a
13 composite return for the nonresident partners,
14 beneficiaries, and shareholders. The director may
15 grant permission to file or require that a composite
16 return be filed under the conditions deemed
17 appropriate by the director. A partnership, trust, or
18 corporation filing a composite return is liable for
19 tax required to be shown due on the return. All
20 powers of the director and requirements of the
21 director apply to returns filed under this subsection,
22 including but not limited to, the provisions of this
23 division and division VI of this chapter.”

24 2. Title page, line 1, by inserting after the
25 word “to” the following: “certain state taxes by
26 allowing composite returns to be filed for

27 nonresidents for income tax purposes and providing for
28 fuel”.

COMMITTEE ON WAYS AND MEANS
CHARLES BRUNER, Chairperson

S-4091

- 1 Amend Senate File 521 as follows:
- 2 1. Page 2, line 2, by striking the words “eighty
- 3 percent of” and inserting the following: “an amount
- 4 equal to”.
- 5 2. Page 2, line 3, by striking the word “two” and
- 6 inserting the following: “three”.
- 7 3. Page 2, line 4, by striking the words
- 8 “network, ten percent of” and inserting the following:
- 9 “network.”
- 10 4. Page 2, by striking lines 5 through 8.
- 11 5. Page 2, by striking lines 26 through 33.

JOHN W. JENSEN

HOUSE AMENDMENT TO
SENATE FILE 340

S-4092

- 1 Amend Senate File 340, as amended, passed, and re-
- 2 printed by the Senate, as follows:
- 3 1. Page 1, line 26, by inserting after the word
- 4 “department” the following: “or of a residential
- 5 facility operated by a judicial district department of
- 6 correctional services”.
- 7 2. Page 1, line 29, by striking the word “rules”
- 8 and inserting the following: “policies and
- 9 procedures”.
- 10 3. Page 1, by striking lines 30 through 33 and
- 11 inserting the following: “of a contagious infectious
- 12 disease to other persons.”
- 13 4. By renumbering, relettering, or redesignating
- 14 and correcting internal references as necessary.

HOUSE AMENDMENT TO
SENATE FILE 396

S-4093

- 1 Amend Senate File 396 as amended, passed, and
- 2 reprinted by the Senate, as follows:

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

5 "1. A considerable volume of solid wastes,
6 hazardous wastes, and low-level radioactive wastes are
7 generated from modern agricultural, industrial,
8 medical, educational, and research activities within
9 the state.

10 2. The protection of the health, safety, and
11 welfare of Iowans and the protection of the
12 environment require the proper and safe management of
13 these wastes.

14 3. Ensuring the proper and safe management of
15 solid wastes, low-level radioactive wastes, and
16 hazardous wastes is a fundamental duty of the state.

17 4. It is the obligation of the state government
18 pursuant to the federal Low-Level Waste Management
19 Policy Act of 1980 to provide for the proper and safe
20 management of low-level radioactive wastes produced
21 within its borders.

22 5. A proper and safe solid waste, low-level
23 radioactive waste, and hazardous waste management
24 program encourages public participation in all phases
25 of the development of the waste management program,
26 and encourages, to the greatest extent possible, the
27 use of environmentally sound waste management
28 practices which are alternative to land disposal
29 including waste recycling, compaction, incineration,
30 and other methods which reduce the amount of wastes
31 produced.

32 6. It is the purpose of this Act to establish a
33 state planning and management authority as a division
34 of the department of natural resources to provide for
35 the proper and safe management of low-level
36 radioactive wastes and hazardous wastes produced in
37 the state, to encourage and facilitate new solid waste
38 management concepts and alternative disposal methods,
39 and to meet the state's obligations pursuant to the
40 federal Low-Level Waste Management Policy Act of 1980
41 by:"

42 2. Page 2, by inserting after line 24 the
43 following:

44 "Sec. ____ . NEW SECTION. 455B.480 WASTE
45 MANAGEMENT POLICY.

46 The purpose of this part is to promote the proper
47 and safe storage, treatment, and disposal of solid,
48 hazardous, and low-level radioactive wastes in Iowa.
49 The management of these wastes generated within Iowa
50 is the responsibility of Iowans. It is the intent of

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1 the general assembly that Iowans assume this
2 responsibility to the extent consistent with the
3 protection of public health, safety, and the
4 environment, and that Iowans insure that waste
5 management practices, as alternatives to land
6 disposal, including source reduction, recycling,
7 compaction, incineration, and other forms of waste
8 reduction, are employed.

9 It is also the intent of the general assembly that
10 a comprehensive waste management plan be established
11 by the waste management authority which includes: the
12 determination of need and adequate regulatory controls
13 prior to the initiation of site selection; the process
14 for selecting a superior site determined to be
15 necessary; the establishment of a process for a site
16 community to submit or present data, views, or
17 arguments regarding the selection of the operator and
18 the technology that best ensures proper facility
19 operation; the prohibition of shallow land burial of
20 hazardous and low-level radioactive wastes; the
21 establishment of a regulatory framework for a
22 facility; and the establishment of provisions for the
23 safe and orderly development, operation, closure,
24 postclosure, and long-term monitoring and maintenance
25 of the facility."

26 3. Page 3, lines 33 and 34, by striking the words
27 "environmental protection division" and inserting the
28 following: "department of natural resources".

29 4. Page 4, line 15, by striking the words
30 "environmental protection division of the".

31 5. Page 4, lines 18 and 19, by striking the words
32 "administrator of the environmental protection
33 division" and inserting the following: "director of
34 the department of natural resources".

35 6. Page 4, line 21, by striking the word
36 "ADMINISTRATOR" and inserting the following:
37 "AUTHORITY".

38 7. Page 4, line 22, by striking the word
39 "administrator" and inserting the following:
40 "authority".

41 8. Page 5, by inserting after line 24, the
42 following:

43 "10. Submit a report to the general assembly by
44 January 1, 1988, regarding the feasibility and
45 financial ramifications of limiting the type of waste
46 accepted by a hazardous waste facility acquired or
47 operated pursuant to this chapter."

48 11. Solicit proposals from public and private

49 agencies to conduct hazardous waste research, and to
50 develop and implement storage, treatment, and other

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1 hazardous waste management practices including but not
2 limited to source reduction, recycling, compaction,
3 incineration, fuel recovery, and other alternatives to
4 land disposal of hazardous waste. In the acceptance
5 of a proposal, preference shall be given to Iowa
6 agencies pursuant to chapter 72.

7 12. Conduct a comprehensive study of the current
8 availability of hazardous waste disposal methods and
9 sites, the current and projected generation of
10 hazardous waste including but not limited to the types
11 of hazardous waste generated and the sources of
12 hazardous waste generation; alternatives to land
13 disposal of hazardous waste including but not limited
14 to source reduction, recycling, compaction,
15 incineration, and fuel recovery; and integrated
16 approaches to pollution management to ensure that the
17 problems associated with hazardous waste do not become
18 air or water problems; and alternative management and
19 financing approaches for a state hazardous waste site.

20 13. a. Develop a comprehensive plan for the
21 establishment of a small business assistance center
22 for the safe and economic management of solid and
23 hazardous substances. The plan for establishing the
24 center shall be presented to the general assembly on
25 or before January 15, 1988. The plan shall provide
26 that the center's program include:

27 (1) The provision of information regarding the
28 safe use and economic management of solid and
29 hazardous substances to small businesses which
30 generate the substances.

31 (2) The dissemination of information to public and
32 private agencies regarding state and federal solid and
33 hazardous substances regulations, and assistance in
34 achieving compliance with these regulations.

35 (3) Advisement and consultation regarding the
36 proper storage, handling, treatment, reuse, recycling,
37 and disposal methods of solid and hazardous
38 substances. The center shall promote alternatives to
39 land disposal of solid and hazardous substances
40 including but not limited to source reduction,
41 recycling, compaction, incineration, and fuel
42 recovery.

43 (4) The identification of the advantages of proper
44 substance management relative to liability and
45 operational costs of a particular small business.

46 (5) Assistance in the providing of capital
47 formation in order to comply with state and federal
48 regulations.
49 b. Moneys appropriated from the oil overcharge
50 account of the groundwater protection fund shall be

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1 used to develop the comprehensive plan for the small
2 business assistance center for the safe and economic
3 management of solid and hazardous substances.
4 c. In solicitation of proposals for the
5 implementation of the comprehensive plan, the waste
6 management authority shall give preference to
7 cooperative proposals which incorporate and utilize
8 the participation of the universities under the
9 control of the state board of regents.
10 9. Page 5, line 32, by striking the words
11 "prepared by the administrator".
12 10. Page 6, line 12, by striking the word
13 "administrator" and inserting the following:
14 "authority".
15 11. Page 6, line 15, by striking the word
16 "administrator" and inserting the following:
17 "authority".
18 12. Page 6, line 17, by striking the figure
19 "455B.422" and inserting the following: "455B.485".
20 13. Page 6, line 19, by striking the word
21 "administrator" and inserting the following:
22 "authority".
23 14. Page 6, line 20, by striking the word
24 "administrator" and inserting the following:
25 "authority".
26 15. Page 6, line 25, by striking the word
27 "administrator" and inserting the following:
28 "authority".
29 16. Page 6, line 29, by striking the word
30 "administrator" and inserting the following:
31 "authority".
32 17. Page 6, line 30, by striking the word
33 "administrator" and inserting the following:
34 "authority".
35 18. By striking page 6, line 35 through page 7,
36 line 18 and inserting the following:
37 "The commission shall adopt rules establishing
38 criteria for the identification of land areas or sites
39 which are suitable for the operation of facilities for
40 the management of hazardous and low-level radioactive
41 wastes. Upon request, the department shall assist in
42 locating suitable sites for the location of a

43 facility. The commission may purchase or condemn land
44 to be leased or used for the operation of a facility
45 subject to chapter 471. Consideration for a contract
46 for purchase of land shall not be in excess of funds
47 appropriated by the general assembly for that purpose.
48 The commission may lease land purchased under this
49 section to any person including the state or a state
50 agency. This section authorizes the state to own or

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1 operate hazardous waste facilities and low-level
2 radioactive waste facilities, subject to the approval
3 of the general assembly.
4 The terms of the lease or contract shall establish
5 responsibility for long-term monitoring and
6 maintenance of the site. The commission shall require
7 that the lessee or operator post bond or provide proof
8 of sufficient insurance coverage, as determined by the
9 commission to be reasonably necessary to protect the
10 state against liabilities arising from the storage of
11 wastes, abandonment of the facility, facility
12 accidents, failure of the facility, or other
13 liabilities which may arise.
14 The terms of the lease or contract shall also
15 require that the lessee or operator of the facility
16 pay an annual fee to the state, as established by the
17 commission, to cover facility monitoring costs, and
18 shall require that the lessee or operator establish a
19 long-term monitoring and maintenance fund in which the
20 lessee or operator shall deposit annually an amount
21 specified by the commission. The fund shall be used
22 to pay closure, long-term monitoring and maintenance,
23 and contingency costs.
24 The lease agreement or contract shall provide for a
25 local review and monitoring committee established by
26 the county or municipal entity governing the
27 jurisdiction in which the facility is located. Prior
28 to the approval of a lease agreement or contract the
29 local committee shall review the application of the
30 prospective lessee or operator and shall determine the
31 suitability of the proposed site for the facility.
32 The local committee may inspect the facility during
33 operation and may make recommendations regarding the
34 operation and closure of the facility. The commission
35 shall establish a surtax paid by the lessee or
36 operator of a facility to the local governmental
37 entity, and retained by the local governmental entity
38 in which the facility is located. The lessee or
39 operator of the facility shall provide funding for the

40 implementation of the duties of the local committee.
41 The lessee or operator is subject to all applicable
42 permit and licensing requirements. The leasehold
43 interest, including improvements made to the property,
44 shall be listed, assessed, and valued as any other
45 real property as provided by law.
46 Facilities acquired or operated pursuant to this
47 section shall comply with applicable federal and state
48 statutes, local ordinances, and regulations adopted by
49 regulatory agencies to the extent required by law.”
50 19. Page 7, by inserting after line 18 the fol-

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1 lowing:
2 “The purchase, condemnation, use, or lease of land
3 for the management of wastes, shall be approved by the
4 general assembly prior to the purchase, condemnation,
5 use, or lease of the land.”
6 20. Page 7, by inserting after line 24 the
7 following:
8 “An operator of a facility acquired or operated
9 pursuant to this section shall require that a person,
10 prior to the use of the facility, submit proof that
11 reasonable and good faith measures have been taken to
12 reduce the generation of waste.”
13 21. Page 7, by inserting before line 25, the
14 following:
15 “A hazardous waste facility acquired or operated
16 pursuant to this section shall be operated in
17 accordance with the following schedule:
18 a. The initial fee paid by a person depositing
19 hazardous waste at the facility shall be increased by
20 ten percent per ton upon receipt of twenty-five
21 percent of the waste capacity of the facility.
22 b. The initial fee paid by a person depositing
23 hazardous waste at the facility shall be increased by
24 twenty-five percent per ton upon receipt of fifty
25 percent of the waste capacity of the facility.
26 c. Upon receipt of fifty percent of the waste
27 capacity of the facility, the receipt of waste shall
28 be limited to hazardous waste generated within the
29 state of Iowa. If an agreement has been established
30 between the owner or operator of the hazardous waste
31 facility and an out-of-state generator of hazardous
32 waste, this limitation is null and void.”
33 22. Page 7, line 27, by striking the word
34 “administrator” and inserting the following:
35 “authority”.
36 23. Page 7, line 31, by striking the word

- 37 "administrator" and inserting the following:
 38 "authority".
 39 24. By striking page 8, line 11 through page 9,
 40 line 7 and inserting the following:
 41 "Sec. ____ . Section 455B.422, Code 1987, is
 42 repealed."
 43 25. Title page, by striking lines 2 and 3 and in-
 44 serting the following: "within the department of
 45 natural resources, and providing for the management of
 46 solid, hazardous, and low-level radioactive wastes."
 47 26. By renumbering as necessary.

HOUSE AMENDMENT TO
 SENATE FILE 509

S-4094

- 1 Amend Senate File 509, as amended, passed, and re-
 2 printed by the Senate, as follows:
 3 1. Page 1, by striking lines 1 through 19.
 4 2. Title page, by striking lines 1 and 2 and
 5 inserting the following: "An Act revising certain".
 6 3. By renumbering as necessary.

HOUSE AMENDMENT TO
 SENATE FILE 501

S-4095

- 1 Amend Senate File 501, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 1, by striking lines 1 through 8.
 4 2. By striking page 2, line 10 through page 4,
 5 line 7.
 6 3. Page 5, by inserting after line 6 the
 7 following:
 8 "Sec. ____ . NEW SECTION. 8.10 PURPOSE.
 9 The purpose of this Act is to create within the
 10 department of management an office for state-federal
 11 relations, and to establish general goals for the
 12 operation of this office. In doing so, it is the
 13 intent of the general assembly to develop a state-
 14 federal relations program which is nonpartisan and
 15 accessible to all three branches of state government.
 16 Sec. ____ . NEW SECTION. 8.11 DEFINITIONS.
 17 As used in this chapter, unless the context
 18 otherwise requires:

19 1. "Office" means the office for state-federal
 20 relations as authorized in this Act.
 21 2. "Delegation" means the state's elected senators
 22 and representatives to the United States congress, and
 23 their respective staff members.
 24 Sec. ____ . NEW SECTION. 8.12 GOALS.
 25 The major goals of the office are:
 26 1. To coordinate the development of the state's
 27 state-federal relations efforts which shall include an
 28 annual state-federal program to be presented to the
 29 Iowa delegation, program of regular training sessions
 30 for state government officials, and maintenance of a
 31 management information system.
 32 2. To provide state government officials with
 33 greater access to current information on federal
 34 legislative and executive actions affecting state
 35 government.
 36 3. To articulate positions or federal policies of
 37 importance to state government.
 38 4. To monitor federal budget policies, assess
 39 their impact upon the state, and identify federal
 40 assistance programs which will benefit the state.
 41 5. To strengthen the working relationships between
 42 state government officials and the congressional
 43 delegation and federal agencies.
 44 6. To improve the state's ability to establish key
 45 contacts with other states, organizations, business
 46 groups, and professional associations to gain
 47 information and form cooperative agreements.
 48 Sec. ____ . NEW SECTION. 8.13 PERSONNEL.
 49 1. The office shall be administered by a director
 50 who shall be appointed by the governor and shall serve

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1 at the pleasure of the governor. If the office of the
 2 director becomes vacant, the vacancy shall be filled
 3 in the same manner as provided for the original
 4 appointment.
 5 2. All other personnel of the office shall be
 6 employed in a manner consistent with department of
 7 management policies.
 8 3. All employees of the office shall be exempt
 9 from chapter 19A.
 10 Sec. ____ . NEW SECTION. 8.14 LOCATION.
 11 The office shall be located in Washington, D.C.
 12 Sec. ____ . NEW SECTION. 8.15 DEPARTMENT OF
 13 MANAGEMENT DUTIES.
 14 The department of management shall provide
 15 administrative support services to the office and

16 shall, to the extent possible, coordinate the depart-
17 ment's planning, policy, and fiscal responsibilities
18 with the activities of the office.

19 Sec. ____ . **NEW SECTION. 8.16 COOPERATION.**

20 All agencies of state government shall cooperate
21 fully with the office on matters related to the
22 fulfillment of its goals. Agencies may enter into
23 agreements with the office to contract where
24 appropriate for special services.

25 Sec. ____ . **NEW SECTION. 8.17 REPORTING.**

26 By February 15, the office shall submit to the
27 governor, the general assembly, and the supreme court
28 an annual report detailing the activities and
29 accomplishments of the office for the previous fiscal
30 year."

31 4. Page 10, by striking lines 20 and 21 and
32 inserting the following: "insufficient to pay all
33 appropriations in full,".

34 5. Page 10, line 22, by striking the word
35 "between" and inserting the following: "between
36 among".

37 6. Page 12, by inserting after line 30 the
38 following:

39 "5. A record of all formal actions taken by the
40 department of personnel and by the department of
41 management relating to departmental requests to fill
42 vacant positions shall be compiled by the department
43 of personnel and the department of management and
44 shall be made available to the legislative fiscal
45 bureau upon the request of the director of the bureau.
46 If a position remains vacant for forty-five days after
47 the date of a departmental request to fill the
48 position, the department of personnel shall transmit
49 to the legislative fiscal bureau the record of all
50 formal actions taken by the department of personnel

Page 3

1 and by the department of management relating to the
2 position."

3 7. Page 14, by striking lines 26 through 28 and
4 inserting the following: "required by law; the, A
5 quarterly allotment of an appropriation to the
6 secretary of state shall not be withheld without the
7 approval of the secretary of state. The".

8 8. Page 15, by striking lines 2 through 5 and
9 inserting the following:

10 "Sec. ____ . **NEW SECTION. 11.3 ALLOTMENT NOT**
11 **WITHHELD.**

12 A quarterly allotment of an appropriation to the
13 auditor of state shall not be withheld without the
14 approval of the auditor of state.”

15 9. Page 15, by striking lines 9 through 11 and
16 inserting the following: “of government; and, A
17 quarterly allotment of an appropriation to the
18 treasurer of state shall not be withheld without the
19 approval of the treasurer of state. The treasurer
20 shall keep an”.

21 10. Page 16, by striking lines 24 through 27 and
22 inserting the following: “head thereof, shall be
23 located at the seat of government. A quarterly
24 allotment of an appropriation to the attorney general
25 or to the department of justice shall not be withheld
26 without the approval of the attorney general.”

27 11. Page 16, line 31, by striking the words
28 “seven six” and inserting the following: “seven”.

29 12. Page 17, by striking lines 21 through 28 and
30 inserting the following: “appointments shall include
31 persons knowledgeable of the various elements of the
32 department’s responsibilities and knowledgeable with
33 regard to economic development issues related to
34 labor, cities, counties, job training, small business,
35 trade and marketing, finance, and low income. The
36 board shall be gender balanced; however, this
37 requirement shall not prohibit any duly appointed
38 member from serving until the expiration of the
39 member’s term.”

40 13. Page 17, by striking lines 29 through 34.

41 14. Page 18, by striking lines 7 and 8.

42 15. Page 18, line 18, by inserting after the
43 figure “69.16.” the following: “The council shall be
44 gender balanced.”

45 16. Page 19, line 35, by striking the word
46 “Department” and inserting the following: “Department
47 Director of the department”.

48 17. Page 20, line 26, by striking the words “as
49 soon as practicable” and inserting the following: “as
50 soon as practicable within ninety days”.

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1 18. Page 24, by inserting after line 5 the
2 following:

3 “Sec. ____ . Section 19A.1, subsections 3 and 4,
4 Code 1987, are amended to read as follows:

5 3. The following part-time boards and ~~commissions~~
6 task force are within the department:

7 a. ~~The personnel commission, created by section~~
8 ~~19A-4.~~

9 **b a.** The board of trustees of the public safety
10 peace officers' retirement, accident, and disability
11 system, created by section 97A.5.
12 **e b.** The investment board of the Iowa public
13 employees' retirement system created by section 97B.8.
14 **d c.** The affirmative action task force created
15 pursuant to executive order, or its successor.
16 4. Specific powers and duties of the department,
17 its director, and the boards and ~~commissions task~~
18 ~~force~~ within the department are set forth in this
19 chapter, chapters 79, 97A, 97B, and other provisions
20 of law. Section 8.23 applies to the department.
21 Sec. ____ . Section 19A.2, subsection 3, Code 1987,
22 is amended by striking the subsection."
23 19. Page 25, line 24, by striking the words
24 "~~Production and engineering All~~" and inserting the
25 following: "Production and engineering".
26 20. Page 26, by inserting after line 34 the
27 following:
28 "26. The secretary to and the administrative
29 officer of the employment appeal board."
30 21. Page 27, by inserting after line 5 the
31 following:
32 "Notwithstanding other provisions of this section
33 or the Code to the contrary, those employees or
34 positions within the offices of the elected state
35 officers which were exempt from the merit system
36 provisions of this chapter immediately prior to July
37 1, 1986, shall be exempt from the merit system
38 provisions of this chapter on and after the effective
39 date of this Act."
40 22. Page 27, by inserting after line 5 the
41 following:
42 "Sec. ____ . Section 19A.9, unnumbered paragraph 1,
43 Code 1987, is amended to read as follows:
44 The ~~personnel commission~~ director shall adopt and
45 may amend rules for the administration and
46 implementation of this chapter in accordance with
47 chapter 17A. ~~The director shall prepare and submit~~
48 ~~proposed rules to the commission.~~ Rulemaking shall be
49 carried out with due regard to the terms of collective
50 bargaining agreements. A rule shall not supersede a

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1 provision of a collective bargaining agreement
2 negotiated under chapter 20. The rules shall
3 provide:"
4 23. Page 27, by striking lines 11 and 12 and
5 inserting the following: "otherwise provided for by

6 law in state government for all positions in the
7 executive”.

8 24. Page 27, by striking lines 18 and 19 and
9 inserting the following: “~~After the classification~~
10 ~~has been approved by the commission, the~~ The director
11 shall allocate the”.

12 25. Page 27, by striking lines 27 and 28 and
13 inserting the following: “made to ~~the commission or~~
14 to a qualified classification committee appointed by
15 the ~~commission~~ director. An allocation or”.

16 26. Page 28, by striking lines 3 through 5 and
17 inserting the following: “any position or type of
18 employment, the governor, acting in good faith, ~~shall~~
19 ~~so notify the commission. Thereafter may approve the~~
20 diminution or increase, and the position or type of”.

21 27. Page 28, by striking lines 10 and 11 and
22 inserting the following: “governor.”

23 28. Page 28, by striking lines 19 through 21 and
24 inserting the following: “the ~~commission~~ director.
25 Review of the”.

26 29. Page 28, line 31, by striking the word
27 “commission” and inserting the following: “~~commission~~
28 director”.

29 30. Page 29, by inserting after line 8 the
30 following:

31 “Sec. ____ . Section 19A.9, subsection 23, Code
32 1987, is amended to read as follows:

33 23. For the establishment of work test
34 appointments for positions of unskilled labor,
35 attendants, aides, janitors, food service workers,
36 laundry workers, porters, elevator operators, or
37 custodial or similar types of employment when the
38 character of the work makes it impracticable to supply
39 the needs of the service effectively by written or
40 other type of competitive examination. If this
41 subsection conflicts with any other provisions of this
42 chapter, the provisions of this subsection govern the
43 positions to which it applies. All persons appointed
44 to the positions specified in this subsection shall
45 serve a probationary period in accordance with this
46 chapter, may acquire permanent status, and are subject
47 to the same rules as other classified employees. Such
48 persons shall be required to pass promotional
49 examinations as prescribed by this chapter and the
50 rules adopted by the personnel commission director

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1 before they may be promoted to a higher
2 classification.”

3 31. Page 29, by striking lines 16 and 17 and
4 inserting the following: “department of personnel for
5 approval and processing.”

6 32. Page 31, by inserting after line 6 the
7 following:

8 “Sec. ____ . Section 19A.16, unnumbered paragraph 1,
9 Code 1987, is amended to read as follows:

10 Subject to the rules approved by the ~~commission~~
11 director, the director may enter into agreements with
12 any municipality or political subdivision of the state
13 to furnish services and facilities of the agency to
14 such municipality or political subdivision in the
15 administration of its personnel on merit principles.
16 Any such agreement shall provide for the reimbursement
17 to the state of the reasonable cost of the services
18 and facilities furnished. All municipalities and
19 political subdivisions of the state are authorized to
20 enter into such agreements.

21 Sec. ____ . Section 19A.18, unnumbered paragraph 7,
22 Code 1987, is amended to read as follows:

23 The ~~commission~~ director shall adopt any rules
24 necessary for further restricting political activities
25 of persons holding positions in the classified
26 service, but only to the extent necessary to comply
27 with federal standards. Employees retain the right to
28 vote as they please and to express their opinions on
29 all subjects.”

30 33. Page 31, by inserting before line 26 the
31 following:

32 “Sec. ____ . NEW SECTION. 19B.12 PENALTIES.

33 A person who knowingly gives false information on a
34 targeted small business certification form filed with
35 the department of management or any other state agency
36 is guilty of an aggravated misdemeanor.”

37 34. Page 32, by striking lines 9 through 15.

38 35. Page 34, line 34, by striking the word
39 “state” and inserting the following: “state”.

40 36. Page 35, by inserting after line 30 the
41 following:

42 “Sec. ____ . Section 79.1, unnumbered paragraph 7,
43 Code 1987, is amended to read as follows:

44 State employees, excluding state board of regents’
45 faculty members with nine-month appointments, and
46 employees covered under a collective bargaining
47 agreement negotiated with the public safety bargaining
48 unit who are eligible for accrued vacation benefits

49 and accrued sick leave benefits, who have accumulated
50 thirty days of sick leave, and who do not use sick

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1 leave during a full month of employment may elect to
2 accrue up to one-half day of additional vacation. The
3 accrual of additional vacation time by an employee for
4 not using sick leave during a month is in lieu of the
5 accrual of up to one and one-half days of sick leave
6 for that month. The director of the department of
7 ~~personnel commission~~ may adopt the necessary rules and
8 procedures for the implementation of this program for
9 all state employees except employees of the state
10 board of regents. The state board of regents may
11 adopt necessary rules for the implementation of this
12 program for its employees.

13 Sec. ____ . Section 79.16, subsection 2, unnumbered
14 paragraph 1, Code 1987, is amended to read as follows:

15 A state employee who is reassigned shall be
16 reimbursed for moving expenses incurred in accordance
17 with rules adopted by the director of the department
18 of personnel ~~commission~~ when all of the following
19 circumstances exist:"

20 37. Page 36, by inserting after line 29 the
21 following:

22 "Sec. ____ . Section 79.24, unnumbered paragraph 1,
23 Code 1987, is amended to read as follows:

24 The state and any political subdivisions of the
25 state shall grant employees leave from employment to
26 participate in olympic competition sanctioned by the
27 United States olympic committee. Any leave granted
28 shall not exceed the time required for actual
29 participation in the competition, plus a reasonable
30 time for travel to and return from the site of the
31 competition, and a reasonable time for precompetition
32 training at the site. The state or political
33 subdivision shall compensate the employee at the
34 employee's regular rate of pay during any leave
35 granted. Pay for each week of leave shall not exceed
36 the amount the employee would receive for a normal
37 work week, and the employee shall not be paid for any
38 day spent in olympic competition for which the
39 employee would not ordinarily receive pay as part of
40 the employee's regular employment. The maximum leave
41 granted per fiscal year under this section shall not
42 exceed ninety days. Employees with approved leave
43 retain all employment benefits throughout the leave of
44 absence. The director of the department of personnel
45 ~~commission~~ shall adopt rules for the implementation of

46 this section.”

47 38. Page 38, line 19, by striking the words
48 “correction (which” and inserting the following:
49 “correction, (which”.

50 39. Page 38, line 23, by striking the word

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1 “penalties)” and inserting the following:

2 “penalties”).

3 40. Page 39, by striking lines 20 through 31.

4 41. Page 44, lines 18 and 19, by striking the
5 words “the carrying into effect” and inserting the
6 following: “~~the carrying into effect~~ accomplishing”.

7 42. By striking page 44, line 20 through page 45,
8 line 12.

9 43. By striking page 45, line 26 through page 46,
10 line 7.

11 44. Page 51, by striking lines 4 and 5.

12 45. By striking page 51, line 28 through page 52,
13 line 3.

14 46. By striking page 52, line 22 through page 54,
15 line 3.

16 47. Page 54, by striking lines 4 through 25.

17 48. By striking page 54, line 26 through page 55,
18 line 11.

19 49. Page 55, by inserting after line 11 the
20 following:

21 “Sec. ____ . Section 137.6, subsection 4, Code 1987,
22 is amended to read as follows:

23 4. Employ persons as necessary for the efficient
24 discharge of its duties. Employment practices shall
25 meet the requirements of the director of the
26 department of personnel ~~commission~~ or any civil
27 service provision adopted under chapter 400.”

28 50. Page 55, by striking lines 29 and 30 and
29 inserting the following: “state. The salary of the
30 secretary”.

31 51. Page 57, by striking lines 22 through 26 and
32 inserting the following: “of agriculture and land
33 stewardship ~~which~~. A quarterly allotment of an
34 appropriation to the secretary of agriculture or to
35 the department of agriculture and land stewardship
36 shall not be withheld without the approval of the
37 secretary of agriculture. The department shall.”.

38 52. By striking page 57, line 33 through page 60,
39 line 7.

40 53. Page 63, line 29, by inserting after the word
41 “purposes” the following: “if approved by the
42 governor”.

- 43 54. Page 63, by striking line 34 and inserting
44 the following:
45 "6. Erect buildings on the grounds if approved by
46 concurrent resolution of the general assembly and
47 repair buildings on the grounds and make".
48 55. Page 64, line 4, by inserting after the word
49 "domain" the following: "if approved by the
50 governor".

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- 1 56. Page 68, line 18, by inserting after the word
2 "notes" the following: "or financing leases or loan
3 agreements".
4 57. Page 68, by inserting after line 27 the
5 following:
6 "10. The issuance of all negotiable bonds and
7 notes by the board under this section or entering into
8 any financing leases or loan agreements is subject to
9 the prior approval of the governor and the legislative
10 council."
11 58. By striking page 72, line 12 through page 73,
12 line 14.
13 59. By striking page 73, line 30 through page 74,
14 line 2.
15 60. Page 74, by striking lines 12 through 21.
16 61. Page 75, by striking lines 1 through 19.
17 62. Page 76, by striking lines 10 through 20.
18 63. By striking page 77, line 30 through page 78,
19 line 5.
20 64. Page 78, by striking lines 6 through 11.
21 65. By striking page 78, line 19 through page 79,
22 line 20.
23 66. Page 79, by inserting before line 21 the
24 following:
25 "Sec. ____ . Section 225C.4, subsection 1, paragraph
26 m, Code 1987, is amended to read as follows:
27 m. Advise the director of the department of
28 personnel ~~commission~~ on recommended qualifications of
29 all division employees."
30 67. By striking page 79, line 27 through page 80,
31 line 6.
32 68. Page 80, by striking lines 13 through 20.
33 69. By striking page 81, line 7 through page 83,
34 line 33.
35 70. By striking page 90, line 27 through page 91,
36 line 7.
37 71. Page 91, by striking lines 20 through 32.
38 72. Page 93, by striking line 29 and inserting
39 the following: "personnel are".

- 40 73. By striking page 96, line 32 through page 97,
41 line 5.
42 74. By striking page 98, line 33 through page 99,
43 line 6.
44 75. Page 101, by striking lines 2 through 6.
45 76. Page 101, by striking lines 16 through 20.
46 77. By striking page 103, line 31 through page
47 104, line 4.
48 78. Page 107, by striking lines 27 through 35.
49 79. By striking page 108, line 34 through page
50 109, line 7.

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- 1 80. Page 109, by striking lines 13 through 29.
2 81. Page 113, by striking lines 7 through 9 and
3 inserting the following: "1987, is amended by
4 striking the paragraph."
5 82. Page 135, by inserting after line 28 the
6 following:
7 "Sec. ____ . Section 556.8, Code 1987, is amended to
8 read as follows:
9 556.8 PROPERTY HELD BY STATE COURTS, AND PUBLIC
10 OFFICERS, AND AGENCIES.
11 All intangible personal property held for the owner
12 by any court, public corporation, public authority, or
13 public officer of this state, of the United States, or
14 of a political subdivision of the this state, that has
15 remained unclaimed by the owner for more than two
16 years after becoming payable or distributable is
17 presumed abandoned."
18 83. Page 136, by striking lines 10 through 18.
19 84. By striking page 136, line 19 through page
20 139, line 20.
21 85. Page 139, by striking lines 21 through 24.
22 86. Page 139, by striking lines 25 and 26.
23 87. By striking page 140, line 11 through page
24 141, line 25.
25 88. Page 145, by striking lines 19 through 24 and
26 inserting the following: "good character and
27 judicious background, shall include a member of a
28 minority group, may include a person ordained or
29 designated as a regular leader of a religious
30 community ~~and~~ who is knowledgeable in correctional
31 procedures and issues, and shall meet ~~at least two~~
32 ~~of~~".
33 89. Page 145, line 31, by inserting after the
34 word "guidance" the following: ". or having
35 equivalent experience".
36 90. Page 147, line 9, by striking the figure

37 "8.39,".

38 91. Page 147, line 9, by striking the figures
39 "15.201, 15.202, 15.203,".

40 92. Page 147, line 10, by inserting before the
41 figure "80.28," the following: "19A.4, 19A.6,
42 19A.7,".

43 93. Page 147, line 10, by striking the figures
44 "185.4, 185C.4,".

45 94. Page 147, by striking lines 13 and 14.

46 95. Page 147, lines 23 and 24, by striking the
47 words "or state soil conservation committee".

48 96. Page 148, by striking lines 17 through 21.

49 97. Page 148, by inserting before line 33 the
50 following:

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1 "Sec. ____ . CONFLICTING LEGISLATION. If both this
2 Act and other legislation enacted by the first session
3 of the Seventy-second General Assembly create an
4 office for state-federal relations, the provisions of
5 this Act shall prevail."

6 98. Page 149, by striking lines 27 and 28.

7 99. By renumbering, relettering, or redesignating
8 and correcting internal references as necessary.

S-4096

1 Amend the House amendment, S-4095 to Senate File
2 501 as amended, passed and reprinted by the Senate
3 as follows:

4 1. Page 10, by striking lines 19 and 20.

5 2. Page 10, by striking line 22.

6 3. Page 10, by striking line 45

7 4. Page 10, by striking line 48.

8 5. Page 11, by striking line 6.

GEORGE R. KINLEY
JOHN E. SOORHOLTZ
JACK RIFE

HOUSE AMENDMENT TO
SENATE AMENDMENT TO
HOUSE FILE 164

S-4097

1 Amend the Senate amendment H-4244 to House File
2 164, as passed by the House as follows:

3 1. Page 1, by inserting after line 22 the
4 following:
5 "Sec. ____ . Section 77.4, subsections 2, 3, and 4,
6 Code 1987, are amended by striking the subsections."

S-4098

1 Amend the House amendment S-4095 to Senate File 501
2 as amended, passed and reprinted by the Senate as
3 follows:
4 1. Page 11, by inserting after line 6 the
5 following:
6 "____ . Title, line 9, by inserting after the word
7 "modifications," the following: "providing a
8 penalty,".

DONALD V. DOYLE

HOUSE AMENDMENT TO
SENATE FILE 187

S-4099

1 Amend Senate File 187 as passed by the Senate as
2 follows:
3 1. Page 1, by inserting before line 1 the
4 following:
5 "Section 1. Section 123.3, subsection 31, Code
6 1987, is amended to read as follows:
7 31. "Licensed premises" or "premises" means all
8 rooms, enclosures, contiguous areas, or places
9 susceptible of precise description satisfactory to the
10 administrator where alcoholic ~~beverages~~ liquor, wine,
11 or beer is sold, stored, or consumed or where any
12 business is conducted pertaining to the sale, storage,
13 or consumption of alcoholic liquor, wine, or beer
14 under authority of a liquor control license, wine
15 permit, or beer permit. A single licensed premise may
16 consist of multiple rooms, offices, storerooms,
17 enclosures, areas or places if they are wholly within
18 the confines of a single building or contiguous
19 grounds.
20 Sec. 2. Section 123.3, Code 1987, is amended by
21 adding the following new subsections:
22 NEW SUBSECTION. 36. "City" means a municipal

23 corporation but not including a county, township,
 24 school district, or any special purpose district or
 25 authority.

26 NEW SUBSECTION. 37. "Unincorporated town" means a
 27 compactly populated area recognized as a distinct
 28 place with a distinct place-name which is not itself
 29 incorporated or within the corporate limits of a city.

30 Sec. 3. Section 123.20, subsection 1, Code 1987,
 31 is amended to read as follows:

32 1. To ~~purchase receive~~ alcoholic liquors ~~and wine~~
 33 on a bailment system for resale by the division in the
 34 manner set forth in this chapter.

35 Sec. 4. Section 123.22, unnumbered paragraph 1,
 36 Code 1987, is amended to read as follows:

37 The division has the exclusive right of importation
 38 into the state of all forms of alcoholic liquor,
 39 except as otherwise provided in this chapter, and a
 40 person shall not import alcoholic liquor, except that
 41 an individual of legal age may import and have in the
 42 individual's possession an amount of alcoholic liquor
 43 not exceeding one quart or, in the case of alcoholic
 44 liquor personally obtained outside the United States,
 45 one gallon for personal consumption only in a private
 46 home or other private accommodation. ~~No A~~ distillery
 47 shall not sell alcoholic liquor within the state to
 48 any person but only to the division, except as
 49 otherwise provided in this chapter. This section
 50 vests in the division exclusive control within the

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1 state as purchaser of all alcoholic liquor sold by
 2 distilleries within the state or imported, except beer
 3 and wine, and except as otherwise provided in this
 4 chapter. The division shall receive alcoholic liquor
 5 on a bailment system for resale by the division in the
 6 manner set forth in this chapter. The division shall
 7 act as the sole wholesaler of alcoholic liquor to
 8 class "E" liquor control licensees.

9 Sec. 5. Section 123.24, subsection 2, paragraph a,
 10 Code 1987, is amended to read as follows:

11 a. The division may accept from a class "E" liquor
 12 control licensee a cashier's check which shows the
 13 licensee is the remitter or a check issued by the
 14 licensee in payment of alcoholic liquor. If a check
 15 is subsequently dishonored, the division shall cause a
 16 notice of nonpayment and penalty to be served upon the
 17 class "E" liquor control licensee or upon any person
 18 in charge of the licensed premises. The notice shall
 19 state that if payment or satisfaction for the

20 dishonored check is not made within ten days of the
21 service of notice, the licensee's liquor control
22 license shall be suspended under section 123.39. The
23 notice of nonpayment and penalty shall be in a form
24 prescribed by the administrator, and shall be served
25 by a peace officer sent by certified mail.

26 Sec. 6. Section 123.36, subsection 3, paragraph d,
27 Code 1987, is amended to read as follows:

28 d. Hotels and motels located outside the corporate
29 limits of any city, a sum equal to that charged in the
30 incorporated city located nearest the premises to be
31 licensed, and in case there is doubt as to which of
32 two or more differing corporate limits is the nearest,
33 the license fee which is the largest shall prevail.

34 However, if a hotel or motel is located in an
35 unincorporated town, for purposes of this subsection
36 the unincorporated town shall be treated as if it is a
37 city under paragraph "c" of this subsection.

38 Sec. 7. Section 123.36, subsection 4, paragraph d,
39 Code 1987, is amended to read as follows:

40 d. Commercial establishments located outside the
41 corporate limits of any city, a sum equal to that
42 charged in the incorporated city located nearest the
43 premises to be licensed, and in case there is doubt as
44 to which of two or more differing corporate limits are
45 the nearest, the license fee which is the larger shall
46 prevail. However, if a commercial establishment is
47 located in an unincorporated town, for purposes of
48 this subsection the unincorporated town shall be
49 treated as if it is a city under paragraph "c" of this
50 subsection.

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1 Sec. 8. Section 123.36, subsection 7, paragraph d,
2 Code 1987, is amended to read as follows:

3 d. Commercial establishments located outside the
4 corporate limits of any city, a sum equal to that
5 charged in the incorporated city located nearest the
6 premises to be licensed, and in case there is doubt as
7 to which of two or more differing corporate limits are
8 the nearest, the license fee which is the larger shall
9 prevail. However, if a commercial establishment is
10 located in an unincorporated town, for purposes of
11 this subsection the unincorporated town shall be
12 treated as if it is a city under paragraph "c" of this
13 subsection.

14 Sec. 9. Section 123.45, unnumbered paragraph 2,
15 Code 1987, is amended to read as follows:

16 A person engaged in the business of manufacturing,

17 bottling, or wholesaling alcoholic beverages, wine, or
 18 beer, or any jobber representative, broker, employee,
 19 or agent of such person, shall not directly or
 20 indirectly supply, furnish, give, or pay for any
 21 furnishings, fixtures, or equipment used in the
 22 storage, handling, serving, or dispensing of alcoholic
 23 beverages, wine, beer, or food within the place of
 24 business of a licensee or permittee authorized under
 25 this chapter to sell at retail; nor shall the person
 26 directly or indirectly extend any credit for alcoholic
 27 beverages or beer or pay for any such license or
 28 permit, nor directly or indirectly be interested in
 29 the ownership, conduct, or operation of the business
 30 of another licensee or permittee authorized under this
 31 chapter to sell at retail, nor hold a retail liquor
 32 control license or retail wine or beer permit, except
 33 that a person engaged in the business of manufacturing
 34 beer may sell beer at retail for consumption on or off
 35 the premises of the manufacturing facility and,
 36 notwithstanding any other provision of this chapter or
 37 the fact that such a person may be the holder of a
 38 class "A" beer permit, may be granted not more than
 39 one class "B" permit as defined in section 123.124 for
 40 such purpose. Any licensee or permittee who permits
 41 or assents to or is a party in any way to any such
 42 violation or infringement of this section is guilty of
 43 a violation of this section.

44 Sec. 10. Section 123.124, Code 1987, is amended to
 45 read as follows:

46 123.124 PERMITS -- CLASSES.

47 Permits for the manufacture and sale, or sale of
 48 beer shall be divided into three classes, and shall be
 49 known as either class "A", "B", or "C" permits. A
 50 class "A" permit shall allow the holder to manufacture

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1 and sell beer at wholesale. ~~The holder of a class "A"~~
 2 ~~permit may manufacture beer of more than five percent~~
 3 ~~of alcohol by weight for shipment outside this state~~
 4 ~~only. However, a class "A" permit does not grant~~
 5 ~~authority to manufacture wine as defined in section~~
 6 ~~123.2, subsection 7.~~ A class "B" permit shall allow
 7 the holder to sell beer at retail for consumption on
 8 or off the premises. A class "C" permit shall allow
 9 the holder to sell beer at retail for consumption off
 10 the premises.

11 Sec. 11. Section 123.130, Code 1987, is amended to
 12 read as follows:

13 123.130 AUTHORITY UNDER CLASS "A" PERMIT.

14 Any person holding a class "A" permit issued by the
 15 division shall be authorized to manufacture and sell,
 16 or sell at wholesale, beer for consumption off the
 17 premises, such sales within the state to be made only
 18 to persons holding subsisting class "A", "B" or "C"
 19 permits, or liquor control licenses issued in
 20 accordance with the provisions of this chapter. The
 21 holder of a class "A" permit may manufacture beer of
 22 more than five percent alcohol by weight for shipment
 23 outside this state only. However, a class "A" permit
 24 does not grant authority to manufacture wine as
 25 defined in section 123.3, subsection 7.

26 All class "A" premises shall be located within the
 27 state. All beer received by the holder of a class "A"
 28 permit from the holder of a certificate of compliance
 29 before being resold must first come to rest on the
 30 premises licensed by the class "A" permit holder, must
 31 be inventoried, and is subject to the barrel tax when
 32 resold as provided in section 123.136. A class "A"
 33 permittee shall not store beer overnight except on
 34 premises licensed under a class "A" permit.

35 Sec. 12. Section 123.134, subsection 2, paragraph
 36 d, Code 1987, is amended to read as follows:

37 d. For premises located outside the corporate
 38 limits of any city, a sum equal to that charged in the
 39 incorporated city located nearest the premises to be
 40 operated under the permit, and in case there is doubt
 41 as to which of two or more differing corporate limits
 42 are the nearest, the permit fee which is the largest
 43 shall prevail. However, if the premises are located
 44 in an unincorporated town, for purposes of this
 45 subsection the unincorporated town shall be treated as
 46 if it is a city.

47 Sec. 13. Section 123.173, unnumbered paragraph 2,
 48 Code 1987, is amended to read as follows:

49 A class "A" wine permit allows the holder to
 50 manufacture and sell, or sell at wholesale, in this

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1 state, wine as defined in section 123.3, subsection 7.
 2 The holder of a class "A" wine permit may manufacture
 3 in this state wine having an alcoholic content greater
 4 than seventeen percent by weight for shipment outside
 5 this state or for sale to the division. All class "A"
 6 premises shall be located within the state. A class
 7 "B" wine permit allows the holder to sell wine at
 8 retail for consumption off the premises."
 9 2. Page 1, line 8, by inserting after the word
 10 "license" the following: "to health care facilities

11 licensed under chapter 135C”.

12 3. Title page, line 1, by striking line 1 and
13 inserting the following: “An Act relating to the
14 regulation of the sale of alcoholic beverages by
15 amending the definition of licensed premises, by
16 requiring the division of alcoholic beverages to place
17 its system of purchase of alcoholic liquor on a
18 bailment system, by providing for service of notice of
19 nonpayment and penalty by the division to a class “E”
20 license by certified mail, and relating to liquor
21 control licenses and wine and beer permits by
22 providing for adjustment of fees for certain
23 businesses and permittees, by requiring all class “A”
24 wine permit premises and class “A” beer permit
25 premises to be located within the state and by
26 allowing persons holding a permit to purchase
27 sacramental wine to purchase sacramental wine from
28 class “A” wine permittees.”
29 4. By renumbering, relettering, or redesignating
30 and correcting internal references as necessary.

HOUSE AMENDMENT TO
SENATE FILE 516

S-4100

1 Amend Senate File 516 as passed by the Senate as
2 follows:
3 1. Page 1, by striking line 8, and inserting the
4 following: “regional planning boards within the
5 department’s eight districts’ boundaries wherever
6 possible. The regional planning”.
7 2. Page 2, by striking lines 13 through 23 and
8 inserting the following:
9 “Each regional planning board shall establish
10 general policy guidelines for the operation of the
11 regional advisory board and regional staff, adopt an
12 annual plan and budget within funds appropriated or
13 budgeted for the necessary services for the eligible
14 populations, oversee the quality of programs in the
15 region for the special populations, and allocate funds
16 for the staffing necessary for the duties of the
17 regional planning boards.”
18 3. Page 3, by striking line 35 and inserting the
19 following:
20 “These rights, within funds appropriated, apply to
21 any person with mental retardation.”
22 4. Page 4, by striking lines 1 through 4 and

23 inserting the following: "a developmental disability
24 or chronic mental illness who receives services which
25 are funded in whole or in part by public funds or
26 services which are permitted under Iowa law."

27 5. Page 4, by inserting after line 4, the
28 following:

29 "This section does not repeal or suspend any other
30 provision of law not contained in this chapter."

31 6. Page 4, by inserting after line 4 the
32 following:

33 "Sec. ____ . Section 225C.28, unnumbered paragraph
34 1, Code 1987, is amended to read as follows:

35 The rights of persons described in section 225C.26
36 within funds appropriated or budgeted include, but are
37 not limited to:"

38 7. Page 4, by inserting after line 4, the
39 following:

40 "Sec. ____ . Section 225C.28, Code 1987, is amended
41 by adding the following new unnumbered paragraph:

42 NEW UNNUMBERED PARAGRAPH. This section does not
43 repeal or suspend any other provision of law not
44 contained in this chapter."

45 8. Page 4, line 14, by inserting after the word
46 "employees." the following: "Nothing in this section
47 shall be interpreted as transferring obligations of
48 counties as provided in chapters, other than this
49 chapter, of the Code to the state."

50 9. Page 4, by striking lines 15 through 20.

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1 10. Page 4, line 25, by inserting after the word
2 "regions" the following: "within the department's
3 eight districts' boundaries wherever possible".

4 11. Page 5, by inserting after line 11 the
5 following:

6 "8. Reviews and comments on regional plans."

7 12. Page 5, by striking lines 12 through 15.

8 13. Page 5, by inserting after line 20 the
9 following:

10 "Sec. 1212. NEW SECTION. 225C.1001 DUTIES OF THE
11 DEPARTMENT OF HUMAN SERVICES.

12 The department shall develop and operate within the
13 funds appropriated an information system for client
14 data and tracking that utilizes a unique client
15 identification system, except as is necessary for
16 determination of legal settlement.

17 The department of human services shall provide
18 service coordination for the eligible populations,
19 within funds appropriated, in cooperation with the

20 regional planning boards until June 30, 1988.”

21 14. By striking page 6, line 24 through page 8,
22 line 31 and inserting the following:

23 “1. This Act takes effect July 1, 1985 except
24 section 5 which takes effect beginning July 1, 1987,
25 providing that legislation is enacted by the general
26 assembly before July 1, 1987, which provides a fair
27 and equitable funding formula for the implementation
28 of section 5 of this Act and shall be implemented
29 within funds appropriated according to the following
30 schedules:

31 a. No claim for damages or injunctive relief shall
32 accrue under section 225C.28, subsection 1, for any
33 action or inaction by the state, its agents, or
34 employees, prior to July 1, 1990.

35 The department shall present to the general
36 assembly by January 1, 1988, a schedule and associated
37 costs which would assure that diagnosis and
38 evaluations are phased in between July 1, 1988, and
39 July 1, 1990 with significant progress to be reached
40 in each year. In addition, the department shall
41 provide a progress report on the diagnosis and
42 evaluations completed pursuant to House File 671.

43 The department of human services is responsible for
44 adopting administrative rules regarding the definition
45 of a comprehensive evaluation and diagnosis.

46 b. No claim for damages or injunctive relief shall
47 accrue under section 225C.28, subsection 2, for any
48 action or inaction by the state, its agents, or
49 employees, prior to January 1, 1991.

50 The department shall present to the general

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1 assembly by January 1, 1988, a schedule and associated
2 costs which would assure that between July 1, 1988,
3 and January 1, 1991, program plans are completed and
4 coordinated for completion with comprehensive
5 diagnosis and evaluation with significant progress
6 reached in each of the years. The department is
7 responsible for adopting administrative rules
8 regarding the definition of a program plan. In
9 addition, the department shall provide a progress
10 report on program plans completed pursuant to House
11 File 671.

12 c. No claim for damages or injunctive relief shall
13 accrue under section 225C.28, subsection 3, first
14 sentence, for any action or inaction by the state, its
15 agents, or employees, prior to July 1, 1992. The

16 provisions of such subsection shall be defined by
17 administrative rule adopted by the department and
18 shall be enforced by July 1, 1992.

19 d. No claim for damages or injunctive relief shall
20 accrue under section 225C.28, subsection 3, second
21 sentence, for any action or inaction by the state, its
22 agents, or employees, prior to July 1, 1988. The
23 provision of such subsection shall be defined by
24 administrative rule adopted by the Iowa state civil
25 rights commission and shall be enforced by July 1,
26 1988.

27 e. No claim for damages or injunctive relief shall
28 accrue under section 225C.28, subsections 4 and 5, for
29 any action or inaction by the state, its agents, or
30 employees, prior to the implementation of section
31 225C.28, subsection 2.

32 f. No claim for damages or injunctive relief shall
33 accrue under section 225C.28, subsection 6, for any
34 action or inaction by the state, its agents, or
35 employees, prior to July 1, 1992.

36 The department shall present to the general
37 assembly by January 1, 1991, a schedule and associated
38 costs for the provision of services which are age-
39 appropriate and least restrictive. The department of
40 human services is responsible for adopting
41 administrative rules and guidelines regarding least
42 restrictive environment and age-appropriate services.
43 However, any program plans and services developed
44 pursuant to paragraphs "b", "c", "d", "e", and "g",
45 shall not require services in the least restrictive
46 environment prior to July 1, 1992.

47 g. No claim for damages or injunctive relief shall
48 accrue under section 225C.28, subsection 7, for any
49 action or inaction by the state, its agents, or
50 employees, prior to July 1, 1989.

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1 The department of human services and the department
2 of education shall present to the general assembly by
3 January 1, 1988, the schedule and associated costs for
4 the implementation of the provisions of section
5 225C.28, subsection 7. Administrative rules shall be
6 developed by the departments of human services and
7 education on vocational training and employment
8 options. Such rules shall be expressed relative to
9 the availability of vocational services and employment
10 options that exist generally to persons in the state.

11 h. No claims for damages or injunctive relief

- 12 shall accrue under section 225C.28, subsection 8, for
 13 any action or inaction by the state, its agents, or
 14 employees, prior to July 1, 1988. The provisions of
 15 section 225C.28, subsection 8, shall be defined by
 16 administrative rule by the department of human
 17 services and the department of education division of
 18 vocational rehabilitation services referencing the
 19 provisions of section 14C of the federal fair labor
 20 standards act, as amended.
- 21 i. No claims for damages or injunctive relief
 22 shall accrue under section 225C.28, subsection 9, for
 23 any action or inaction by the state, its agents, or
 24 employees, prior to January 1, 1988. The provisions
 25 of section 225C.28, subsection 9, shall be defined by
 26 administrative rule by the division of insurance of
 27 the department of commerce and in force by January 1,
 28 1988."
- 29 15. Page 8, line 35, by striking the word "A" and
 30 inserting the following: "After July 1, 1988, a".
- 31 16. Page 9, line 6, by inserting after the word
 32 "unless" the following: "and until".
- 33 17. Page 9, line 7, by striking the words "prior
 34 to that date".
- 35 18. Page 9, by inserting after line 14, the
 36 following:
 37 "Sec. ____ . The general assembly meeting in 1988
 38 shall review and determine the assignment of
 39 responsibilities for service coordination for the
 40 eligible populations under section 225C.28, and the
 41 obligations and liabilities associated with service
 42 coordination responsibilities respective to counties,
 43 state, and regional boards."

S-4101

- 1 Amend Senate File 521 as follows:
 2 1. Page 2, line 2, by striking the words "eighty
 3 percent of" and inserting the following: "an amount
 4 equal to".
 5 2. Page 2, by striking line 3 and inserting the
 6 following: "one cent per gallon to the primary road
 7 fund."
 8 3. Page 2, by striking lines 4 through 8.

JOE J. WELSH
 RICHARD VARN
 RICHARD F. DRAKE

S-4102

1 Amend the House amendment, S-4095, to Senate File
2 501, as amended, passed, and reprinted by the Senate,
3 as follows:

4 1. By striking page 1, line 4 through page 2,
5 line 30.

6 2. Page 3, line 34, by striking the word
7 "labor."

8 3. Page 3, line 35, by inserting after the word
9 "income," the following: "One appointment shall be a
10 representative of labor."

11 4. Page 3, by striking line 40.

12 5. Page 4, by striking lines 23 through 25.

13 6. Page 4, by striking lines 30 through 39.

14 7. Page 5, by striking lines 4 through 7.

15 8. Page 5, by striking lines 8 through 11 and
16 inserting the following:

17 "____. Page 27, lines 18 and 19, by striking the
18 words "commission and the" and inserting the
19 following: "commission."

20 9. Page 5, line 18, by inserting after the word
21 "governor" the following: "with the approval of the
22 executive council".

23 10. Page 5, by striking lines 21 and 22.

24 11. Page 5, line 24, by inserting after the word
25 "director," the following: "The pay plan becomes
26 effective only after the plan has been approved by the
27 executive council after submission to the council by
28 the director."

29 12. Page 8, by striking lines 12 through 15.

30 13. Page 8, by striking lines 17 and 18.

31 14. Page 8, by striking lines 28 through 30.

32 15. Page 8, line 39, by inserting after the
33 figure "7" the following: "and inserting the
34 following:

35 "Sec. ____ . Section 159.20, Code 1987, is amended
36 by adding the following new unnumbered paragraph:
37 NEW UNNUMBERED PARAGRAPH. The division may engage
38 in activities relating to the sale, promotion,
39 marketing, and export of farm commodities and value-
40 added agricultural products processed in Iowa.""

41 16. By striking page 8, line 40 through page 9,
42 line 10 and inserting the following:

43 "____. Page 65, line 3, by inserting after the
44 word "purposes" the following: "after authorization
45 by a constitutional majority of each house of the
46 general assembly and approval by the governor".

47 ____ . Page 65, line 16, by inserting after the

48 word "powers" the following: ", subject to
49 authorization and approval required under subsection
50 1"."

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- 1 17. Page 9, by striking lines 18 and 19.
- 2 18. Page 9, by striking lines 38 and 39.
- 3 19. Page 9, by striking lines 44 and 45.
- 4 20. By striking page 9, line 49 through page 10,
5 line 1.
- 6 21. Page 10, by striking lines 25 through 35.
- 7 22. By striking page 10, line 49 through page 11,
8 line 5.
- 9 23. By renumbering as necessary.

ROBERT M. CARR

S-4103

- 1 Amend House File 686 as passed by the House as
- 2 follows:
- 3 1. Page 8, by striking lines 12 through 24.
- 4 2. Page 19, by inserting after line 3, the
- 5 following:
- 6 "Sec. ____ . Section 232.8, subsection 1, unnumbered
- 7 paragraph 3, Code 1987, is amended to read as follows:
- 8 Violations by a child of provisions of chapter 106,
- 9 106A, 109, 109A, 110, 110A, 110B, 111, 321, or 321G
- 10 which would be simple misdemeanors if committed by an
- 11 adult, and violations of county or municipal curfew or
- 12 traffic ordinances, and violations by a child of the
- 13 provisions of section 123.47, are excluded from the
- 14 jurisdiction of the juvenile court and shall be
- 15 prosecuted as simple misdemeanors as provided by law.
- 16 The court may advise appropriate juvenile authorities
- 17 and may refer violations of section 123.47 to the
- 18 juvenile court when there is reason to believe ~~that~~
- 19 the child regularly abuses alcohol and may be in need
- 20 of treatment. The court shall notify the parents or
- 21 legal guardians of a child ~~that~~ who appears before it
- 22 for a violation of section 123.47. A child convicted
- 23 of a violation under this paragraph shall be sentenced
- 24 pursuant to section 903.1, subsection 3.
- 25 Sec. ____ . Section 232.22, subsection 2, unnumbered
- 26 paragraph 1, Code 1987, is amended to read as follows:
- 27 A child may be placed in detention as provided in
- 28 this section ~~only~~ in one of the following facilities
- 29 only:

30 Sec. ____ . Section 232.22, subsection 2, paragraphs
31 a, b, and c, Code 1987, are amended to read as
32 follows:

33 a. A juvenile detention home.

34 b. Any other suitable place designated by the
35 court other than a facility under paragraph "c".

36 c. A room in a facility intended or used for the
37 detention of adults if there is probable cause to
38 believe that the child has committed a delinquent act
39 which if committed by an adult would be a felony, and
40 if all of the following apply:

41 (1) The child is at least ~~fourteen~~ sixteen years
42 of age; ~~and~~.

43 (2) The child has shown by the child's conduct,
44 habits, or condition that the child constitutes an
45 immediate and serious danger ~~to the child's self or to~~
46 another; or to the property of another, and a facility
47 or place enumerated in paragraph "a" or "b" of ~~this~~
48 ~~subsection~~ is unavailable, or the court determines
49 that the child's conduct or condition endangers the
50 safety of others in the facility; ~~and~~.

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1 (3) The facility has an adequate staff to
2 supervise and monitor the child's activities at all
3 times; ~~and~~.

4 (4) The child is confined in a room entirely
5 separated from ~~detained adults~~, is confined in a
6 manner which prohibits communication with detained
7 adults, and is permitted to use common areas of the
8 facility only when no contact with detained adults is
9 possible.

10 Sec. ____ . Section 232.22, subsection 4, Code 1987,
11 is amended to read as follows:

12 4. A child shall not be detained in a facility
13 under subsection 2, paragraph "c" for a period of time
14 in excess of ~~twelve~~ six hours without the oral or
15 written order of a judge or a magistrate authorizing
16 the detention. ~~When the detention is authorized by an~~
17 ~~oral court order, the court shall enter a written~~
18 ~~order before the end of the next day confirming the~~
19 ~~oral order and indicating the reasons for the order.~~
20 A judge or magistrate may authorize detention in a
21 facility under subsection 2, paragraph "c" for a
22 period of time in excess of six hours but less than
23 twenty-four hours, excluding weekends and legal
24 holidays, but only if all of the following occur or
25 exist:

26 a. The facility serves a geographic area outside a

27 standard metropolitan statistical area as determined
 28 by the United States census bureau.
 29 b. The court determines that an acceptable
 30 alternative placement does not exist pursuant to
 31 criteria developed by the department of human
 32 services.
 33 c. The facility has been certified by the
 34 department of corrections as being capable of sight
 35 and sound separation pursuant to sections 232.22 and
 36 356.3.
 37 d. The child is awaiting an initial hearing before
 38 the court pursuant to section 232.44.
 39 Sec. ____ . Section 232.44, subsections 1 and 3,
 40 Code 1987, are amended to read as follows:
 41 1. A hearing shall be held within forty-eight
 42 hours, excluding Saturdays, Sundays, and legal
 43 holidays, of the time of the child's admission to a
 44 ~~detention or shelter care facility, and within twenty-~~
 45 ~~four hours, excluding Saturdays, Sundays, and legal~~
 46 ~~holidays, of the time of a child's admission to a~~
 47 ~~detention facility.~~ If the hearing is not held within
 48 the time specified, the child shall be released from
 49 shelter care or detention. Prior to the hearing a
 50 petition shall be filed, except where the child is

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1 already under the supervision of a juvenile court
 2 under a prior judgment.
 3 3. A notice shall be served upon the child, the
 4 child's attorney, the child's guardian ad litem if
 5 any, and the child's known parent, guardian, or
 6 custodian not less than ~~twenty-four~~ twelve hours
 7 before the time the hearing is scheduled to begin and
 8 in a manner calculated fairly to apprise the parties
 9 of the time, place, and purpose of the hearing. If
 10 the court finds that there has been reasonably
 11 diligent effort to give notice to a parent, guardian,
 12 or custodian and that the effort has been unavailing,
 13 the hearing may proceed without the notice having been
 14 served."
 15 3. Page 46, by inserting after line 13, the
 16 following:
 17 "Sec. ____ . Section 805.1, Code 1987, is amended by
 18 adding the following new subsection:
 19 NEW SUBSECTION. 8. A peace officer shall issue a
 20 citation in lieu of arrest to a person under eighteen
 21 years of age accused of committing a simple
 22 misdemeanor under the provisions of chapter 106, 106A,
 23 109, 109A, 110, 110A, 110B, 111, 123, 321, or 321G,

24 and shall not detain or confine the person in a
25 facility regulated under chapter 356 or 356A.
26 Sec. ____ . Section 903.1, Code 1987, is amended to
27 read as follows:
28 903.1 MAXIMUM SENTENCE FOR MISDEMEANANTS.
29 1. When a person eighteen years of age or older is
30 convicted of a simple or serious misdemeanor and a
31 specific penalty is not provided for, the court shall
32 determine the sentence, and shall fix the period of
33 confinement or the amount of fine, if such be the
34 sentence, within the following limits:
35 a. For a simple misdemeanor, imprisonment not to
36 exceed thirty days, or a fine not to exceed one
37 hundred dollars.
38 b. For a serious misdemeanor, imprisonment not to
39 exceed one year, or a fine not to exceed one thousand
40 dollars, or both.
41 2. When a person is convicted of an aggravated
42 misdemeanor, and a specific penalty is not provided
43 for, the maximum penalty shall be imprisonment not to
44 exceed two years, or a fine not to exceed five
45 thousand dollars, or both. When a judgment of
46 conviction of an aggravated misdemeanor is entered
47 against any person and the court imposes a sentence of
48 confinement for a period of more than one year the
49 term shall be an indeterminate term.
50 3. A person under eighteen years of age convicted

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1 of a simple misdemeanor under chapter 106, 106A, 109,
2 109A, 110, 110A, 110B, 111, 123, 321, or 321G, or a
3 violation of a county or municipal curfew or traffic
4 ordinance, may be required to pay a fine, not to
5 exceed one hundred dollars, as fixed by the court, or
6 may be required to perform community service as
7 ordered by the court.
8 The criminal penalty surcharge required by section
9 911.2 shall be added to a fine imposed on a
10 misdemeanor, and is not a part of or subject to the
11 maximums set in this section.
12 Sec. ____ . The legislative council shall create an
13 interim study committee to review the problem of
14 runaways. The interim study committee shall be
15 composed of legislative members and shall make its

- 16 report to the legislative council and general assembly
 17 meeting in January, 1988."
 18 4. By renumbering as necessary.

COMMITTEE ON JUDICIARY
 DONALD V. DOYLE, Chairperson

S-4104

- 1 Amend Senate File 521 as follows:
 2 1. Page 2, line 2, by striking the words "eighty
 3 percent of" and inserting the following: "an amount
 4 equal to".
 5 2. Page 2, line 3, by striking the words "fund to
 6 be used".
 7 3. Page 2, by striking lines 4 through 7.

JOHN W. JENSEN

S-4105

- 1 Amend Senate File 521 as follows:
 2 1. Page 5, by inserting before line 15 the
 3 following:
 4 "Sec. ____ SEVERABILITY CLAUSE. If any provision
 5 of this Act or the application thereof to any person
 6 is invalid, the invalidity shall not affect the
 7 provisions or application of this Act which can be
 8 given effect without the invalid provisions or
 9 application, and to this end the provisions of this
 10 Act are severable."

RICHARD DRAKE

S-4106

- 1 Amend Senate File 521 as follows:
 2 1. Page 2, by inserting after line 33 the
 3 following:
 4 "NEW SUBSECTION. 21. For the fiscal year
 5 beginning July 1, 1987 and ending June 30, 1988, the
 6 treasurer of state, before making the other allotments
 7 provided under this section, shall credit to the
 8 legislative fiscal bureau the sum of six hundred
 9 thousand dollars, or so much thereof as necessary,
 10 from the road use tax fund from revenue credited to
 11 the road use tax fund under section 423.24. Moneys

12 credited to the legislative fiscal bureau under this
13 section shall be for the conduction of a performance
14 and efficiency audit of the state transportation
15 network including but not limited to the state
16 department of transportation, cities and counties in
17 relation to the expenditures of moneys on the primary
18 and secondary road systems and the municipal street
19 systems. The legislative fiscal bureau may contract
20 for the conduction of the audit. The results and
21 conclusions of the performance and efficiency audit
22 shall be presented to the members of the Seventy-
23 second General Assembly in January, 1988."

RICHARD VARN
JOE WELSH

S-4107

1 Amend House File 221 as passed by the House as
2 follows:
3 1. Page 1, by inserting after line 3 the following:
4 "Sec. ____ . This Act takes effect January 1, 1988."

EMIL J. HUSAK

S-4108

1 Amend Senate Concurrent Resolution 40 as follows:
2 1. Page 1, line 6, by striking the words and
3 figure "Thursday, May 7" and inserting in lieu thereof
4 the words and figure "Saturday, May 9".

BILL HUTCHINS
CALVIN O. HULTMAN

HOUSE AMENDMENT TO
SENATE AMENDMENT TO
HOUSE FILE 675

S-4109

1 Amend the Senate amendment, H-4353, to House File
2 675 as passed by the House 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 "Sec. 11. NEW SECTION. 99D.16 WITHHOLDING TAX ON
8 WINNINGS.

9 All winnings provided in section 99D.11 are Iowa
10 earned income and are subject to state and federal
11 income tax laws. An amount deducted from winnings for
12 payment of the state tax shall be remitted to the
13 department of revenue and finance on behalf of the
14 individual who won the wager.

15 Sec. 12. Section 422.5, subsection 2, Code 1987,
16 is amended to read as follows:

17 2. However, ~~no~~ the tax shall not be imposed on ~~any~~
18 a resident or nonresident whose net income, as defined
19 in section 422.7, is five thousand dollars or less;
20 but in the event that the payment of tax under this
21 division would reduce the net income to less than five
22 thousand dollars, then the tax shall be reduced to
23 that amount which would result in allowing the
24 taxpayer to retain a net income of five thousand
25 dollars. The preceding sentence does not apply to
26 estates or trusts. For the purpose of this
27 subsection, the entire net income, including any part
28 thereof of the net income not allocated to Iowa, shall
29 be taken into account. If the combined net income of
30 a husband and wife exceeds five thousand dollars,
31 neither of them shall receive the benefit of this
32 subsection, and it is immaterial whether they file a
33 joint return or separate returns. However, if a
34 husband and wife file separate returns and have a
35 combined net income of five thousand dollars or less,
36 neither spouse shall receive the benefit of this
37 paragraph, if one spouse has a net operating loss and
38 elects to carry back or carry forward the loss as
39 provided in section 422.9, subsection 3. A person who
40 is claimed as a dependent by another person as defined
41 in section 422.12 shall not receive the benefit of
42 this subsection if the person claiming the dependent
43 has net income exceeding five thousand dollars or the
44 person claiming the dependent and the person's spouse
45 have combined net income exceeding five thousand
46 dollars.

47 Sec. 13. Section 422.13, Code 1987, is amended by
48 adding the following new subsection:

49 NEW SUBSECTION. 5. Notwithstanding subsections 1
50 through 4 and sections 422.15 and 422.36, a

Page 2

1 partnership, trust, or corporation whose stockholders
2 are taxed on the corporations's income under the
3 provisions of the Internal Revenue Code is entitled to

4 request permission from the director to file a
5 composite return for the nonresident partners,
6 beneficiaries, or shareholders. The director may
7 grant permission to file or require that a composite
8 return be filed under the conditions deemed
9 appropriate by the director. A partnership, trust, or
10 corporation filing a composite return is liable for
11 tax required to be shown due on the return. All
12 powers of the director and requirements of the
13 director apply to returns filed under this subsection
14 including, but not limited to, the provisions of this
15 division and division VI of this chapter.

16 Sec. 14. Section 422.16, subsection 11, paragraph
17 a, Code 1987, is amended to read as follows:

18 a. Every person or married couple filing a return
19 shall make estimated tax payments if the person's or
20 couple's Iowa income tax attributable to income other
21 than wages subject to withholding can reasonably be
22 expected to amount to fifty dollars or more for the
23 taxable year, except that, in the cases of farmers and
24 ~~fishers~~ fishermen, the exceptions provided in the
25 Internal Revenue Code of 1954 with respect to making
26 estimated payments ~~shall apply~~ applies. The estimated
27 tax shall be paid in quarterly installments. The
28 first installment shall be paid on or before the ~~last~~
29 fifteenth day of the fourth month of the taxpayer's
30 tax year for which the estimated payments apply. The
31 other installments shall be paid on or before June ~~30~~
32 15, September ~~30~~ 15, and January ~~31~~ 15. However, at
33 the election of the person or married couple, ~~any an~~
34 installment of the estimated tax may be paid prior to
35 the date prescribed for its payment. If a person or
36 married couple filing a return has reason to believe
37 that the person's or couple's Iowa income tax may
38 increase or decrease, either for purposes of meeting
39 the requirement to make estimated tax payments or for
40 the purpose of increasing or decreasing estimated tax
41 payments, shall increase or decrease any subsequent
42 estimated tax payments accordingly.”

43 2. Page 2, by inserting after line 50 the
44 following:

45 “___ . Page 1, by inserting after line 7 the
46 following:

47 “Sec. ___ . Section 422.43, subsection 11, Code
48 1987, is amended to read as follows:

49 11. The following enumerated services are subject
50 to the tax imposed on gross taxable services:

Page 3

1 Alteration and garment repair; armored car; automobile
2 repair; battery, tire and allied; investment
3 counseling; ~~excluding investment services of trust~~
4 ~~departments; bank service charges of all financial~~
5 ~~institutions; barber and beauty; boat repair; car wash~~
6 ~~and wax; carpentry; roof, shingle, and glass repair;~~
7 ~~dance schools and dance studios; dry cleaning,~~
8 ~~pressing, dyeing, and laundering; electrical and~~
9 ~~electronic repair and installation; rental of tangible~~
10 ~~personal property; excavating and grading; farm~~
11 ~~implement repair of all kinds; flying service;~~
12 ~~furniture, rug, upholstery repair and cleaning; fur~~
13 ~~storage and repair; golf and country clubs and all~~
14 ~~commercial recreation; house and building moving;~~
15 ~~household appliance, television, and radio repair;~~
16 ~~jewelry and watch repair; machine operator; machine~~
17 ~~repair of all kinds; motor repair; motorcycle,~~
18 ~~scooter, and bicycle repair; oilers and lubricators;~~
19 ~~office and business machine repair; painting,~~
20 ~~papering, and interior decorating; parking facilities;~~
21 ~~pipe fitting and plumbing; wood preparation; licensed~~
22 ~~executive search agencies; private employment~~
23 ~~agencies, excluding services for placing a person in~~
24 ~~employment where the principal place of employment of~~
25 ~~that person is to be located outside of the state;~~
26 ~~sewing and stitching; shoe repair and shoeshine;~~
27 ~~storage warehousing of raw agricultural products;~~
28 ~~telephone answering service; test laboratories, except~~
29 ~~tests on humans; termite, bug, roach, and pest~~
30 ~~eradicators; tin and sheet metal repair; turkish~~
31 ~~baths, massage, and reducing salons; weighing;~~
32 ~~welding; well drilling; wrapping, packing, and~~
33 ~~packaging of merchandise other than processed meat,~~
34 ~~fish, fowl and vegetables; wrecking service; wrecker~~
35 ~~and towing; cable television; campgrounds; carpet and~~
36 ~~upholstery cleaning; gun and camera repair; janitorial~~
37 ~~and building maintenance or cleaning; lawn care,~~
38 ~~landscaping and tree trimming and removal; ~~lobbying~~~~
39 ~~service; pet grooming; reflexology; security and~~
40 ~~detective services; tanning beds or salons; and water~~
41 ~~conditioning and softening. For purposes of this~~
42 ~~subsection, gross taxable services from rental~~
43 ~~includes rents, royalties, and copyright and license~~
44 ~~fees. For purposes of this subsection, "financial~~
45 ~~institutions" means all national banks, federally~~
46 ~~chartered savings and loan associations, federally~~
47 ~~chartered savings banks, federally chartered credit~~
48 ~~unions, banks organized under chapter 524, savings and~~

49 loan associations and savings banks organized under
50 chapter 534, and credit unions organized under chapter

Page 4

1 533. For purposes of this subsection, "lobbying
2 service" means the rendering, furnishing or
3 performing, for a fee, salary or other compensation,
4 activities which are intended or used for the purpose
5 of encouraging the passage, defeat, or modification of
6 legislation or for influencing the decision of the
7 members of a legislative committee or subcommittee or
8 the representing, for a fee, salary or other
9 compensation, on a regular basis an organization which
10 has as one of its purposes the encouragement of the
11 passage, defeat or modification of legislation or the
12 influencing of the decision of the members of a
13 legislative committee or a subcommittee: "Lobbying
14 service" does not include the activities of a federal,
15 state, or local government official or employee acting
16 within the course of the official's or employee's
17 duties or a representative of the news media engaged
18 only in the reporting and dissemination of news and
19 editorials."

20 3. Page 3, by striking lines 14 through 23.

21 4. Page 3, by inserting after line 34 the
22 following:

23 "___ . Page 1, by inserting after line 14 the
24 following:

25 "Sec. ___ . Sections 11, 12, and 13 of this Act are
26 retroactive to January 1, 1987 for tax years beginning
27 on or after that date.

28 Sec. ___ . Section 14 of this Act is effective
29 January 1, 1988 for tax years beginning on or after
30 that date."

31 5. Title page, line 1, by inserting after the
32 word "to" the following: "taxation in regard to the
33 withholding on pari-mutuel winnings, application of a
34 net operating loss, filing of nonresident income tax
35 returns, due date of individual estimated tax
36 payments,".

37 6. Title page, line 1, by inserting after the
38 word "to" the following: "the taxation of certain
39 services and".

40 7. By renumbering, relettering, or redesignating
41 and correcting internal references as necessary.

S-4110

1 Amend House File 649, as amended, passed, and re-
2 printed by the House, as follows:

3 1. Page 2, by inserting after line 31 the following:

4 "Sec. ____ . NEW SECTION. 627.20 REQUEST FOR
5 APPRAISAL.

6 If an appraisal of property is requested in
7 connection with the claiming or granting of an
8 exemption, the cost of the appraisal shall be paid by
9 the person making the request."

10 2. By numbering and renumbering as necessary.

TOM MANN, Jr.

S-4111

1 Amend Senate Concurrent Resolution 40 as follows:

2 1. Page 1, line 6, by striking the words and
3 figure "Thursday, May 7" and inserting in lieu thereof
4 the words and figure "Sunday, May 10".

BILL HUTCHINS
CALVIN O. HULTMAN

S-4112

1 Amend Senate File 522 as follows:

2 1. Page 1, by striking lines 1 through 10.

3 2. Page 1, by striking lines 26 and 27 and

4 inserting the following: "A child convicted of a
5 violation under this paragraph shall be sentenced
6 pursuant to section 903.1, subsection 3."

7 3. By striking page 3, line 34 through page 6,
8 line 35.

9 4. Page 8, by inserting after line 5, the
10 following:

11 "Sec. ____ . The legislative council shall create an
12 interim study committee to review the problem of
13 runaways. The interim study committee shall be
14 composed of legislative members and shall make its

15 report to the legislative council and general assembly
16 meeting in January, 1988.”
17 5. By renumbering as necessary.

JULIA GENTLEMAN
DONALD V. DOYLE
C. JOSEPH COLEMAN
EUGENE FRAISE
TOM MANN, JR.

HOUSE AMENDMENT TO
SENATE FILE 201

S—4113

1 Amend Senate File 201 as amended, passed and
2 reprinted by the Senate, as follows:
3 1. Page 1, line 11, by striking the word
4 “records” and inserting the following: “complaints
5 and statements of charges, settlement agreements,
6 findings of fact, and orders”.
7 2. Page 1, line 13, by inserting after the word
8 “body” the following: “in a contested case”.
9 3. Page 1, by striking lines 20 through 22 and
10 inserting the following: “committee which relate to
11 appointee tax filings or complaints and statements of
12 charges, settlement agreements, findings of fact, and
13 orders from any past disciplinary action in a
14 contested case against the appointee are privileged
15 and confidential and they are not subject to
16 discovery.”
17 4. Page 1, line 24, by inserting after the word
18 “appointee” the following: “unless otherwise provided
19 by law”.
20 5. Page 1, line 29, by inserting after the word
21 “disciplined” the following: “in a contested case”.
22 6. Page 1, line 30, by striking the word
23 “records” and inserting the following: “complaints
24 and statements of charges, settlement agreements,
25 findings of fact, and orders”.

**REPORTS OF CONFERENCE COMMITTEES
(Senate Files)**

**Filed During The
SEVENTY-SECOND GENERAL ASSEMBLY
1987 Regular Session**

REPORT OF THE CONFERENCE COMMITTEE
ON SENATE CONCURRENT RESOLUTION 35

To the President of the Senate and the Speaker of the House of Representatives:

We, the undersigned members of the conference committee appointed to resolve the differences between the Senate and the House of Representatives on Senate Concurrent Resolution 35, A Concurrent Resolution relating to the board of regents ten-year building program, respectfully make the following report:

1. That the Senate recede from its amendment, H-4268, to the House amendment, S-3964, to Senate Concurrent Resolution 35, as passed by the Senate.

2. That the House amendment, S-3964, to Senate Concurrent Resolution 35, as passed by the Senate, be amended as follows:

1. Page 1, by striking lines 5 and 6 and inserting the following: "amount not exceeding sixty-five million six hundred thousand (65,600,000)".

2. Page 1, by striking lines 9 and 10 and inserting the following: "is authorized, is sixty-five million six hundred thousand (65,600,000) dollars, all or any part of which may be".

3. Page 1, by striking lines 16 and 17 and inserting the following: "inserting the following: "exceed sixty-five million six hundred thousand (65,600,000) dollars:"."

4. Page 1, by striking lines 20 through 34 and inserting the following:

“ <u>State University of Iowa</u>	\$ 25,100,000
Laser laboratories	
International center (old	
law center) remodeling	
Cost of issuance of bonds	
<u>Iowa State University</u>	\$ 37,500,000
Molecular biology building	
Home economics building-phase I	
Meat irradiation facility	
University research park development	
Industrial education remodeling	
Veterinary medicine research	
institute laboratory	
Cost of issuance of bonds	
<u>University of Northern Iowa</u>	\$ 3,000,000
Latham hall remodeling	
Cost of issuance of bonds	

Total \$ 65,600,000”.

On the Part of the Senate:

WALLY E. HORN, Chair
 WILLIAM DIELEMAN
 LEE HOLT
 JOHN JENSEN
 RICHARD VARN

On the Part of the House:

JACK HATCH, Chair
 CLIFFORD O. BRANSTAD
 PATRICIA HARPER
 JANE TEAFORD

REPORT OF THE CONFERENCE COMMITTEE
 ON SENATE FILE 17

To the President of the Senate and the Speaker of the House of Representatives:

We the undersigned members of the conference committee appointed to resolve the differences between the Senate and House of Representatives on Senate File 17, a bill for An Act relating to the penalty for cruelty to animals, respectfully make the following report:

1. That the House recede from its amendment.

2. That Senate File 17 as amended, passed, and reprinted by the Senate be amended as follows:

1. Page 1, by striking lines 1 through 21 and inserting the following:

“Section 1. Section 717.2, Code 1987, is amended to read as follows:

717.2 CRUELTY TO ANIMALS.

A person who impounds or confines, in any place, a domestic animal or fowl, or an animal or fowl subject to section 109.60, or dog or cat, and fails to supply the animal during confinement with a sufficient quantity of food, and water, or who fails to provide a dog or cat with adequate shelter, or who tortures, torments, deprives of necessary sustenance, mutilates, overdrives, overloads, drives when overloaded, beats, or kills an animal by any means which cause unjustified pain, distress, or suffering, whether intentionally or negligently, is guilty of a simple misdemeanor commits the offense of cruelty to animals.

A person who commits the offense of cruelty to animals is guilty of a simple misdemeanor. A person who intentionally commits the offense of cruelty to animals which results in serious injury to or the death of an animal is guilty of a serious misdemeanor.”

On the Part of the Senate:

JAMES R. RIORDAN, Chair
 EUGENE FRAISE

On the Part of the House:

DAVID TABOR, Chair
 JOHNIE HAMMOND

DONALD V. DOYLE
 JULIA GENTLEMAN
 JACK W. HESTER

STEVE D. HANSEN
 BETTY JEAN CLARK
 JOSEPH M. KREMER

REPORT OF THE CONFERENCE COMMITTEE
 ON SENATE FILE 311

To the President of the Senate and the Speaker of the House of Representatives:

We, the undersigned members of the conference committee appointed to resolve the differences between the Senate and the House of Representatives on Senate File 311, a bill for An Act increasing the speed limit to sixty-five miles per hour on fully controlled-access, divided, multilaned highways including the interstate highway system, and providing a conditional effective date, respectfully make the following report:

1. Amend House amendment, S-3721, to Senate File 311, as amended, passed, and reprinted by the Senate, as follows:

1. Page 1, line 26, by striking the word "a".

2. Page 1, by striking line 27 and inserting the following: "321.377.

Sec. 777. Section 321.445, Code 1987, is amended by adding the following new subsections:

NEW SUBSECTION. 5. The department shall adopt rules pursuant to chapter 17A providing exceptions from application of subsections 1 and 2 for front seats and front seat passengers of motor vehicles owned, leased, rented, or primarily used by physically handicapped persons who use collapsible wheelchairs.

Sec. 778. Section 321A.3, Code 1987, is amended by adding the following new subsection:

NEW SUBSECTION. 4. The abstract of operating record provided under this section shall designate which speeding violations are for ten miles per hour or less over the legal speed limit in speed zones that have a legal speed limit equal to or greater than thirty-five miles per hour but not greater than fifty-five miles per hour.

Sec. 779. Section 507B.4, Code 1987, is amended by adding the following new subsection:

NEW SUBSECTION. 12. Failure of a person to comply with section 516B.3.

Sec. 780. **NEW SECTION.** 516B.3 MINOR TRAFFIC VIOLATIONS NOT CONSIDERED IN ESTABLISHING RATES.

1. The commissioner shall require that insurance companies transacting business in this state not consider speeding violations for ten miles per hour or less over the legal speed limit in speed zones that have a legal speed equal to or limit greater than thirty-five miles per hour but not greater than fifty-five miles per hour for the purpose of establishing rates for motor vehicle insurance charged by the insurer and shall require that insurance companies not cancel or refuse to renew any such policy for such violations. In any twelve-month period, this section applies only to the first two such violations which occur.

2. If the rate for motor vehicle insurance is based on an operating record of a period longer than twelve months in length, the twelve-month periods under subsection 1 shall not overlap.”

3. Page 2, by striking lines 3 through 15 and inserting the following: “excessive speed violations in speed zones greater than fifty-five miles per hour when in excess of the limit by five miles per hour or less the fine is ten dollars, by more than five and not more than ten miles per hour the fine is twenty dollars, by more than ten and not more than fifteen miles per hour the fine is forty dollars, by more than fifteen and not more than twenty miles per hour the fine is sixty dollars, and by more than twenty miles per hour the fine is sixty dollars plus two dollars for each mile per hour of excessive speed over twenty miles per hour over the limit.”

4. Page 2, by inserting after line 18 the following:

“___ Page 1, by inserting before line 27 the following:

“Sec. 781. Section 516B.3, created under this Act, applies to insurance policies which are issued or renewed on or after July 1, 1987. Section 778 of this Act applies to abstracts of operating records issued on or after July 1, 1987.”

5. Page 2, by inserting before line 19 the following:

“___ Page 1, line 28, by inserting after the word “after” the following: “the date of its enactment or”.

___ Page 1, line 28, by striking the word “legislation,” and inserting the following: “legislation”.

___ Page 1, line 30, by inserting after the word “law” the following: “, whichever occurs later”.

6. Page 2, line 21, by inserting after the figure “711” the following: “, 777, 778, 779, 780, 781”.

7. Page 2, line 26, by inserting after the word “to” the following: “motor vehicle law including”.

8. Page 2, line 31, by inserting after the word "hour" the following: ", by requiring the state department of transportation to adopt rules providing exemptions from mandatory seat belt requirements under certain circumstances".

On the Part of the Senate:

DON E. GETTINGS, Chair
WALLY HORN
JOHN W. JENSEN

On the Part of the House:

DEO KOENIGS, Chair
DENNIS COHOON
KENNETH DE GROOT
RAYMOND LAGESCHULTE
MARY NEUHAUSER

REPORT OF THE CONFERENCE COMMITTEE
ON SENATE FILE 481

To the President of the Senate and the Speaker of the House of Representatives:

We, the undersigned members of the conference committee appointed to resolve the differences between the Senate and the House of Representatives on Senate File 481, a bill for An Act relating to state tax revenues and expenditures by altering the individual income tax rates, withholding, standard deductions, and personal exemptions and credits; increasing the state sales, services, and use tax and providing refunds for certain contractors as a result of that increase; adjusting the allowable growth under the school foundation formula; and providing effective dates, respectfully make the following report:

1. That the House recede from its amendment, S-3681, to Senate File 481, as amended, passed, and reprinted by the Senate.

2. That Senate File 481, as amended, passed, and reprinted by the Senate, be amended as follows:

1. By striking everything after the enacting clause and inserting the following:

"Section 1. Section 98.6, subsection 2, Code 1987, is amended to read as follows:

2. Notwithstanding subsection 1, there is imposed and shall be collected and paid to the department a tax on all cigarettes used or otherwise disposed of in this state for any purpose at the rate of nine mills on each cigarette for the period beginning July 1, 1981 and ending September 30, 1985 and at the rate of thirteen ~~eighteen~~ mills on each cigarette beginning October July 1, 1985 1987.

Sec. 2. NEW SECTION. 98.40 INVENTORY TAX.

1. All persons required to be licensed under section 98.13 as distributors having in their possession and held for resale on the effective date of an increase in the tax rate cigarettes or little cigars upon which the tax under section 98.6 or 98.43 has been paid, unused cigarette tax stamps which have been paid for under section

98.8, or unused metered imprints which have been paid for under section 98.12 shall be subject to an inventory tax on the items as provided in this section.

2. Persons subject to the inventory tax imposed under this section shall take an inventory as of the close of the business day next preceding the effective date of the increased tax rate of those items subject to the inventory tax for the purpose of determining the tax due. These persons shall report the tax on forms provided by the department of revenue and finance and remit the tax due within thirty days of the prescribed inventory date. The department of revenue and finance shall adopt rules as are necessary to carry out this section.

3. The rate of the inventory tax on each item subject to the tax as specified in subsection 1 is equal to the difference between the amount paid on each item under section 98.6, 98.8, 98.12, or 98.43 prior to the tax increase and the amount that is to be paid on each similar item under section 98.6, 98.8, 98.12, or 98.43 after the tax increase except that in computing the rate of the inventory tax any discount allowed or allowable under section 98.8 shall not be considered.

Sec. 3. Section 422.3, subsection 5, Code 1987, is amended by striking the subsection and inserting in lieu thereof the following:

5. "Internal Revenue Code" means the Internal Revenue Code of 1954, prior to the date of its redesignation as the Internal Revenue Code of 1986 by the Tax Reform Act of 1986, or means the Internal Revenue Code of 1986 as amended to and including January 1, 1987, whichever is applicable.

Sec. 4. Section 422.4, subsection 17, Code 1987, is amended to read as follows:

17. a. "Annual inflation factor" means an index, expressed as a percentage, determined by the department each year to reflect the purchasing power of the dollar as a result of inflation during the preceding calendar year. For the 1981 and subsequent calendar years, "annual inflation factor" means an index, expressed as a percentage, determined by the department by October 15 of the calendar year preceding the calendar year for which the factor is determined to reflect the purchasing power of the dollar as a result of inflation during the fiscal year ending in the calendar year preceding the calendar year for which the factor is determined. In determining the annual inflation factor, the department shall use the annual percent change, but not less than zero percent, in the implicit price deflator for the gross national product computed for the whole calendar year or for the second quarter of the calendar year; in the case of the annual inflation factor for the 1981 and subsequent calendar years, by the bureau of economic analysis of the United States department of commerce and shall add two-fourths for the 1980 and subsequent calendar years of that percent change to one hundred percent. The annual inflation factor for the 1979 calendar year is one hundred two point three percent. The annual inflation factor and the cumulative inflation factor shall each be expressed as a percentage rounded to the nearest one-tenth of one percent. The annual inflation factor shall not be less than one hundred percent.

b. "Cumulative inflation factor" means the product of the annual inflation factor for the ~~1978~~ 1987 calendar year and all annual inflation factors for subsequent calendar years as determined pursuant to this subsection. The cumulative inflation factor applies to all tax years beginning on or after January 1 of the calendar year for which the latest annual inflation factor has been determined.

c. The annual inflation factor for the ~~1978~~ 1987 calendar year is one hundred percent.

d. Notwithstanding the computation of the annual inflation factor under paragraph "a" of this subsection, the annual inflation factor is one hundred percent for any calendar year in which the unobligated state general fund balance on June 30 as certified by the director of revenue and finance by September 10 of the fiscal year beginning in that calendar year is less than sixty million dollars. However, for the 1981 and subsequent calendar years, the annual inflation factor is one hundred percent for any calendar year if the unobligated state general fund balance on June 30 of the calendar year preceding the calendar year for which the factor is determined, as certified by the director of revenue and finance by October 10, is less than sixty million dollars.

Sec. 5. Section 422.5, subsection 1, paragraphs a through m, Code 1987, are amended by striking the paragraphs and inserting in lieu thereof the following:

a. For taxpayers other than married taxpayers filing separately:

- (1) On all taxable income from zero through five thousand dollars, two percent.
- (2) On all taxable income exceeding five thousand dollars, six percent.

b. For married taxpayers filing separately:

- (1) On all taxable income from zero through two thousand five hundred dollars, two percent.
- (2) On all taxable income exceeding two thousand five hundred dollars, six percent.

Sec. 6. Section 422.5, subsection 1, paragraph n, Code 1987, is amended to read as follows:

n. c. The tax imposed upon the taxable income of a nonresident shall be computed by reducing the amount determined pursuant to ~~paragraphs "a" through "m"~~ paragraph "a" or "b" by the amounts of nonrefundable credits under this division and by multiplying this resulting amount by a fraction of which the nonresident's net income allocated to Iowa, as determined in section 422.8, subsection 2, is the numerator and the nonresident's total net income computed under section 422.7 is the denominator. This provision also applies to individuals who are residents of Iowa for less than the entire tax year.

Sec. 7. Section 422.5, subsection 1, paragraph o, unnumbered paragraphs 1 and 5, Code 1987, are amended to read as follows:

There is imposed upon every resident and nonresident of this state, including estates and trusts, the greater of the tax determined in paragraphs "a" through "n" "c" or the state alternative minimum tax equal to nine percent of the state alternative minimum taxable income of the taxpayer as computed under this paragraph.

In the case of a resident, including a resident estate or trust, the state's apportioned share of the state alternative minimum tax is one hundred percent of the state alternative minimum tax computed in this subsection. In the case of a nonresident, including a nonresident estate or trust, or an individual, estate or trust that is domiciled in the state for less than the entire tax year, the state's apportioned share of the state alternative minimum tax is the amount of tax computed under this subsection, reduced by the applicable credits in sections 422.10, 422.11, 422.11A and 422.12 and this result multiplied by a fraction with a numerator of the sum of state net income allocated to Iowa as determined in section 422.8, subsection 2, and tax preference items attributable to Iowa and with a denominator of the sum of total net income computed under section 422.7 and all tax preference items. In computing this fraction, those items excludable under subparagraph (1) shall not be used in computing the tax preference items. Married taxpayers electing to file separate returns or ~~separately on a combined return~~ must allocate the minimum tax computed in this subsection in the proportion that each spouse's respective preference items under section 57 of the Internal Revenue Code of 1954 bear to the combined preference items of both spouses.

Sec. 8. Section 422.5, subsections 2, 6, 7, and 10, Code 1987, are amended to read as follows:

2. However, no tax shall be imposed on any resident or nonresident whose net income, as defined in section 422.7, is ~~five~~ seven thousand dollars or less; but in the event that the payment of tax under this division would reduce the net income to less than ~~five~~ seven thousand dollars, then the tax shall be reduced to that amount which would result in allowing the taxpayer to retain a net income of ~~five~~ seven thousand dollars. The preceding sentence does not apply to estates or trusts. For the purpose of this subsection, the entire net income, including any part thereof not allocated to Iowa, shall be taken into account. If the combined net income of a husband and wife exceeds ~~five~~ seven thousand dollars, neither of them shall receive the benefit of this subsection, and it is immaterial whether they file a joint return or separate returns. A person who is claimed as a dependent by another person as defined in section 422.12 shall not receive the benefit of this subsection if the person claiming the dependent has net income exceeding ~~five~~ seven thousand dollars or the person claiming the dependent and the person's spouse have combined net income exceeding ~~five~~ seven thousand dollars.

6. A person who is disabled, is sixty-two years of age or older or is the surviving spouse of an individual or survivor having an insurable interest in an individual who would have qualified for the exemption under this paragraph for this tax year and receives one or more annuities from the United States civil service

retirement and disability trust fund, and whose net income, as defined in section 422.7, is sufficient to require that the tax be imposed upon it under this section, may determine final taxable income for purposes of imposition of the tax by excluding the amount of annuities received from the United States civil service retirement and disability trust fund, which are not already excluded in determining net income, as defined in section 422.7, up to a maximum each tax year of five thousand ~~five hundred~~ six hundred twenty-seven dollars for a person who files a separate state income tax return and eight thousand one hundred eighty-four dollars total for a husband and wife who file a joint state income tax return. However, a surviving spouse who is not disabled or sixty-two years of age or older can only exclude the amount of annuities received as a result of the death of the other spouse. The amount of the exemption shall be reduced by the amount of any social security benefits received. For the purpose of this section, the amount of annuities received from the United States civil service retirement and disability trust fund taxable under the Internal Revenue Code of 1954 shall be included in net income for purposes of determining eligibility under the ~~five~~ seven thousand dollar or less exclusion.

7. Upon determination of the latest cumulative inflation factor, the director shall multiply each dollar amount set forth in subsection 1, paragraphs "a" ~~through "m" and "b"~~ of this section, and each dollar amount specified in this section as the maximum amount of annuities received which may be excluded in determining final taxable income, by this cumulative inflation factor, shall round off the resulting product to the nearest one dollar, and shall incorporate the result into the income tax forms and instructions for each tax year.

10. In addition to the other taxes imposed by this section, a tax is imposed on the amount of a lump sum distribution for which the taxpayer has elected under section 402(e) of the Internal Revenue Code of 1954 to be separately taxed for federal income tax purposes for the tax year. The rate of tax is equal to twenty-five percent of the separate federal tax imposed on the amount of the lump sum distribution. A nonresident is liable for this tax only on that portion of the lump sum distribution allocable to Iowa. The total amount of the lump sum distribution subject to separate federal tax shall be included in net income for purposes of determining eligibility under the ~~five~~ seven thousand dollar or less exclusion.

Sec. 9. Section 422.7, subsections 6, 8, and 19, Code 1987, are amended to read as follows:

6. Individual taxpayers and married taxpayers who file a joint federal income tax return and who elect to file a joint return; ~~or separate returns or separate filing on a combined return~~ for Iowa income tax purposes, may avail themselves of the disability income exclusion and shall compute the amount of the disability income exclusion subject to the limitations for joint federal income tax return filers provided by section 105(d) of the Internal Revenue Code of 1954. The disability income exclusion provided in section 105(d) of the Internal Revenue Code of 1954, as amended up to and including December 31, 1982, continues to apply for state income tax purposes for tax years beginning on or after January 1, 1984.

8. Married taxpayers who file a joint federal income tax return and who elect to file separate returns ~~or separate filing on a combined return~~ for Iowa income tax purposes, may avail themselves of the expensing of business assets and capital loss provisions of sections 179(a) and 1211(b) respectively of the Internal Revenue Code of 1954 and shall compute the amount of expensing of business assets and capital loss subject to the limitations for joint federal income tax return filers provided by sections 179(b) and 1211(b) respectively of the Internal Revenue Code of 1954.

19. Married taxpayers, who file a joint federal income tax return and who elect to file separate returns ~~or who elect separate filing on a combined return~~ for state income tax purposes, shall include in net income any social security benefits or tier 1 railroad retirement benefits received to the same extent as those benefits are taxable on the taxpayer's joint federal return for that year under section 86 of the Internal Revenue Code of 1954. The benefits included in net income must be allocated between the spouses in the ratio of the social security benefits or tier 1 railroad retirement benefits received by each spouse to the total of these benefits received by both spouses.

Sec. 10. Section 422.8, subsection 2, Code 1987, is amended to read as follows:

2. Nonresident's net income allocated to Iowa is the net income, or portion thereof, which is derived from a business, trade, profession, or occupation carried on within this state or income from any property, trust, estate, or other source within Iowa. If any business, trade, profession, or occupation is carried on partly within and partly without the state, only the portion of the net income which is fairly and equitably attributable to that part of the business, trade, profession, or occupation carried on within the state is allocated to Iowa for purposes of section 422.5, subsection 1, paragraph "~~n~~" "c" and section 422.13 and income from any property, trust, estate, or other source partly within and partly without the state is allocated to Iowa in the same manner, except that annuities, interest on bank deposits and interest-bearing obligations, and dividends are allocated to Iowa only to the extent to which they are derived from a business, trade, profession, or occupation carried on within the state. However, income received by an individual who is a resident of another state is not allocated to Iowa if the income is subject to an income tax imposed by the state where the individual resides, and if the state of residence allows a similar exclusion for income received in that state by residents of Iowa. In order to implement the exclusions, the director shall designate by rule the states which allow a similar exclusion for income received by residents of Iowa, and may enter into agreements with other states to provide that similar exclusions^o will be allowed, and to provide suitable withholding requirements in each state.

Sec. 11. Section 422.9, subsection 1, unnumbered paragraph 1, Code 1987, is amended to read as follows:

An optional standard deduction of fifteen percent of the net income ~~after deduction of federal income tax~~, not to exceed one thousand two hundred dollars for a married person who files separately, one thousand two hundred dollars for a single person or three thousand dollars for a husband and wife who file a joint return, a surviving spouse as defined in section 2 of the Internal Revenue Code

of 1954, or an unmarried head of household as defined in the Internal Revenue Code of 1954.

Sec. 12. Section 422.9, subsection 2, paragraph b, Code 1987, is amended by striking the paragraph and inserting in lieu thereof the following:

b. For tax years beginning on or after January 1, 1987 but before January 1, 1988, add the amount of federal income tax paid during the tax year for the previous tax year, except for federal income tax paid in estimated tax payments, to the extent that the federal income tax paid was not the result of an adjustment to the return for the previous tax year. For tax years beginning on or after January 1, 1987, add the amount of federal income tax paid during the tax year which is the result of an adjustment to a federal return for a tax year beginning prior to January 1, 1987. Subtract the amount of federal income tax refund received during the tax year to the extent that the federal income tax that was refunded had been deducted on a return for a prior tax year. Married persons who have filed a joint federal income tax return and who file separately shall divide the federal income tax paid or the federal income tax refund between them in the ratio of the federal adjusted gross income of each spouse to the adjusted gross income of both spouses for the tax year which resulted in the income tax payment or the income tax refund.

Sec. 13. Section 422.12, subsection 2, unnumbered paragraph 2, Code 1987, is amended to read as follows:

Married taxpayers electing to file separate returns ~~or filing separately on a combined return~~ must allocate the child and dependent care credit to each spouse in the proportion that each spouse's respective net income bears to the total combined net income. Taxpayers affected by the allocation provisions of section 422.8 shall be permitted a deduction for the credit only in the amount fairly and equitably allocable to Iowa under rules prescribed by the director.

Sec. 14. Section 422.12, Code 1987, is amended by adding the following new subsection:

NEW SUBSECTION. 4. A two-earner credit for married taxpayers filing jointly. For tax years beginning in 1987, the credit is equal to one percent of the qualified earned income of the spouse with the lower qualified earned income not to exceed fifty dollars. For tax years beginning on or after January 1, 1988, the credit is equal to one and one-half percent of the qualified earned income of the spouse with the lower qualified earned income not to exceed seventy-five dollars. For purposes of this credit the term "qualified earned income" means the same as provided in section 221 of the Internal Revenue Code in effect on December 31, 1986, except that only qualified earned income from Iowa sources shall be considered for the credit. Nonresidents may claim the credit only to the extent that both spouses have qualified earned income from Iowa sources.

Sec. 15. Section 422.13, subsection 1, paragraph b, Code 1987, is amended to read as follows:

b. The individual, except a married person filing separately, has net income of ~~four~~ seven thousand dollars or more for the tax year from sources taxable under this division. In the case of a married person filing separately, the individual has net income of three thousand five hundred dollars or more for the tax year from sources taxable under this division.

Sec. 16. Section 422.21, unnumbered paragraph 4, Code 1987, is amended to read as follows:

The director shall determine for the ~~1979~~ 1988 and subsequent calendar years the annual and cumulative inflation factors for those calendar years to be applied to tax years beginning on or after January 1 of that calendar year. The director shall compute the new dollar amounts as specified therein to be adjusted in section 422.5 by the latest cumulative inflation factor and round off the result to the nearest one dollar. The annual and cumulative inflation factors determined by the director are not rules as defined in section 17A.2, subsection 7.

Sec. 17. Section 442.7, subsection 1, paragraph a, Code 1987, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. However, the computation in determining the state percent of growth shall not include revenues generated as a result of state tax increases or increased revenues resulting from reduced federal taxes.

Sec. 18. Sections 3 through 15 of this Act are retroactive to January 1, 1987 for tax years beginning on or after that date.

Sec. 19. Section 2 of this Act takes effect June 1, 1987.

Sec. 20. Section 1 of this Act takes effect July 1, 1987.

Sec. 21. This Act, being deemed of immediate importance is effective upon enactment."

2. Title page, lines 4 through 6, by striking the words "the state sales, services, and use tax and providing refunds for certain contractors as a result of that increase" and inserting the following: "the tax on cigarettes and little cigars".

On the Part of the Senate:

CHARLES BRUNER, Chair
 GEORGE R. KINLEY
 EMIL HUSAK

On the Part of the House:

MINNETTE DODERER, Chair
 PHIL BRAMMER
 HUGO SCHNEKLOTH
 DOROTHY CARPENTER
 DAVID OSTERBERG

REPORT OF THE SECOND CONFERENCE COMMITTEE
ON SENATE FILE 481

To the President of the Senate and the Speaker of the House of Representatives:

We, the undersigned members of the second conference committee appointed to resolve the differences between the Senate and the House of Representatives on Senate File 481, a bill for An Act relating to state tax revenues and expenditures by altering the individual income tax rates, withholding, standard deductions, and personal exemptions and credits; increasing the state sales, services, and use tax and providing refunds for certain contractors as a result of that increase; adjusting the allowable growth under the school foundation formula; and providing effective dates, respectfully make the following report:

1. That the House recede from its amendment, S-3681, to Senate File 481, as amended, passed, and reprinted by the Senate.

2. That Senate File 481, as amended, passed, and reprinted by the Senate, be amended as follows:

1. By striking everything after the enacting clause and inserting the following:

“Section 1. Section 442.7, subsection 1, paragraph a, unnumbered paragraph 1, Code 1987, is amended to read as follows:

The difference in the receipts of state general fund revenues, adjusted for changes in rates or basis, computed or estimated as follows:” 2. Title page, by striking lines 1 through 7 and inserting the following: “An Act adjusting the allowable growth under the school foundation formula.”

On the Part of the Senate:

CHARLES BRUNER, Chair
GEORGE R. KINLEY
LARRY MURPHY
JACK W. HESTER
DAVID M. READINGER

On the Part of the House:

MINNETTE DODERER, Chair
PHIL BRAMMER
DAVID OSTERBERG
WAYNE BENNETT
JANET METCALF

REPORT OF THE CONFERENCE COMMITTEE
ON SENATE FILE 501

To the President of the Senate and the Speaker of the House of Representatives:

We, the undersigned members of the conference committee appointed to resolve the differences between the Senate and the House of Representatives on Senate File 501, a bill for An Act relating to the organization and procedures of state government, by making modifications to the authority for and procedures relating to governmental budget and finance administration, by making modifications in

the authority for and procedures relating to state personnel administration, by making modifications to the powers, procedures, and structure of certain state governmental agencies, by making adjustments to the 1986 legislation reorganizing state government, by making other related adjustments and modifications, and by providing an effective date, respectfully make the following report:

1. That the Senate recedes from its amendment, H-4379.
2. That the House amendment, S-4095, to Senate File 501, as amended, passed, and reprinted by the Senate, is amended as follows:
 1. By striking page 1, line 4 through page 2, line 30.
 2. Page 3, line 34, by striking the word "labor."
 3. Page 3, line 35, by inserting after the word "income." the following: "One appointment shall be a representative of labor."
 4. Page 4, by striking lines 23 through 25.
 5. Page 4, by striking lines 30 through 39.
 6. Page 5, by striking lines 4 through 7.
 7. Page 5, by striking lines 8 through 11 and inserting the following:

"____ Page 27, lines 18 and 19, by striking the words "commission and the" and inserting the following: "commission."
 8. Page 5, line 18, by inserting after the word "governor" the following: "with the approval of the executive council".
 9. Page 5, by striking lines 21 and 22.
 10. Page 5, line 24, by inserting after the word "director." the following: "The pay plan becomes effective only after the plan has been approved by the executive council after submission to the council by the director."
 11. Page 8, by striking lines 12 through 15.
 12. Page 8, by striking lines 17 and 18.
 13. Page 8, by striking lines 28 through 30.
 14. Page 8, line 39, by inserting after the figure "7" the following: "and inserting the following:

"Sec. ____ Section 159.20, Code 1987, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. The division may engage in activities relating to the sale, promotion, marketing, and export of farm commodities and value-added agricultural products processed in Iowa.”

15. By striking page 8, line 40 through page 9, line 10 and inserting the following:

“___ Page 65, line 3, by inserting after the word “purposes” the following: “after authorization by a constitutional majority of each house of the general assembly and approval by the governor”.

___ Page 65, line 16, by inserting after the word “powers” the following: “, subject to authorization and approval required under subsection 1”.”

16. Page 9, by striking lines 18 and 19.

17. Page 9, by striking lines 38 and 39.

18. Page 9, by striking lines 44 and 45.

19. By striking page 9, line 49 through page 10, line 1.

20. Page 10, by striking lines 25 through 35.

21. By striking page 10, line 49 through page 11, line 5.

22. Page 11, by inserting after line 6 the following:

“___ Title, line 9, by inserting after the word “modifications,” the following: “providing a penalty,”.

23. By renumbering, relettering, or redesignating and correcting internal references as necessary.

On the Part of the Senate:

ROBERT M. CARR, Chair
CHARLES BRUNER
JOY CORNING

On the Part of the House:

GENE BLANSHAN, Chair
JOHN CONNORS
ROD HALVORSON

REPORT OF THE CONFERENCE COMMITTEE
ON SENATE FILE 504

To the President of the Senate and the Speaker of the House of Representatives:

We, the undersigned members of the conference committee appointed to resolve the differences between the Senate and the House of Representatives on Senate File 504, a bill for An Act relating to the compensation and benefits for public officials and employees by specifying salary rates and ranges, by providing

adjustments for salaries, by providing coverage and adjustments for health, life, disability and dental insurance, by changing retirement benefits received by certain members of the Iowa public employees' retirement system, by creating a county compensation board and specifying its duties, by making coordinating amendments to the Code, and by providing effective dates, respectfully make the following report:

1. That the Senate recedes from its amendment, H-4258, to the House amendment, S-4010, to Senate File 504, as amended, passed, and reprinted by the Senate.

2. That the House amendment, S-4010, to Senate File 504, as amended, passed, and reprinted by the Senate, be amended as follows:

1. Page 1, by inserting after line 23, the following:

“___ Page 6, line 30, by striking the figure “65,000” and inserting the following: “66,200”.”

2. Page 1, line 31, by striking the word “appropriated” and inserting the following: “allocated”.

3. By striking page 1, line 37 through page 2, line 8 and inserting the following: “student aid, have been allocated for that purpose.”

On the Part of the Senate:

BOB CARR, Chair
 JOHN N. NYSTROM
 WALLY HORN
 MICHAEL E. GRONSTAL
 JOHN W. JENSEN

On the Part of the House:

THOMAS J. JOCHUM, Chair
 MICHAEL K. PETERSON
 TOM SWARTZ
 ROGER A. HALVORSON

REPORT OF THE CONFERENCE COMMITTEE
 ON SENATE FILE 510

To the President of the Senate and the Speaker of the House of Representatives:

We, the undersigned members of the conference committee appointed to resolve the differences between the Senate and the House of Representatives on Senate File 510, a bill for An Act relating to the conducting of classified research at institutions under the state board of regents, respectfully make the following report:

1. That the House recede from its amendment, S-3963, to Senate File 510, as passed by the Senate.

2. That Senate File 510, as passed by the Senate, be amended as follows:

1. Page 1, line 2, by inserting after the word "research" the following: "or restricted access research".

2. Page 1, line 5, by striking the word "If" and inserting the following: "The rules shall provide that if the state board delegates its authority over decisions to allow that classified or restricted access research be conducted at its institutions, that authority may only be delegated to the presidents of the institutions. If rules have been adopted under this section and the state board, or the president if authority to conduct classified or restricted access research has been delegated under those rules, intends to conduct classified or restricted access research, the state board, or president, shall include the notification as a docket memorandum and shall notify the legislative council of its intent. The notification requirements of this section also apply to awards for research for which the purpose of the research was unspecified at the time of application for the award, but subsequent to receipt of the award, it is determined that the research is classified or restricted access research. This section does not apply to research where the results of the research will be made available to the public within a reasonable amount of time from the conclusion of the research."

3. Page 1, by striking lines 6 through 9.

On the Part of the Senate:

RICHARD VARN, Chair
DAVID M. READINGER
JAMES R. RIORDAN
JAMES D. WELLS

On the Part of the House:

DAVID SCHRADER, Chair
FLORENCE BUHR
JACK HATCH

REPORT OF THE CONFERENCE COMMITTEE
ON SENATE FILE 511

To the President of the Senate and the Speaker of the House of Representatives:

We, the undersigned members of the conference committee appointed to resolve the differences between the Senate and the House of Representatives on Senate File 511, a bill for An Act relating to and making appropriations to agencies, boards, commissions, departments and programs of state government relating to elected officials, the executive council, management, revenue and finance, personnel, general services, economic development, agriculture, natural resources, and education, providing effective dates, and making certain provisions retroactive, respectfully make the following report:

1. That the House recede from its amendment, S-4005, to Senate File 511, as amended, passed, and reprinted by the Senate.

2. That Senate File 511, as amended, passed, and reprinted by the Senate, be amended as follows:

1. Page 1, line 3, by striking the word "Sec." and inserting the following: "Section".

2. Page 1, line 14, by striking the figure "1,308,292" and inserting the following: "1,295,192".

3. Page 4, line 24, by striking the figure "5,108,985" and inserting the following: "4,963,985".

4. Page 5, line 19, by striking the figure "1,639,067" and inserting the following: "1,583,067".

5. Page 7, by inserting after line 22 the following:

"Sec. ____ There is appropriated from the general fund of the state to the department of general services for each fiscal year in the fiscal period beginning July 1, 1988 and ending June 30, 1990, the sum of three million (3,000,000) dollars, or so much thereof as is necessary, to be used for capitol complex construction and renovation."

6. Page 7, line 35, by striking the figure "3,076,213" and inserting the following: "3,045,213".

7. By striking page 9, line 15 through page 10, line 1 and inserting the following:

"For salaries and support for not more than six hundred thirteen point twenty-eight full-time equivalent positions, maintenance, and miscellaneous purposes \$ 17,316,998".

8. Page 11, line 13, by inserting before the word "provided" the following:

"and for program administration of justice assistance funds, the statistical analysis center, and highway safety grant funds,".

9. Page 11, line 19, by striking the figure "1,364,905" and inserting the following: "1,354,464".

10. By striking page 11, line 23 through page 12, line 6.

11. Page 12, line 21, by striking the word "two" and inserting the following: "one".

12. Page 12, line 22, by striking the figure "2,475,000" and inserting the following: "1,475,000".

13. Page 12, line 24, by inserting after the figure "422.100." the following: "Notwithstanding section 422.100, all of the funds allocated to the counties from the moneys and credits replacement fund during the fiscal year beginning July 1, 1987 and ending June 30, 1988, shall be allocated to cities as required by law by the county treasurer."

14. Page 13, by striking lines 15 through 22.

15. Page 13, by striking lines 27 and 28 and inserting the following: "thirty-four million seven hundred sixty-three thousand six hundred fifty-seven (34,763,657) dollars, or so much thereof as".

16. Page 14, by inserting after line 20 the following:

"____ The funds allocated to the state board of regents for faculty salary adjustments at the three state universities shall be distributed based on an amount necessary to fund an eleven percent increase in the faculty salaries after funds received from increased tuition, less the amount committed to student aid, have been allocated for that purpose."

17. Page 15, lines 8 through 11, by striking the words "in the same proportion that the payroll for each individual program for the fiscal year ending June 30, 1987 is to the annual payroll for all programs for that fiscal year".

18. Page 15, by inserting after line 13 the following:

"Sec. 121A. There is appropriated from the general fund of the state for the fiscal year beginning July 1, 1986 and ending June 30, 1987 to the department of general services the sum of four million two hundred fifty thousand (4,250,000) dollars, or so much thereof as is necessary, of which seven hundred fifty thousand (750,000) dollars shall be allocated to the historical division of the department of cultural affairs to equip the new historical building with the remainder to be used for capitol complex construction and renovation.

Notwithstanding section 8.33, funds appropriated by this section which are unexpended or unencumbered shall carry forward to the fiscal year beginning July 1, 1987 for the same purpose as originally appropriated."

19. Page 15, by inserting after line 24 the following:

"Sec. ____ CRIMINAL AND JUVENILE JUSTICE PLANNING AGENCY
--STUDY.

The legislative fiscal bureau shall conduct a study and evaluation of the criminal and juvenile justice planning agency within the department of management and shall report its findings to the general assembly. The study and evaluation shall include a review of the following:

1. The appropriate organization and location of the agency.
2. The agency's progress in meeting the requirements of chapter 80C.

3. The coordination and expenditure of federal justice-related grant moneys.
4. The activity of the criminal and juvenile justice advisory council.
5. The staffing pattern and needs of the agency.
6. Assistance provided by the agency to state and local units of government.
7. Other relevant issues identified by the legislative council or the legislative fiscal bureau."

20. Page 17, by inserting after line 22 the following:

"Sec. ____ Section 8.21, Code 1987, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. The governor shall transmit to the general assembly not later than seven days following delivery of the budget message to the general assembly the final bill drafts of the governor's proposed budget expenditures. The bill drafts shall be written in the bill drafting form adopted by the legislative council.

Sec. ____ NEW SECTION. 12.40 TARGETED SMALL BUSINESS LINKED DEPOSIT PROGRAM.

The treasurer of state shall adopt rules to implement a targeted small business linked deposit program to increase the availability of lower cost funds to inject needed capital into small businesses owned and operated by women or minorities, which is the public policy of the state. The rules shall be in accordance with the following:

1. "Targeted small business" means a business as defined in section 220.111, subsection 1.

2. A linked deposit shall only be approved in connection with a loan application for a targeted small business which has been certified pursuant to section 15.108, subsection 7, paragraph "c", subparagraph (4).

3. Loan applications for a targeted small business shall be for the purchase of land, machinery, equipment, or licenses, or patent, trademark, or copyright fees and expenses, but not inventory.

4. The maximum size of a targeted small business loan is one hundred thousand dollars per borrower for intangible property and two hundred fifty thousand dollars per borrower for tangible personal or real property.

Sec. ____ NEW SECTION. 12.41 IOWA SATISFACTION AND PERFORMANCE BOND PROGRAM.

Agencies of state government shall be required to waive the requirement of satisfaction or performance bonds for targeted small businesses which are able to demonstrate the inability of securing such a bond because of a lack of experience. This waiver shall not apply to businesses with a record of repeated failure of substantial performance or material breach of contract in prior circumstances. The waiver shall be applied only to a project or individual transaction amounting to fifty thousand dollars or less, notwithstanding section 573.2. In order to qualify, the targeted small business shall provide written evidence to the department of economic development that the bond would otherwise be denied the business. The granting of the waiver shall in no way relieve the business from its contractual obligations and shall not preclude the state agency from pursuing any remedies under law upon default or breach of contract.

The department of economic development shall certify targeted small businesses for eligibility and participation in this program and shall make this information available to other state agencies.

Subdivisions of state government may also grant such a waiver under similar circumstances."

21. Page 17, by inserting after line 34 the following:

"Sec. ____ Section 18.134, Code 1987, is amended to read as follows:

18.134 LIMITATION OF COMMUNICATIONS.

The department of general services shall not provide or resell communications services to entities other than state agencies. A political subdivision receiving communications services from the state as of April 1, 1986 may continue to do so until January 1, 1988 but communications services shall not be provided or resold to additional political subdivisions. The rates charged to the political subdivision shall be the same as the rates charged to state agencies."

22. Page 18, by inserting after line 27 the following:

"Sec. ____ Section 422.45, Code 1987, is amended by adding the following new subsection:

NEW SUBSECTION. The gross receipts from the sale of tangible personal property which will be given as prizes to players in games of skill, games of chance, raffles, and bingo games as defined in chapter 99B."

23. Page 19, line 11, by striking the figure "774,611" and inserting the following: "944,285".

24. Page 19, by striking lines 12 through 14.

25. Page 19, line 30, by striking the word "thirty-two" and inserting the following: "forty-one".

26. Page 19, line 35, by striking the word "twenty-two" and inserting the following: "twenty-three".

27. Page 20, line 2, by striking the figure "955,842" and inserting the following: "705,842".

28. Page 20, by striking lines 10 through 14.

29. Page 20, line 24, by striking the figure "674,472" and inserting the following: "593,578".

30. Page 21, line 3, by striking the words "eighty-six point seventy-four" and inserting the following: "eighty-eight point zero five".

31. Page 21, line 7, by striking the figure "4,334,184" and inserting the following: "4,269,334".

32. Page 21, by inserting after line 7 the following:

"The full-time equivalent positions authorized in this paragraph include four full-time equivalent positions for projects authorized in House File 631 regarding agricultural drainage wells and sinkholes."

33. Page 21, line 16, by striking the figure "6,616,519" and inserting the following: "6,546,519".

34. Page 22, by striking lines 12 through 15.

35. Page 22, by inserting after line 22 the following:

"6. It is the intent of the general assembly that the department of agriculture and land stewardship, in its operation of the agricultural marketing program, shall conform its activities to the mission, goals, and objectives provided in this subsection and collect information pertaining to performance measures developed by the legislative fiscal bureau. The department shall provide a report at least quarterly to the legislative fiscal bureau and the co-chairpersons and ranking members of the agriculture and natural resources appropriations subcommittee on the performance measures. The department shall be notified by the legislative fiscal bureau by July 1, 1987 of the specific performance measures for which data shall be collected and reported.

The department shall operate an agricultural marketing program designed to lead to more advantageous marketing of Iowa agricultural products to accomplish the following objectives:

a. Investigate the subject of marketing agricultural products and recommend efficient and economical methods of marketing.

b. Promote the sales, distribution, and merchandising of agricultural products to be indicated by the number of trade or sales leads originated through the agricultural marketing programs, by the number of Iowa companies represented at trade shows, and by the number of out-of-state buyers contacted through trade shows and other promotional events.

c. Furnish information and assistance to the public concerning the marketing of agricultural products to be indicated by the number of Iowa companies that receive counseling or assistance.

d. Cooperate with the college of agriculture of Iowa State University of science and technology in farm marketing education and research and avoid unnecessary duplications to be indicated by the number of meetings with the university staff to discuss marketing research and education and number and type of recommendations generated from these meetings.

e. Gather and diffuse useful information concerning all phases of the marketing of Iowa farm products in cooperation with other public and private agencies.

f. Ascertain sources of supply of Iowa agricultural products and prepare and publish from time to time lists of names and addresses of producers and consignors and furnish lists to persons applying for them to be indicated by the number of potential out-of-state buyers that receive the list of Iowa suppliers.

g. Aid in the promotion and development of the agricultural processing industry in the state to be indicated by the number of trade or sales leads originated through the agricultural marketing programs, the number of Iowa companies represented at trade shows, the number of out-of-state buyers contacted through trade shows and other promotional events, and the number of Iowa companies meeting with out-of-state buyers brought to Iowa as part of the agricultural marketing programs."

36. Page 29, line 9, by inserting after the word "resources" the following: "for the fiscal year beginning July 1, 1986 and ending June 30, 1987,".

37. Page 29, by inserting after line 16 the following:

"Notwithstanding section 8.33, funds appropriated by this section which remain unexpended or unencumbered on June 30, 1987 shall not revert to the general fund of the state.

Sec. ____ There is appropriated from the general fund of the state to the department of natural resources for the fiscal year beginning July 1, 1987 and ending June 30, 1988, the sum of forty thousand (40,000) dollars, or so much thereof as is necessary, to conduct a feasibility study of constructing a dam at Pine Lake state park.

Sec. 207A. Notwithstanding section 8.33, of the funds appropriated to the horticultural division of the department of agriculture and land stewardship by 1986 Iowa Acts, chapter 1246, section 501, subsection 1, paragraph "e", which would otherwise revert to the general fund, fifteen thousand (15,000) dollars, or so much thereof as necessary, shall carry over and be used by the department to conduct a pilot project providing federal special supplemental food program recipients with coupons redeemable at farmers markets. The department shall adopt rules governing the project.

Sec. 207B. There is appropriated from the general fund of the state to the department of agriculture and land stewardship for the fiscal year beginning July 1, 1986 and ending June 30, 1987, the sum of two hundred fifty thousand (250,000) dollars, or so much thereof as may be necessary, for the farm commodity division to be used to pay initial costs of establishing the Iowa agricultural export trading company. Moneys appropriated under this section may be used for salaries and support for not more than four full-time equivalent positions. These full-time equivalent positions are included in the farm commodity division total in section 201, subsection 2, paragraph "a", of this Act.

Notwithstanding section 8.33, moneys which remain unobligated or unencumbered for the purposes provided in this section for the fiscal year beginning July 1, 1986 and ending June 30, 1987 shall remain available for expenditure by the department of agriculture and land stewardship for the purposes specified for the fiscal year beginning July 1, 1987 and ending June 30, 1988.

The moneys appropriated in this section shall revert to the general fund of the state upon successful completion of the public stock offering of the Iowa agricultural export trading company as required by Senate File 274.

Sec. 207C. There is appropriated from the general fund of the state for the fiscal year beginning July 1, 1986 and ending June 30, 1987, to the department of agriculture and land stewardship the sum of one hundred twenty-five thousand (125,000) dollars for startup funding for the Iowa grain quality program. Moneys appropriated in this section may be used for salaries and support for one full-time equivalent position.

Notwithstanding section 8.33, the funds which remain unobligated or unencumbered for the purposes provided in this section for the fiscal year beginning July 1, 1986 and ending June 30, 1987 shall remain available for expenditure by the department of agriculture and land stewardship for the purposes specified in the fiscal year beginning July 1, 1987 and ending June 30, 1988."

38. Page 31, by inserting after line 8 the following:

"Sec. _____. The natural resources commission shall not authorize the reconstruction of the bridge over the canal at Black Hawk state park.

Sec. ____ Of the appropriations made from the jobs now account of the Iowa plan fund, under section 99E.32, subsection 3, paragraph "a", to the department of natural resources for the fiscal year beginning July 1, 1987, at least two hundred fifty thousand dollars shall be used for grants-in-aid to county conservation boards; two hundred fifty thousand dollars shall be used, only if federal funds are available, for acquisition and development of facilities under the western trails historical project; two hundred fifty thousand dollars for the Union Grove lake restoration development project; forty thousand dollars for the A. A. Call state park restoration project; fifteen thousand dollars for bike and recreational trail development projects in the greenbelt area located in or near the Iowa river corridor; one hundred sixty-five thousand dollars to Marshall county conservation board for restoration work including dam repair at Green Castle lake; one hundred thousand dollars for the civilian conservation corps museum and memorial at Backbone state park; and thirty-five thousand dollars for additional acquisition at Maquoketa caves park.

Sec. 231A. There is appropriated from the general fund of the state to the Iowa agricultural development authority for the fiscal year beginning July 1, 1986 and ending June 30, 1987, the amount of five million (5,000,000) dollars, or so much thereof as is necessary, to be used for providing assistance to Iowa farmers under and through the agricultural loan assistance programs. Not more than one hundred fifty thousand (150,000) dollars, or so much thereof as is necessary, shall be used for general administration, including salaries, support, maintenance, and miscellaneous purposes.

Not more than one-half of the funds appropriated shall be committed for grants pursuant to agreements under section 175.35 entered into on or after April 1, 1987 but before October 1, 1987. Notwithstanding section 8.33, moneys appropriated by this section which are committed for grants pursuant to agreements under section 175.35 entered into on or after April 1, 1987 but before October 1, 1987, shall not revert to the general fund of the state.

Not more than one-half of the funds appropriated shall be committed for assistance, training, and management programs for agricultural producers under the program established in House File 626, enacted by the Seventy-second General Assembly, 1987 Session. Notwithstanding section 8.33, the moneys appropriated for assistance, training, and management programs for agricultural producers under this section which are committed pursuant to agreements under House File 626 and entered into between April 1, 1987 and June 30, 1989 shall not revert to the general fund of the state.

If House File 626 does not become law, the moneys allocated for that program under this section shall be used for grants pursuant to agreements under section 175.35."

39. Page 32, by inserting after line 13 the following:

"Sec. ____ Section 173.1, Code 1987, is amended by striking the section and inserting in lieu thereof the following:

173.1 STATE FAIR AUTHORITY.

The Iowa state fair authority is established as a public instrumentality of the state. The authority is not an agency of state government. However, the authority is considered a state agency and its employees state employees for the purposes of chapter 17A, the merit system provisions of chapter 19A, and chapters 20, 25A, 91B, 97B, and 509A. The authority is established to conduct an annual state fair and exposition on the Iowa state fairgrounds and to conduct other interim events consistent with its rules. The powers of the authority are vested in the Iowa state fair board. The Iowa state fair board consists of the following:

1. The governor of the state, the secretary of agriculture, and the president of the Iowa State University of science and technology or their qualified representatives.
2. One director from each congressional district and three directors at large, to be elected at a convention as provided in section 173.2.
3. A president and vice president to be elected by the state fair board from the nine elected directors.
4. A secretary and a treasurer to be elected by the board, and who shall be nonvoting members.

Sec. ____ Section 173.9, Code 1987, is amended by striking the section and inserting in lieu thereof the following:

173.9 SECRETARY.

The board shall appoint a secretary who shall hold office for one year. The secretary shall:

1. Administer the policies set by the board.
2. Employ other employees and agents as the secretary deems necessary for carrying out the policies of the board and to conduct the affairs of the state fair. The secretary may fix the duties and compensation of any employees or agents with the approval of the board.
3. Keep a complete record of the annual convention and of all meetings of the board.
4. Draw all warrants on the treasurer of the board and keep a correct account of them.
5. Perform other duties as the board directs.

Sec. ____ Section 173.10, Code 1987, is amended to read as follows:

173.10 SALARY OF SECRETARY.

The secretary shall receive ~~such~~ the salary as fixed by the ~~general assembly board~~.

Sec. ____ Section 173.14, Code 1987, is amended by striking the section and inserting in lieu thereof the following:

173.14 FUNCTIONS OF THE BOARD.

The state fair board has the custody and control of the state fairgrounds, including the buildings and equipment on it belonging to the state, and may:

1. Hold an annual fair and exposition on those grounds. All revenue generated by the fair and any interim uses shall be retained solely by the board.
2. Prepare premium lists and establish rules of exhibitors for the fair which shall be published by the board not later than sixty days prior to the opening of the fair.
3. Grant a written permit to persons as it deems proper to sell fruit, provisions, and other lawful articles under rules the board prescribes.
4. Appoint security personnel as the president deems necessary.
5. Take and hold property by gift, devise, or bequest for fair purposes. The president, secretary, and treasurer of the board shall have custody and control of the property, subject to the action of the board. Those officers shall give bonds as required in the case of executors, to be approved by the board and filed with the secretary of state.
6. Erect and repair buildings on the grounds and make other necessary improvements.
7. Grant written permission to persons to use the fair-grounds when the fair is not in progress.
8. Take, acquire, hold, and dispose of property by deed, gift, devise, bequest, lease, or eminent domain. The title to real estate acquired under this subsection and improvements erected on the real estate shall be taken and held in the name of the state of Iowa and shall be under the custody and control of the board. In the exercise of the power of eminent domain the board shall proceed in the manner provided in chapters 471 and 472.
9. Solicit and accept contributions from private sources for the purpose of financing and supporting the fair.
10. Make an agreement with the Iowa highway safety patrol to provide for security during the annual fair and exposition and interim events.

Sec. ____ NEW SECTION. 173.14A GENERAL CORPORATE POWERS OF THE AUTHORITY.

The authority has all of the general corporate powers needed to carry out its purposes and duties, and to exercise its specific powers including, but not limited to, the power to:

1. Issue its negotiable bonds and notes as provided in this chapter.
2. Sue and be sued in its own name.
3. Have and alter a corporate seal.
4. Make and alter bylaws for its management consistent with this chapter.
5. Make and execute agreements, contracts, and other instruments, with any public or private entity.
6. Accept appropriations, gifts, grants, loans, or other aid from public or private entities.
7. Make, alter, and repeal rules consistent with this chapter, subject to chapter 17A.

Sec. ____ NEW SECTION. 173.14B BONDS AND NOTES.

1. The board may issue and sell negotiable revenue bonds of the authority in denominations and amounts as the board deems for the best interests of the fair, for any of the following purposes after authorization by a constitutional majority of each house of the general assembly and approval by the governor:
 - a. To acquire real estate to be devoted to uses for the fair.
 - b. To pay any expenses or costs incidental to a building or repair project.
 - c. To provide sufficient funds for the advancement of any of its corporate purposes.
2. The board may issue negotiable bonds and notes of the authority in principal amounts which are necessary to provide sufficient funds for achievement of its corporate purposes, the payment of interest on its bonds and notes, the establishment of reserves to secure its bonds and notes, and all other expenditures of the board incident to and necessary or convenient to carry out its purposes and powers, subject to authorization and approval required under subsection 1. However, the total principal amount of bonds and notes outstanding at any time shall not exceed one hundred fifty million dollars. The bonds and notes are deemed to be investment securities and negotiable instruments within the meaning of and for all purposes of the uniform commercial code.

3. Bonds and notes are payable solely out of the moneys, assets, or revenues of the authority and as provided in the agreement with bondholders or noteholders pledging any particular moneys, assets, or revenues. Bonds or notes are not an obligation of this state or its political subdivisions other than the authority within the meaning of any constitutional or statutory debt limitations, but are special obligations of the authority payable solely from sources provided in this chapter, and the authority shall not pledge the credit or taxing power of this state or its political subdivisions other than the authority or make its debts payable out of any moneys except those of the authority.

4. Bonds shall:

a. State the date and series of the issue, be consecutively numbered, and state on their face that they are payable both as to principal and interest solely out of the assets of the authority and do not constitute an indebtedness of this state or its political subdivisions other than the authority within the meaning of any constitutional or statutory debt limit.

b. Be either registered, registered as to principal only, or in coupon form, issued in denominations as the board prescribes, fully negotiable instruments under the laws of this state, signed on behalf of the authority with the manual or facsimile signature of the president or vice president, attested by the manual or facsimile signature of the secretary, have impressed or imprinted on it the seal of the authority or facsimile of it, and coupons attached shall be signed with the facsimile signature of the president or vice president, be payable as to interest at rates and at times as the authority determines, be payable as to principal at times over a period not to exceed fifty years from the date of issuance, at places and with reserved rights of prior redemption, as the board prescribes, be sold at prices, at public or private sale, and in a manner as the board prescribes, and the board may pay all expenses, premiums, and commissions which it deems necessary or advantageous in connection with the issuance and sale; and be issued subject to the terms, conditions, and covenant providing for the payment of the principal, redemption premiums, if any, interest, and other terms, conditions, covenants, and protective provisions safeguarding payment, not inconsistent with this chapter, as are found to be necessary by the board for the most advantageous sale, which may include, but are not limited to, covenants with the holders of the bonds as to those matters set forth in section 220.26, subsection 4, paragraph "b".

5. The board may issue bonds of the authority for the purpose of refunding any bonds or notes of the authority then outstanding, including the payment of any redemption premiums and any interest accrued or to accrue to the date of redemption of the outstanding bonds or notes. Until the proceeds of the bonds issued for the purpose of refunding outstanding bonds or notes are applied to the purchase or retirement of outstanding bonds or notes or the redemption of outstanding bonds or notes, the proceeds may be placed in escrow and be invested and reinvested in accordance with this chapter. The interest, income, and profits earned or realized on an investment may also be applied to the payment of the outstanding bonds or notes to be refunded by purchase, retirement, or redemption. After the terms of the escrow have been fully satisfied and carried out, any balance of proceeds and interest earned or realized on the investments may be returned

to the authority for use by it in any lawful manner. All refunding bonds shall be issued and secured and subject to this chapter in the same manner and to the same extent as other bonds.

6. The board may issue negotiable bond anticipation notes of the authority and may renew them from time to time but the maximum maturity of the notes, including renewals, shall not exceed ten years from the date of issue of the original notes. Notes are payable from any available moneys of the authority not otherwise pledged or from the proceeds of the sale of bonds in anticipation of which the notes were issued. Notes may be issued for any corporate purpose of the authority. Notes shall be issued in the same manner as bonds and notes and the resolution of the board may contain any provisions, conditions, or limitations, not inconsistent with this subsection, which the bonds or a bond resolution of the board may contain. Notes may be sold at public or private sale. In case of default on its notes or violation of any obligations of the authority to the noteholders, the noteholders have all the remedies provided in this chapter for bondholders. Notes shall be as fully negotiable as bonds of the authority.

7. A copy of each pledge agreement by or to the authority, including without limitation each bond resolution, indenture of trust, or similar agreement, or any revisions or supplements to it shall be filed with the secretary of state and no further filing or other action under article 9 of the uniform commercial code or any other law of the state is required to perfect the security interest in the collateral or any additions to it or substitutions for it, and the lien and trust so created is binding from and after the time it is made against all parties having claims of any kind in tort, contract, or otherwise against the pledgor.

8. Members of the board and any person executing the authority's bonds, notes, or other obligations are not liable personally on the bonds, notes, or other obligations or subject to personal liability or accountability by reason of the issuance of the authority's bonds or notes.

9. The board shall publish a notice of intention to issue bonds or notes in a newspaper published and of general circulation in the state. The notice shall include a statement of the maximum amount of bonds or notes proposed to be issued, and in general, what net revenues will be pledged to pay the bonds or notes and interest on them. An action shall not be brought questioning the legality of the bonds or notes, the power of the board to issue the bonds or notes, or the legality of any proceedings in connection with the authorization or issuance of the bonds or notes after sixty days from the date of publication of the notice.

Sec. ____ Section 173.16, Code 1987, is amended to read as follows:

173.16 MAINTENANCE OF STATE FAIR.

All expenses incurred in maintaining the state fairgrounds and in conducting the annual fair ~~thereon~~ on it, including the compensation and expenses of the officers, members, and employees of the board, shall be recorded by the secretary and paid from the state fair receipts, unless a specific appropriation has been provided for ~~such~~ that purpose. ~~An individual member of the state fair board~~

shall not be personally liable because of any act performed or debt created by action of the board in carrying out the purposes and provisions of this chapter. The board may request special capital improvement appropriations from the state and may request emergency funding from the executive council for natural disasters. The board may request that the department of transportation provide maintenance in accordance with section 307A.2, subsection 11.

Sec. ____ Section 173.21, unnumbered paragraph 1, Code 1987, is amended to read as follows:

The state fair board shall file with the governor each year at the time provided by law make by February 15 a report to the governor containing the following information relative to the state fair and exposition and the district and county fairs:

Sec. ____ NEW SECTION. 173.23 LIEN ON PROPERTY.

The board has a prior lien upon the property of any concessionaire, exhibitor, or person, immediately upon the property being brought onto the grounds, to secure existing or future indebtedness.

Sec. ____ NEW SECTION. 173.24 EXEMPTION OF STATE FAIR BY THE STATE'S PURCHASING PROCEDURES.

The state fair is exempt from the state system of uniform purchasing procedures. However, the board may contract with the department of general services to purchase any items through the state system. The board shall adopt its own system of uniform standards and specifications for purchasing.

Sec. ____ STATE FAIR BOARD -- BONDS AND NOTES. The Iowa state fair board shall conduct a study and file its recommendations with the general assembly by January 15, 1988. The study shall examine whether the cultural and exposition objectives of the state fair would, in the long term, be better served by a relocation of the state fairgrounds and by the development of more multipurpose buildings on a new or the present fairgrounds.

Only fifteen million dollars of the bonds and notes authorized by section 173.14B, as enacted in this Act, may be issued before and by January 15, 1988."

40. Page 32, by inserting after line 28 the following:

"As a condition of the appropriation made in this subsection, the department shall enter into a 28E agreement with the state board of regents for purposes of insuring, to the greatest extent possible, that research conducted at institutions under the control of the state board of regents may be developed and marketed by Iowa businesses.

The department and the cooperative extension service in agriculture and home economics of the Iowa State University of science and technology shall enter into an agreement under chapter 28E that provides a procedure for coordinating the economic development activities of the department with the economic development activities of the cooperative extension service in agriculture and home economics of the Iowa State University of science and technology."

41. Page 33, line 31, by striking the word "Of".

42. By striking page 33, line 32 through page 34, line 4.

43. Page 34, by striking line 5 and inserting the following:

"As a condition of funds appropriated under this subsection, fifteen".

44. Page 34, line 7, by striking the word "may" and inserting the following: "shall".

45. Page 34, by striking line 13 and inserting the following:

"As a condition of funds appropriated under this subsection, twenty-".

46. Page 34, line 15, by striking the word "may" and inserting the following: "shall".

47. Page 34, by inserting after line 19 the following:

"As a condition of funds appropriated under this subsection, one hundred twenty-five thousand (125,000) dollars, or so much thereof as is necessary, shall be used by the historical division of the department of cultural affairs to acquire by negotiated sale part of the land encompassing the Blood Run national historic landmark in Lyon county, Iowa.

As a condition of funds appropriated by this subsection, one hundred thousand (100,000) dollars, or so much thereof as is necessary, shall be used by the department of economic development for professional preparation of a statewide tourism development, marketing, and information delivery plan covering needs and opportunities for the period 1988 through 1992 and for implementation of the initial phases of the plan.

As a condition of funds appropriated by this subsection, seventy-five thousand (75,000) dollars, or so much thereof as is necessary, shall be used for state aid, distributed equally to three tourism regions for planning and operations of regional and local tourism development programs."

48. Page 34, by striking lines 26 through 29.

49. Page 37, by inserting after line 31 the following:

Sec. ____ State departments or agencies handling or in charge of the community economic betterment account of the Iowa plan fund, the RISE fund, the jobs training programs under chapters 7B, 280B, and 280C, and other funds or programs for providing assistance to business in furtherance of economic development shall not provide assistance from those funds or under those programs until the department or agency has studied the effect of such assistance on the competitiveness of the business compared with existing businesses and the potential for the displacement of jobs from other businesses in the state.

In determining which businesses are to receive the assistance from these funds or programs, consideration should be given to the quality of jobs to be provided. Jobs that have a higher wage scale, have a lower turnover rate, are full-time, or are career-type positions are considered higher in quality. When the assistance is in the form of grants, businesses that have wage scales substantially below that of existing Iowa businesses should be rated as providing the lowest quality of jobs and should therefore be given the lowest ranking for providing such assistance."

50. Page 38, by inserting after line 27 the following:

"Sec. 302A. There is appropriated from the general fund of the state to the department of economic development for the fiscal year beginning July 1, 1986 and ending June 30, 1987, the sum of two hundred eighty-five thousand (285,000) dollars, or so much thereof as may be necessary, to be used for tourism and marketing purposes.

Notwithstanding section 8.33, moneys which remain unobligated or unencumbered for the purposes provided in this section on June 30, 1987 shall remain available for expenditure by the department of economic development during the fiscal year beginning July 1, 1987 for the purposes specified.

Sec. 302B. Notwithstanding section 8.33, moneys appropriated pursuant to 1986 Iowa Acts, chapter 1246, section 1, subsection 6, to the department of economic development for the establishment and maintenance of an export finance program for the fiscal year beginning July 1, 1986 and ending June 30, 1987, which remain unexpended or unencumbered shall carry forward to the fiscal year beginning July 1, 1987 and ending June 30, 1988, to be used for the same purpose as originally appropriated."

51. Page 39, by inserting after line 26 the following:

"Sec. ____ **NEW SECTION. 15.110 TARGETED SMALL BUSINESS LOAN AND EQUITY GRANT PROGRAM.**

A targeted small business loan and equity grant program is established within the Iowa department of economic development. The director shall adopt rules establishing the standards and procedures for distributing grants, providing loans, buying down the interest on loans, or buying down the principal on loans for newly created small businesses. The total amount of assistance to any one business shall not exceed five thousand dollars. Standards shall give top priority to applicants

who establish targeted small businesses in industries or fields for which no targeted small business has been certified pursuant to section 15.108, subsection 7, paragraph "c", subparagraph (4).

Sec. ____ Section 15.241, Code 1987, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. The department may provide grants of not more than five thousand dollars under the program, if the grants are used to secure additional financing from private sources. The department may provide a service fee to financial institutions for administering loans provided under this section.

Sec. ____ Notwithstanding section 28.120, subsection 6, twenty percent of the loan repayments received by the department of economic development under that section shall be deposited in the revolving loan fund to operate the self-employment loan program as established in section 15.241. Not more than twenty-five percent of the funds may be used to administer the program, and not less than fifty percent of the grants or loans provided under the program shall go to targeted small businesses as defined in section 15.102. It is the intent of the general assembly that the department of economic development coordinate the activity of the self-employment loan program with the small business development centers, satellite centers, area community colleges, and other technical assistance providers, and with the self-sufficiency programs established in 1987 Iowa Acts, House File 671, under the department of human rights and the department of human services."

52. Page 40, line 17, by striking the word "forty-six" and inserting the following: "forty-eight".

53. Page 40, line 25, by striking the word "ninety-four" and inserting the following: "one hundred".

54. Page 41, line 5, by striking the figure "100,000" and inserting the following: "60,000".

55. Page 42, by striking lines 9 through 12.

56. Page 43, by striking lines 9 and 10 and inserting the following: "not more than one hundred twenty-one full-time equiva-".

57. Page 43, line 12, by striking the figure "5,300,708" and inserting the following: "5,150,708".

58. Page 43, by striking line 17 and inserting the following: "program established by law, four hundred thousand (400,000)".

59. Page 43, by striking line 21 and inserting the following: "programs, and one hundred thousand (100,000) dollars to".

60. Page 43, line 22, by striking the words "the state board of regents" and inserting the following: "institutions of higher education".

61. Page 43, line 24, by inserting after the word "students." the following: "Of the moneys appropriated for the summer residence program under this subsection, an amount not exceeding twenty-five thousand (25,000) dollars shall be used to support existing law-related education centers for training seminars and workshops in law-related education, summer institutes relating to law-related education methodology and substance, and mock trial competitions for junior and senior high school students."

62. Page 45, by striking lines 10 through 13.

63. Page 46, line 11, by striking the word "seven" and inserting the following: "eight".

64. Page 46, by inserting after line 14 the following:

" ____ EDUCATIONAL AID TO AMERICAN INDIANS

For educational aid to American Indians under section 256.30 \$ 100,000".

65. Page 48, by striking line 22 and inserting the following:

"and miscellaneous purposes and for the establishment of a consortium consisting of representatives of Iowa State University, the University of Iowa, and the University of Northern Iowa as equal participants to establish and use a process for the exchange and integration of knowledge among the universities in the fields including but not limited to food production, food processing, food preservation, nutrition, medicine, pharmacy, chemical-free water, clean air, and environmental safety. The consortium shall also establish a means for the integration of knowledge across disciplines in each of the universities. In the establishment of the process for integration and

exchange of knowledge for these purposes, the consortium shall also develop a process for disseminating this knowledge to the public for personal and business use by Iowans \$ 483,370".

66. Page 49, line 20, by striking the figure "131,142,205" and inserting the following: "130,619,205".

67. Page 49, by striking lines 21 through 31 and inserting the following:

"It is a condition of the appropriation in this subparagraph that from the moneys appropriated, three hundred seventy-eight thousand (378,000) dollars be expended for salary increases for professional and scientific employees of the institution, one hundred forty-five thousand (145,000) dollars be expended for an emergency supplement for graduate students adversely affected by the federal tax reform Act of 1986, and one million seven hundred eighty thousand (1,780,000) dollars be expended for educational quality projects approved by the state board of regents. For the purpose of implementing educational quality projects, the State University of Iowa may exceed the limitation on full-time equivalent positions included in this subparagraph."

68. Page 49, line 33, by striking the figure "100,000" and inserting the following: "60,000".

69. Page 50, by striking lines 29 through 33.

70. Page 54, line 12, by striking the figure "108,217,792" and inserting the following: "107,873,792".

71. Page 54, by striking lines 13 through 25 and inserting the following:

"It is a condition of the appropriation in this subparagraph that from the moneys appropriated, two hundred fifty-nine thousand (259,000) dollars be expended for salary increases for professional and scientific employees of the institution, eighty-five thousand (85,000) dollars be expended for an emergency supplement for graduate students adversely affected by the federal tax reform Act of 1986, and one million seven hundred eighty thousand (1,780,000) dollars be expended for educational quality projects approved by the state board of regents for the general university, agricultural experiment station or the cooperative extension service in agriculture and home economics. For the purpose of implementing educational quality projects, Iowa State University may exceed the limitation on full-time equivalent positions included in this paragraph."

72. Page 55, line 14, by striking the figure "414,846" and inserting the following: "389,846".

73. Page 55, line 25, by inserting after the word "for" the following: "not more than one thousand".

74. Page 55, line 29, by striking the figure "42,474,679" and inserting the following: "42,418,679".

75. By striking page 55, line 30 through page 56, line 4 and inserting the following:

"For the purpose of implementing educational quality projects, the University of Northern Iowa may exceed the limitation on full-time equivalent positions included in this subsection."

76. Page 56, by striking lines 8 through 10 and inserting the following: "discriminated against in having access to a year-round on-campus self-supporting student operated book exchange."

77. Page 56, by striking lines 24 through 31 and inserting the following:

"7. The provisions of section 8.33, unnumbered paragraph 2, shall not apply to the funds appropriated in this section. No later than September 15, 1988, the state board of regents shall submit to the department of management and the legislative fiscal bureau a list of all obligations of appropriations made for the fiscal year beginning July 1, 1987 which have been incurred for goods and services that have not been received or rendered as of September 1, 1988."

78. By striking page 56, line 32 through page 58, line 21 and inserting the following:

"Sec. 409. There is appropriated from the general fund of the state to the state board of regents for the fiscal year beginning July 1, 1986 and ending June 30, 1987, the sum of two million (2,000,000) dollars, or so much thereof as is necessary, to be used by Iowa State University of science and technology for research for amorphous silicon. As a condition of this appropriation, Iowa State University of science and technology shall negotiate for the first production facility or pilot plant to be located in Iowa resulting from the research and an equitable arrangement for the sharing of the rights to copyrights, patents, licenses or other intellectual property.

Notwithstanding section 8.33, moneys appropriated in this section which remain unobligated and unencumbered on June 30, 1987 shall remain available to Iowa State University for the purposes specified during the fiscal year beginning July 1, 1987 and ending June 30, 1988.

Sec. ____ Of the appropriations made from the jobs now account of the Iowa plan fund, under section 99E.32, subsection 3, paragraph "c", to the department of cultural affairs for the fiscal year beginning July 1, 1987, fifty thousand dollars shall be provided as a grant to greater Des Moines grand prix, inc. for the 1988 greater Des Moines metropolitan grand prix auto race. If the grand prix auto race is not held in Des Moines during the 1988 calendar year, all moneys provided under this section for the grand prix shall revert to the Iowa plan fund".

79. Page 58, by striking lines 22 through 29 and inserting the following:

"Sec. 410. 1986 Iowa Acts, chapter 1246, section 111, subsection 7, is amended to read as follows:

7. There is appropriated from the general fund of the state to a special account in the state treasury to be known as the obstetrical patient care fund, for the fiscal year beginning July 1, 1986, and ending June 30, 1987, one million one hundred thousand (1,100,000) dollars, or so much thereof as is necessary, for the development and operation, commencing October 1, 1986, of a statewide obstetrical patient care program as provided in this section. The department of public health shall be the administrator of the fund.

If moneys appropriated to the obstetrical patient care fund by this section remain unobligated and unencumbered on June 30, 1987, the moneys shall not revert to the general fund of the state ~~but shall be transferred to the indigent patient care fund established pursuant to chapter 255~~ but shall be available for expenditure by the Iowa department of public health for the purposes specified in this section during the fiscal year beginning July 1, 1987. Of the funds available under this section during the fiscal year beginning July 1, 1987 and ending June 30, 1988, three hundred thousand dollars shall be used to supplement moneys appropriated to the Iowa department of public health for salaries and support for the family and community health division and seventy-seven thousand five hundred sixty dollars shall be used to supplement moneys appropriated to the Iowa department of public health for the mobile and regional child health specialty clinics."

80. Page 60, by striking lines 26 and 27 and inserting the following: "under section 99E.32, thirty-five thousand (35,000) dollars shall be expended for a program to assist".

81. Page 62, by inserting after line 28 the following:

"Sec. ____ If any school district has utilized funds available under section 281.9 for services authorized under section 273.5, that district is eligible to apply to the department of education for an amount not to exceed fifty thousand dollars in order to continue to provide those services for the fiscal year beginning July 1, 1987 and ending June 30, 1988."

82. Page 62, by inserting after line 33 the following:

"Sec. ____ Nothing in this Act is intended by the general assembly to be the provision of a fair and equitable funding formula specified in 1985 Iowa Acts, chapter 249, section 9. Nothing in this Act shall be construed, is intended, or shall imply a claim of entitlement to any programs or services specified in section 225C.28."

83. Page 63, by inserting after line 8 the following:

"Sec. ____ Section 135B.31, Code 1987, is amended to read as follows:

135B.31 EXCEPTIONS.

Nothing in this division is intended or should affect in any way that obligation of public hospitals under chapter 347 or municipal hospitals, as well as the state.

hospital at Iowa City, to provide medical ~~treatment~~ or obstetrical and newborn care for indigent persons under chapter 255 or 255A, wherein medical treatment is provided by hospitals of that category to patients of certain entitlement, nor to the operation by the state of mental or other hospitals authorized by law. Nothing herein shall in any way affect or limit the practice of dentistry or the practice of oral surgery by a dentist.

Sec. ____ Section 144.13A, Code 1987, is amended to read as follows:

144.13A REGISTRATION FEE.

The local registrar and state registrar shall charge the parent a ten dollar fee for the registration of a certificate of birth. If the person responsible for the filing of the certificate of birth under section 144.13 is not the parent, the person shall collect the fee from the parent. The fee shall be remitted to the appropriate registrar. If the expenses of the birth are reimbursed under the medical assistance program established by chapter 249A or paid for under the statewide indigent patient care program established by chapter 255, or paid for under the obstetrical and newborn indigent patient care program established by chapter 255A, or if the parent is indigent and unable to pay the expenses of the birth and no other means of payment is available to the parent, the registration fee is waived. If the person responsible for the filing of the certificate is not the parent, the person is discharged from the duty to collect and remit the fee under this section if the person has made a good faith effort to collect the fee from the parent. The fees collected by the local registrar and state registrar shall be remitted to the treasurer of state for deposit in the general fund of the state. It is the intent of the general assembly that the funds generated from the registration fees be appropriated and used for primary and secondary child abuse prevention programs.

Sec. ____ Section 155.37, subsection 1, paragraph b, Code 1987, is amended to read as follows:

b. If the cost of the prescription or any part of it will be paid by expenditure of public funds authorized under chapter 239, 249, 249A, 252, 253, ~~or 255~~, or 255A, the pharmacist shall exercise professional judgment by selecting a drug product of the same generic name and demonstrated bioavailability but of a lesser cost than the one prescribed for dispensing and sale to the person unless the physician, dentist, or podiatrist specifically states that only that designated brand or trade name drug product is to be dispensed. However, a pharmacy to which the prescription is presented or communicated is not required to substitute a drug product of the same generic name and demonstrated bioavailability but of lesser cost unless the pharmacy has in stock one or more such drug products.

Sec. ____ NEW SECTION. 234A.1 ADOLESCENT TASK FORCE.

1. A task force on adolescents is established. The task force is composed of the following voting members:

a. The lieutenant governor or the lieutenant governor's designee.

b. One member of the senate appointed by the majority leader of the senate and one member of the senate appointed by the minority leader of the senate.

c. One member of the house of representatives appointed by the speaker of the house and one member of the house of representatives appointed by the minority leader of the house.

d. Four state government employees, appointed by the legislative council, one from each of the following departments: the department of education, the department of human rights, the department of human services, and the Iowa department of public health.

e. Two public members appointed by the governor.

f. Six to twelve public members, with one or two from each of the following seven categories, appointed by the legislative council, with expertise in the area of adolescent pregnancy prevention or the provision of services to pregnant adolescents or adolescent parents:

- (1) Health care professionals.
- (2) Psychologists or social workers.
- (3) Family planning service workers.
- (4) Appropriate public school professional staff.
- (5) Service providers for adolescents.
- (6) Job training and counseling workers.
- (7) Adolescent parents or adolescent peer counselors.

2. The legislative council shall designate a chairperson or co-chairpersons. The task force shall meet at the call of the chairperson or co-chairpersons or ten task force members. The public members appointed by the legislative council and the governor shall be paid their actual and necessary expenses pursuant to section 2.12. The lieutenant governor shall be reimbursed and compensated as provided in section 2.10, and the legislative members shall be reimbursed and compensated as provided in section 2.44.

3. The task force shall:

a. Analyze problems confronting adolescents in this state and assess the symptoms of those problems, including but not limited to a review of problems relating to adolescent pregnancy, substance abuse, and suicide prevention.

b. Investigate and promote the development of viable family units and adolescent self-worth and self-esteem.

c. Assess the need for adolescent pregnancy prevention and services programs in Iowa.

d. Inventory existing programs and services relating to adolescent pregnancy prevention and services.

e. Investigate alternative funding sources relating to adolescent pregnancy prevention and services.

f. Investigate existing and needed maternity care health benefit coverages for pregnant adolescents.

g. Make legislative recommendations to the legislative council and issue a final report to the general assembly by January 1, 1988 regarding adolescent pregnancy prevention and services.

4. The legislative council shall authorize the legislative service bureau and the legislative fiscal bureau to provide assistance to the task force, and may authorize the use of funds available to the legislative council to pay the expenses of the task force.

5. As used in this section, "adolescent" means a person under eighteen years of age or a person in attendance at an accredited school pursuing a course of study leading to a high school diploma, or its equivalent.

Sec. ____ PREGNANCY PREVENTION AND SERVICES GRANTS.

The commissioner of human services, the director of the department of education, the director of the department of human rights, and the director of public health, or their designees, shall jointly designate and award, and the department of human services shall administer grants, which may be awarded to public school corporations, adolescent service providers, and nonprofit organizations involved in adolescent issues for two-year pilot projects targeted toward those areas of the state with the highest incidence of adolescent pregnancy, from one or more of the following programmatic areas:

1. Pregnancy prevention programs for adolescents and workshops for parents of adolescents to improve parent-child communications regarding human sexuality.

2. Communications media campaigns to discourage adolescent sexual activity and to encourage the assumption of responsibility by adolescents, both male and female, for their sexual activity and for parenting.

3. Residential facilities for pregnant adolescents and adolescent parents in need of shelter.

4. Early pregnancy detection for adolescents and prenatal services and adoption counseling for pregnant adolescents.

5. Child care and case management services provided to adolescent parents, both male and female, for a predetermined fee under purchase-of-service contracts, which include child care services, instruction in child development and parenting skills, support services for completion of school and for job training and placement, and other personal services.

6. Teacher training, including transportation costs and workshop, conference, and course work expenses, designed to improve the teaching of components of the human growth and development curricula in grades kindergarten through twelve. A preference shall be given for the funding of teacher training grant projects which would qualify participating teachers for continuing education unit credits.

7. Pregnancy prevention programs which teach and encourage teen sexual abstinence.

As used in this section, "adolescent" means a person under eighteen years of age or a person in attendance at an accredited school pursuing a course of study leading to a high school diploma, or its equivalent. Pilot projects providing services to an adolescent under eighteen years of age may continue to provide the services beyond the adolescent's eighteenth birthday in accordance with guidelines adopted by the four state administrators authorized to award grants under this section. Pilot projects shall not use funds appropriated from the general fund of this state for the purpose of providing abortion services which are not medically necessary as defined under the medical assistance program administered pursuant to chapter 249A or for the purpose of dispensing or providing birth control items on property owned or controlled by a public school corporation.

Sec. ____ Section 255.16, Code 1987, is amended to read as follows:

255.16 COUNTY QUOTAS.

Subject to subsequent qualifications in this section, there shall be treated at the university hospital during each fiscal year a number of committed indigent patients from each county which shall bear the same relation to the total number of committed indigent patients admitted during the year as the population of such county shall bear to the total population of the state according to the last preceding official census. This standard shall apply to indigent patients, the expenses of whose commitment, transportation, care and treatment shall be borne by appropriated funds and shall not govern the admission of either obstetrical patients under chapter 255A or obstetrical or orthopedic patients under this chapter in accordance with eligibility standards pursuant to section 255A.5. If the number of patients admitted from any county shall exceed by more than ten percent the county quota as fixed and ascertained under the first sentence of this section, the charges and expenses of the care and treatment of such patients in excess of ten percent of the quota shall be paid from the funds of such county at actual cost; but if the number of excess patients from any county shall not exceed ten

percent, all costs, expenses, and charges incurred in their behalf shall be paid from the appropriation for the support of the hospital.

Sec. ____ Section 255.19, unnumbered paragraph 2, Code 1987, is amended to read as follows:

All of the provisions of this chapter except as to commitment of patients shall apply to such patients. The university hospital authorities shall collect from the person or persons liable for the support of such patients reasonable charges for hospital care and service and deposit the same with the treasurer of the university for the use and benefit of the university hospital except as specified for obstetrical patients pursuant to section 255A.9. Earnings of the hospital whether from private patients, cost patients, or indigents shall be administered so as to increase as much as possible, the service available for indigents, including the acquisition, construction, reconstruction, completion, equipment, improvement, repair, and remodeling of medical buildings and facilities and additions thereto and the payment of principal and interest on bonds issued to finance the cost thereof as authorized by the provisions of chapter 263A. The physicians and surgeons on the hospital staff who care for patients provided for in this section may charge for their medical services under such rules, regulations and plan therefor as approved by the state board of regents.

Sec. ____ Section 255.26, unnumbered paragraph 1, Code 1987, is amended to read as follows:

Warrants issued under section 255.25 shall be promptly drawn on the treasurer of state and forwarded by the director of revenue and finance to the treasurer of the state university, and the same shall be by the treasurer of the state university placed to the credit of the funds which are set aside for the support of said hospital. However, warrants shall not be paid unless the UB-82 claim required pursuant to section 255A.13 has been filed with the Iowa health data commission. The superintendent of the said university hospital shall certify to the auditor of state on the first day of January, April, July and October of each year, the amount as herein provided not previously certified by the superintendent due the state from the several counties having patients chargeable thereto, and the auditor of state shall thereupon charge the same to the county so owing. A duplicate certificate shall also be mailed to the auditor of each county having patients chargeable thereto. Expenses for obstetrical patients served under section 255A.9 shall be reimbursed as specified in section 255A.9.

Sec. ____ NEW SECTION. 255A.1 STATE POLICY.

It is the policy of the state to provide obstetrical and newborn care to medically indigent individuals in this state, at the appropriate and necessary level, at a licensed hospital or health care facility closest and most available to the residence of the indigent individual.

Sec. ____ NEW SECTION. 255A.2 OBSTETRICAL AND NEWBORN INDIGENT PATIENT CARE PROGRAM.

A statewide obstetrical and newborn indigent patient care program is established for the purpose of providing obstetrical and newborn care to medically indigent

residents of this state. Appropriations by the general assembly for this chapter shall be allocated for the obstetrical and newborn patient care fund within the Iowa department of public health and shall be utilized for the obstetrical and newborn indigent patient care program as specified in this chapter. Indigent patients in need of such care residing in the counties of Cedar, Clinton, Iowa, Johnson, Keokuk, Louisa, Muscatine, Scott, and Washington shall be provided the care at the university hospitals under the nonquota obstetrical program under chapter 255.

Sec. ____ NEW SECTION. 255A.3 ADMINISTRATION OF PROGRAM.

The Iowa department of public health shall administer the statewide obstetrical and newborn indigent patient care program. The department shall adopt administrative rules to implement the program pursuant to chapter 17A. Administrative costs of the department shall not exceed three percent of the annual funds appropriated for the obstetrical and newborn patient care fund.

Sec. ____ NEW SECTION. 255A.4 PATIENT QUOTA FORMULA.

The Iowa department of public health shall establish a patient quota formula for determining the maximum number of obstetrical and newborn patients eligible for the program from each county. The formula shall be based upon the annual appropriation for the program, the average number of live births in each county during the most recent three-year period for which statistics are available, and the per capita income for each county during the most recent one-year period for which statistics are available. In accordance with this formula the department shall allocate a patient quota to each county at the beginning of each fiscal year. The department shall provide for the reassignment of an unused county quota allotment on April 1 of each year. The reassignment shall be taken only from a county which has an unused quota allotment for the portion of the fiscal year ending March 31. A county may utilize its quota allotment for a patient determined to be eligible before the end of the fiscal year but scheduled to need care after the end of the fiscal year. The reassignment of an unused county allotment shall be made to other counties on the basis of rules adopted by the department pursuant to chapter 17A.

A woman who resides in a county which exceeds the patient quota allocated for the county, and who has been deemed eligible under section 255A.5, shall be served at the University of Iowa hospitals and clinics pursuant to section 255.16.

Sec. ____ NEW SECTION. 255A.5 MINIMUM ELIGIBILITY STANDARDS.

The Iowa department of public health, in collaboration with the department of human services and in consultation with the Iowa state association of counties, shall adopt rules, pursuant to chapter 17A, establishing minimum standards for eligibility for obstetrical and newborn care, including physician examination, medical testing, ambulance services, and inpatient transportation costs, for indigent obstetrical and newborn care provided by the University of Iowa hospitals

and clinics and by other licensed hospitals and physicians. The minimum standards for eligibility shall provide eligibility for persons with incomes at or below one hundred fifty percent of the annual revision of the poverty income guidelines published by the United States department of health and human services, and shall provide, but shall not be limited to providing, eligibility for uninsured and underinsured persons financially unable to pay for necessary obstetrical and newborn care and orthopedic care. The minimum standards may include a spend-down provision. The resource standards shall be set at or above the resource standards under the federal supplemental security income program. The resource exclusions allowed under the federal supplemental security income program shall be allowed and shall include resources necessary for self-employment.

Sec. ____ NEW SECTION. 255A.6 APPLICATION AND CERTIFICATION FOR CARE.

A person desiring obstetrical and newborn care, the cost of which is payable from the obstetrical and newborn patient care fund, or the parent or guardian of a minor desiring or in need of such care, may apply to the director of a maternal health center, operated by the Iowa department of public health, to have the cost of such care paid from the fund. In counties not served by such a center, the department shall contract with another agency, institution or organization to receive and process applications for care. The director of the center shall first ascertain from the local office of the department of human services if the applicant would be eligible for medical assistance or for assistance under the medically needy program without any spend-down requirement, pursuant to chapter 249A. If the applicant is eligible for assistance pursuant to chapter 249A, or if the applicant is eligible for maternal and child health care services covered by a maternal and child health program, the obstetrical patient care program shall not provide such assistance, care, or covered services provided under other programs. The Iowa department of public health, with the department of human services, shall jointly develop a standardized application form and shall coordinate the determination of eligibility for medical assistance and the obstetrical patient care program. In counties in which the maternal and child health clinic processes the application, the clinic shall notify the county relief office of the application process.

Sec. ____ NEW SECTION. 255A.7 FREEDOM OF CHOICE OF PROVIDER.

A person certified for obstetrical and newborn care under this chapter may choose to receive the appropriate level of care at the University of Iowa hospitals and clinics or any other licensed hospital or health care facility.

Sec. ____ NEW SECTION. 255A.8 REIMBURSABLE COSTS OF CARE.

The obstetrical and newborn care costs of a person certified for such care under this chapter at a licensed hospital or health care facility or from licensed physicians shall be paid by the Iowa department of public health from the obstetrical and newborn patient care fund. However, a physician who provides obstetrical or newborn care at the university of Iowa hospitals and clinics to a person certified

for care under this chapter is not entitled to receive any compensation for the provision of such care in accordance with section 255.23.

Sec. ____ NEW SECTION. 255A.9 ALLOWABLE REIMBURSEMENTS.

All providers of services to obstetrical and newborn patients under this chapter shall agree to accept as full payment the reimbursements allowable under the medical assistance program established pursuant to chapter 249A, adjusted for intensity of care. However, the total reimbursement from the obstetrical and newborn patient care fund to providers of services for residents of a county is limited to that county's obstetrical and newborn patient quota multiplied by the medical assistance program's average reimbursement for obstetrical and newborn care for the most recent fiscal year except as otherwise provided in this section. The Iowa department of public health shall reserve ten percent of the fund annually for payment of the costs of care of a patient certified for care under this chapter in excess of the medical assistance program's average reimbursements if the nature and extent of the care justifies such additional reimbursement. The department shall adopt rules pursuant to chapter 17A, establishing the requirements for such additional reimbursement.

Sec. ____ NEW SECTION. 255A.10 PROCEDURES FOR PAYMENT.

The Iowa department of public health shall establish procedures for payment for providers of services to obstetrical and newborn patients under this chapter from the obstetrical and newborn patient care fund. All billings from such providers shall be submitted directly to the department. However, payment shall not be made unless the application and certification for care pursuant to section 255A.6 is performed.

Sec. ____ NEW SECTION. 255A.11 COUNTY RESPONSIBILITY FOR COSTS OF CARE.

A county shall not be held responsible for the costs of providing obstetrical and newborn care, including physician examination, medical testing, ambulance services, and transportation costs, to pregnant women and their newborn infants who meet the eligibility requirements adopted by the Iowa department of public health.

Sec. ____ NEW SECTION. 255A.12 REVERSION OR TRANSFER OF MONEYS IN THE OBSTETRICAL AND NEWBORN PATIENT CARE FUND.

Moneys encumbered prior to June 30 of a fiscal year for a certified eligible pregnant woman scheduled to deliver in the next fiscal year shall not revert from the obstetrical and newborn patient care fund to the general fund of the state. Moneys allocated to the obstetrical and newborn patient care fund shall not be transferred nor voluntarily reverted from the fund within a given fiscal year.

Sec. ____ NEW SECTION. 255A.13 DATA COLLECTION.

Beginning July 1, 1987, the University of Iowa hospitals and clinics shall submit, on a quarterly basis, UB-82 claims for all patients discharged after being served

under the indigent patient program under chapter 255. The UB-82 claim shall include all data elements which are required by the Iowa health data commission.

Sec. ____ NEW SECTION. 279.50 HUMAN GROWTH AND DEVELOPMENT INSTRUCTION.

1. Each board of directors of a public school corporation shall appoint an advisory committee composed of at least one person from each of the following groups: parents, teachers, school administrators, school board directors, pupils, health care professionals, members of the clergy, and other residents of the school district. The advisory committee shall study the provision of instruction to pupils in grades kindergarten through twelve appropriate to the pupils' grade level, age, and level of maturity, in topics related to human growth and development in order to promote accurate and comprehensive knowledge in this area, to foster responsible decision making, based on cause and effect, and to support and enhance the efforts of parents to provide moral guidance to their children. The advisory committee in its study shall address and make recommendations on the inclusion or exclusion of each of the following topics of instruction:

- a. Self-esteem, responsible decision making, and personal responsibility and goal setting.
- b. Interpersonal relationships.
- c. Discouragement of adolescent sexual activity.
- d. Family life and parenting skills.
- e. Human sexuality, reproduction, contraception and family planning, prenatal development, childbirth, adoption, available prenatal and postnatal support, and male and female responsibility.
- f. Sex stereotypes.
- g. Protective behaviors to prevent sexual abuse or sexual harassment.
- h. Sexually transmitted diseases, including acquired immune deficiency syndrome, and their causes and prevention.

2. The advisory committee shall make its recommendations regarding the implementation of human growth and development instruction for pupils in the school district, including the inclusion or exclusion of the instructional topics in subsection 1, paragraphs "a" through "h", to the school board at least every three years and shall file a written report with the state department of education indicating the date and contents of the advisory committee's recommendations to the school board.

3. The school board may designate the advisory committee appointed pursuant to section 280.12, subsection 2, as the advisory committee to perform the duties required by this section, provided the advisory committee appointed under section 280.12, subsection 2 meets the advisory committee composition requirements in subsection 1.

4. Each school board shall provide an instructional program in human growth and development in grades kindergarten through twelve. Each school board shall annually provide to a parent or guardian of any pupil enrolled in the school district, an outline of the human growth and development curriculum used in the pupil's grade level and information regarding the procedure for inspection of the complete curriculum and instructional materials, including inspection prior to their use in the classroom. A pupil shall not be required to take instruction in human growth and development or in the specific topics under subsection 1, paragraphs "a" through "h", if the pupil's parent or guardian files with the pupil's teacher or principal a written request that the pupil be excused from the instruction.

Each school board or merged area school which offers general adult education classes or courses shall periodically offer an evening instructional program in human growth and development for parents, guardians, prospective biological and adoptive parents, and foster parents.

5. The state department of education shall make available model human growth and development curricula for grades kindergarten through twelve which shall include the instructional topics in subsection 1, paragraphs "a" through "h". The department of education shall distribute the model curricula to each school board and to each advisory committee appointed pursuant to subsection 1, and shall provide technical assistance to school boards and advisory committees in the use or adaptation of the curricula."

84. Page 67, by striking line 1 and inserting the following: "million two hundred fifty thousand (3,250,000) dollars to be".

85. Page 67, by striking lines 7 through 21 and inserting the following:

"a. Merged Area I	\$ 124,850
b. Merged Area II	\$ 159,548
c. Merged Area III	\$ 118,658
d. Merged Area IV	\$ 44,496
e. Merged Area V	\$ 372,808
f. Merged Area VI	\$ 131,372
g. Merged Area VII	\$ 152,560
h. Merged Area IX	\$ 171,630
i. Merged Area X	\$ 258,505
j. Merged Area XI	\$ 897,675
k. Merged Area XII	\$ 105,944
l. Merged Area XIII	\$ 436,499
m. Merged Area XIV	\$ 50,853
n. Merged Area XV	\$ 125,015
o. Merged Area XVI	\$ 99,587"

86. Page 67, by inserting after line 31 the following:

"Sec. ____ NEW SECTION. 256.30 EDUCATIONAL EXPENSES FOR AMERICAN INDIANS.

The department of education shall provide moneys to pay the expense of educating American Indian children residing in the Sac and Fox Indian settlement on land held in trust by the secretary of the interior of the United States in excess of federal moneys paid to the tribal council for educating the American Indian children when moneys are appropriated for that purpose. The tribal council shall administer the moneys distributed to it by the department and shall submit an annual report and other reports as required by the department to the department on the expenditure of the moneys.

The tribal council shall first use moneys distributed to it by the department of education for the purposes of this section to pay the additional costs of salaries for certificated instructional staff for educational attainment and full-time equivalent years of experience to equal the salaries listed on the proposed salary schedule for the school at the Sac and Fox Indian settlement for the school year beginning July 1, 1987 as that salary schedule existed on May 1, 1987, but the salary for a certificated instructional staff member employed on a full-time basis shall not be less than eighteen thousand dollars. The department of management shall approve allotments of moneys appropriated in this section when the department of education certifies to the department of management that the requirements of this section have been met."

87. Page 68, by striking lines 1 through 4 and inserting the following:

"Sec. ____ Section 261.9, subsection 5, Code 1987, is amended by adding the following new paragraph:

NEW PARAGRAPH. e. Which was eligible to participate in the tuition grant".

88. Page 68, by striking line 7 and inserting the following: "will continue to be eligible during the".

89. Page 69, by inserting after line 2 the following:

"Sec. ____ Section 261.18, Code 1987, is amended by adding the following new subsection:

NEW SUBSECTION. 3. Of the funds appropriated for the subvention program, the commission shall provide three thousand dollars of subvention to the college of osteopathic medicine and surgery for each Iowa student, to be credited against the tuition charged for the Iowa student by the college of osteopathic medicine and surgery, and the remaining funds shall be allocated to the college of osteopathic medicine and surgery."

90. Page 69, by striking lines 7 and 8 and inserting the following: "twenty-four million ~~six~~ three hundred nineteen thousand eighty-four dollars for tuition grants."

91. Page 69, line 11, by striking the word "fifty" and inserting the following: "fifty".

92. Page 70, line 14, by striking the word "physical" and inserting the word "occupational".

93. Page 70, by inserting after line 22 the following:

"Sec. ____ Section 261.63, Code 1987, is amended to read as follows:

261.63 APPROPRIATION.

Commencing July 1, ~~1984~~ 1987, there is appropriated from the general fund of the state to the commission for each fiscal year the sum of ~~one million eight hundred thousand~~ dollars for supplemental grants."

94. Page 70, line 26, by striking the words "five hundred" and inserting the following: "one hundred fifty".

95. Page 70, lines 27 and 28, by striking the words "five hundred" and inserting the following: "one hundred fifty".

96. Page 72, line 1, by striking the word "utilities" and inserting the following: "utilities".

97. Page 72, by inserting after line 5 the following:

"Sec. ____ Section 262.44, subsection 1, unnumbered paragraph 2, Code 1987, is amended by striking the unnumbered paragraph.

Sec. ____ Section 262.61, Code 1987, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. If the amount of bonds or notes issued under this chapter exceeds the actual costs of the projects for which the bonds or notes were issued, the amount of the difference shall be used to pay the principal and interest due on bonds or notes issued under this chapter.

Sec. ____ Section 262A.9, Code 1987, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. If the amount of bonds issued under this chapter exceeds the actual costs of the projects for which bonds were issued, the amount of the difference shall be used to pay the principal and interest due on bonds issued under this chapter.

Sec. ____ Section 263A.7, Code 1987, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. If the amount of bonds or notes issued under this chapter exceeds the actual costs of the projects for which the bonds or notes were issued, the amount of the difference shall be used to pay the principal and interest due on bonds or notes issued under this chapter.

Sec. ____ **NEW SECTION.** 269.3 CLASSROOM TEACHERS.

For purposes of chapter 20, classroom teachers employed by the Iowa braille and sight-saving school may be accreted to the faculty employee organization at the University of Northern Iowa or any other approved employee organization.

Sec. ____ **NEW SECTION.** 270.11 CLASSROOM TEACHERS.

For purposes of chapter 20, classroom teachers employed by the school for the deaf may be accreted to the faculty employee organization at the University of Northern Iowa or any other approved employee organization.

Sec. ____ Section 271.6, Code 1987, is amended to read as follows:

271.6 INTEGRATED TREATMENT OF UNIVERSITY HOSPITAL PATIENTS.

The authorities of the Oakdale campus may authorize patients for admission to the hospital on the Oakdale campus who are referred from the university hospitals and who shall retain the same status, classification, and authorization for care which they had at the university hospitals. Patients referred from the university hospitals to the Oakdale campus shall be deemed to be patients of the university hospitals. ~~The provisions of chapter~~ **Chapters 255 and 255A** and operating policies of the university hospitals shall apply to the patients and to the payment for their care the same as the provisions apply to patients who are treated on the premises of the university hospitals.

Sec. ____ Section 273.3, subsection 6, Code 1987, is amended to read as follows:

6. Area education agencies may co-operate and contract between themselves and with other public agencies to provide special education programs and services, media services, and educational services to schools and children residing within their respective areas. **Area education agencies may provide print and nonprint materials to public and private colleges and universities that have teacher education programs approved by the state board of education.**"

98. By striking page 72, line 8 through page 73, line 8.

99. Page 74, by inserting after line 29 the following:

"Sec. ____ Section 280A.42, Code 1987, is amended to read as follows:

2820.42 PAYMENT OF EXPENSES.

The board of directors of a merged area shall audit and allow all just claims against the area school and an order shall not be drawn upon the treasury until the claim has been audited and allowed. However, the board of directors, by resolution, may authorize the secretary of the board, when the board is not in session, to issue payments for salaries pursuant to the terms of a written contract and to issue payments upon the receipt of verification filed with the secretary for ~~expenses for freight, drayage, express, postage, printing, utilities including electricity, water, waste collection, heating, air conditioning, telephone, and telegraph charges~~ all other general fund and plant fund expenses within limits established by resolution of the board; expenses involving auxiliary, agency, and scholarship and loan accounts; and refunds to students for tuition and fees. The secretary shall either deliver in person or mail the payments to the payees. A payment shall be made payable only to the person performing the service or furnishing the supplies for which the payment is issued. Payments issued prior to audit and allowance by the board shall be allowed by the board at the first meeting held after the issuance and shall be entered in the minutes of the meeting."

100. Page 81, by inserting after line 22 the following:

"Sec. ____ Section 285.1, Code 1987, is amended by adding the following new subsection:

NEW SUBSECTION. 22. Notwithstanding subsection 1, paragraph "a", a parent or guardian of an elementary pupil entitled to transportation pursuant to subsection 1, may request that a child day care facility be designated for purposes of subsection 9 rather than the residence of the pupil. The request shall be submitted for a period of time of at least one semester and may not be submitted more than twice during a school year."

101. Page 82, by inserting after line 12 the following:

"Sec. ____ NEW SECTION. 303.18 LOAN FOR EXHIBITS.

otwithstanding sections 302.1 and 302.1A, and after moneys appropriated under section 99E.32, subsection 5, for the fiscal year beginning July 1, 1987 and ending June 30, 1988 have been expended or obligated, the administrator of the historical division of the department of cultural affairs may obtain a loan of not exceeding three million fifty thousand dollars from moneys designated as the permanent school fund of the state in section 302.1, to be used to pay for equipment, planning, and construction costs of educational exhibits for the state historical museum. The exhibits will teach common school children of Iowa about Iowa's history, culture, and heritage. The department of revenue and finance shall make the payment upon receipt of a written request from the administrator of the historical division. Moneys received under this section as a loan that are not expended are available for expenditure during the fiscal year beginning July 1, 1988.

The historical division shall repay a portion of the amount of the loan together with annual interest payments due on the balance of the loan over a ten-year period commencing with the fiscal year beginning July 1, 1987. Payments shall be made from gross receipts and other moneys available to the historical division. Annual payments shall not be less than the amount of interest on the permanent school fund required to be transferred to the first in the nation in education foundation under section 302.1A or seventy-five percent of the gross receipts, whichever is greater. Payments of both principal and interest made by the state historical division under this section shall be paid quarterly and shall be considered interest earned on the permanent school fund to the extent necessary for payment of interest to the first in the nation in education foundation under section 302.1A.

The treasurer of state shall determine the rate of interest that the historical division shall pay on the loan.

Sec. ____ NEW SECTION. 294A.25 APPROPRIATION.

1. For each fiscal year commencing with the fiscal year beginning July 1, 1987, there is appropriated from the general fund of the state to the department of education the amount of ninety-two million one hundred thousand eighty-five dollars to be used to improve teacher salaries. The moneys shall be distributed as provided in this section.

2. The amount of one hundred fifteen thousand five hundred dollars to be paid to the department of human services for distribution to its certificated classroom teachers at institutions under the control of the department of human services for payments for phase II based upon the average student yearly enrollment at each institution as determined by the department of human services.

3. The amount of ninety-four thousand six hundred dollars to be paid to the state board of regents for distribution to certificated classroom teachers at the Iowa braille and sight-saving school and the Iowa school for the deaf for payments of minimum salary supplements for phase I and payments for phase II based upon the average yearly enrollment at each school as determined by the state board of regents.

4. For the fiscal year beginning July 1, 1987 only, the amount of two hundred thousand dollars for pilot projects for sabbaticals for teachers.

Notwithstanding section 256.21, if House File 499 is enacted by the Seventy-second General Assembly, 1987 Session, and becomes law, the department shall establish pilot projects for sabbatical programs for the school year beginning July 1, 1987. Notwithstanding section 8.33, moneys appropriated in this subsection and not expended for pilot projects by June 30, 1987 shall not revert on June 30, 1987, but shall carry over and may be expended during the fiscal year beginning July 1, 1988. It is the intent of the general assembly that projects authorized by this subsection shall meet requirements which are similar to the requirements specified in section 256.21 if House File 499 is enacted by the Seventy-second General Assembly, 1987 Session, and becomes law. Procedures for making applications for projects authorized by this subsection shall be established by the state board

of education by rule under chapter 17A. The department shall send notification to school districts as soon as practicable concerning the requirements for applications for sabbaticals and shall encourage school districts to develop their own sabbatical programs using moneys available to them under phase III if House File 499 is enacted by the Seventy-second General Assembly, 1987 Session, and becomes law.

5. For each fiscal year, the remainder of moneys appropriated in subsection 1 to the department of education shall be deposited in the educational excellence fund to be allocated in an amount to meet the minimum salary requirements of this chapter for phase I, in an amount of thirty-eight million five hundred thousand dollars for phase II, and the remainder of the appropriation for phase III.

As a condition of the appropriation in this section, and notwithstanding section 8.31, if at any time between July 1, 1987 and February 1, 1988, the governor determines that the estimated budget resources of the state will be insufficient to pay all appropriations in full for the fiscal year beginning July 1, 1987 and ending June 30, 1988, in lieu of using section 8.31 to modify allotments on a uniform basis, the governor shall certify to the department of education the amount by which budget resources are insufficient. The department of education shall notify the governor of the amount of moneys allocated for phase III under this chapter and pursuant to the appropriation made in this section. The governor shall order that the allocation for phase III be reduced by an amount equal to the amount that the budget resources are insufficient or by the amount contained in the department of education's notification to the governor under this section, whichever is less and shall certify to the department of education the amount of money available for phase III."

102. Page 83, line 9, by inserting after the word "nature." the following: "The deduction in this paragraph does not apply to a taxpayer whose adjusted gross income, as properly computed for federal tax purposes, is forty-five thousand dollars or more. In the case where the taxpayer is married, whether filing jointly or separately, the deduction does not apply if the combined adjusted gross income of the taxpayer and spouse is forty-five thousand dollars or more."

103. Page 83, by inserting after line 9 the following:

"As used in this paragraph, "tuition" means any charges for the expenses of personnel, buildings, equipment and materials other than textbooks, and other expenses of elementary or secondary schools which relate to the teaching only of those subjects legally and commonly taught in public elementary and secondary schools in this state and which do not relate to the teaching of religious tenets, doctrines, or worship, the purpose of which is to inculcate those tenets, doctrines, or worship, and which do not relate to extracurricular activities including sporting events, musical or dramatic events, speech activities, driver's education, or programs of a similar nature."

104. Page 83, line 34, by inserting after the word "subsection." the following: "The credit in this subsection does not apply to a taxpayer whose adjusted gross income, as properly computed for federal tax purposes, is forty-five thousand dollars or more. In the case where the taxpayer is married, whether filing jointly or separately, the credit does not apply if the combined adjusted gross income of the taxpayer and spouse is forty-five thousand dollars or more."

105. Page 83, by inserting after line 34 the following:

"As used in this subsection, "tuition" means any charges for the expenses of personnel, buildings, equipment and materials other than textbooks, and other expenses of elementary or secondary schools which relate to the teaching only of those subjects legally and commonly taught in public elementary and secondary schools in this state and which do not relate to the teaching of religious tenets, doctrines, or worship, the purpose of which is to inculcate those tenets, doctrines, or worship, and which do not relate to extracurricular activities including sporting events, musical or dramatic events, speech activities, driver's education, or programs of a similar nature."

106. Page 84, by striking lines 6 through 13.

107. Page 84, line 20, by inserting after the word "Sections" the following: "121A,".

108. Page 84, line 20, by inserting after the figure "207," the following: "207A, 207B, 207C, 231A, 302A, 302B, 408A, 409,".

109. Title page, line 1, by inserting after the words "relating to" the following: "the financing of public agencies and programs".

110. Title page, lines 6 and 7, by striking the words "providing effective dates, and making certain provisions retroactive" and inserting the following: "providing a property tax exemption for certain educational facilities, establishing an office of state-federal relations, providing for the education of American Indian children, establishing an occupational therapist loan program, providing for the sale of certain property and the purchase of certain property, providing tax exemption for certain property of a public television station, establishing a targeted small business linked deposit program and Iowa satisfaction and performance bond program, establishing a state fair authority, establishing an obstetrical and newborn indigent patient care program, accretion to bargaining units of certain teachers, providing for a loan of moneys in the permanent school fund, providing a tax deduction and a tax credit for certain purposes, making provisions retroactive, and providing effective dates."

111. By renumbering, relettering, or redesignating and correcting internal references as necessary.

On the Part of the Senate:

On the Part of the House:

JOE J. WELSH, Chair
 EMIL J. HUSAK
 RICHARD J. VARN

THOMAS J. JOCHUM, Chair
 RUHL MAULSBY
 MICHAEL K. PETERSON
 TOM SWARTZ

REPORT OF THE CONFERENCE COMMITTEE
 ON SENATE FILE 517

To the President of the Senate and the Speaker of the House of Representatives:

We, the undersigned members of the conference committee appointed to resolve the differences between the Senate and the House of Representatives on Senate File 517, a bill for An Act appropriating petroleum overcharge funds, respectfully make the following report:

1. That the Senate recede from its amendment, H-4373, to the House amendment, S-4034, to Senate File 517 as amended, passed and reprinted by the Senate.

2. That the House amendment, S-4034, to Senate File 517 as amended, passed and reprinted by the Senate be amended as follows:

1. Page 7, by striking line 1 and inserting the following:

"Sec. 10. Sections 93.15 and 601K.128, Code 1987, are repealed.""

2. Page 7, line 3, by inserting after the words "relating to" the following: "state agencies receiving petroleum overcharge funds".

On the Part of the Senate:

On the Part of the House:

RICHARD VARN, Chair
 LARRY MURPHY
 WILLIAM W. DIELEMAN
 JOHN W. JENSEN

DON KNAPP, Chair
 RALPH ROSENBERG
 FLORENCE D. BUHR
 MIKE VAN CAMP
 MARVIN E. DIEMER

**SENATE RESOLUTIONS AND
CONCURRENT RESOLUTIONS**

**Adopted And Not Previously
Printed During The
SEVENTY-SECOND GENERAL ASSEMBLY
1987 Regular Session**

- 1 SENATE RESOLUTION 1
 2 By: Committee on Rules and Administration
 3 A Senate Resolution relating to permanent rules of
 4 the senate for the seventy-second general assembly.
 5 BE IT RESOLVED BY THE SENATE, That the permanent
 6 rules of the senate for the seventy-second general
 7 assembly be as follows:
 8 RULES OF THE SENATE
 9 Rule 1
 10 Quorum
 11 A constitutional majority shall constitute a quorum
 12 of the senate. Any senator may insist a quorum be
 13 present.
 14 Rule 2
 15 Adoption and Amendment of Rules
 16 Whenever the senate is operating under temporary
 17 rules, the rules may be amended or repealed, or
 18 permanent rules may be adopted, by a constitutional
 19 majority of the senators. After adoption of permanent
 20 rules of the senate during any general assembly, the
 21 rules may be amended or repealed by a constitutional
 22 majority of the senators.
 23 Rule 3
 24 Rules of Parliamentary Procedure
 25 In cases not covered by senate rules or joint
 26 rules, Mason's Manual of Legislative Procedure shall
 27 govern.
 28 Rule 4
 29 Sessions of the General Assembly
 30 The election of officers, organization, hiring and

Page 2

- 1 compensation of employees, and committees of the
 2 senate shall carry over from the first to the second
 3 regular sessions and to any extraordinary sessions of
 4 the same general assembly.
 5 All bills and resolutions introduced in the first
 6 regular session of a general assembly which are not
 7 withdrawn, lost, or indefinitely postponed shall carry
 8 over into the second regular session and to any
 9 extraordinary session of the same general assembly.
 10 Appointments received from the governor for senate
 11 confirmation during any session of a general assembly
 12 shall be acted upon prior to adjournment of that
 13 session as provided by section 2.32 of the Code.
 14 Except as provided by this rule, upon the adjournment
 15 of the first regular session and any extraordinary
 16 session, each bill or resolution shall be
 17 automatically referred back to the committee to which

18 it was originally assigned. The secretary of the
19 senate shall publish in the Journal a list of the
20 bills returned to committee under this rule. Within
21 seven days after the first committee meeting after the
22 convening of the second regular session, committees
23 shall either authorize the chair to refer such bills
24 and resolutions to a subcommittee for consideration or
25 report them out to the floor and place them on the
26 calendar. The committee chair shall report to the
27 senate the bill or resolution number and the names of
28 the subcommittee members.
29 Bills and resolutions which have been voted upon on
30 final passage in any session shall remain on the

Page 3

1 calendar in the same status as at the end of the
2 session at any subsequent regular or extraordinary
3 session.

Rule 5

Regular Order of Daily Business

6 The following order shall govern, subject to any
7 special order:

- 8 1. Correction of the journal.
- 9 2. Senators to be excused.
- 10 3. Communications to the Senate.
- 11 4. Introduction of bills and resolutions.
- 12 5. Points of personal privilege.
- 13 6. Consideration of senate calendar.

Rule 6

Senate Calendar

- 16 1. Each legislative day the secretary of the
17 senate shall prepare a listing of bills to be known as
18 the "Senate Calendar".
- 19 2. The senate calendar may contain a listing under
20 the category "Special Order" which shall be placed at
21 the head of the calendar. Bills in such category
22 shall be those which are specifically set for debate
23 by the majority leader with the consent of the senate
24 on a certain date and time. Bills shall be listed by
25 the secretary in the order they are set for debate.
- 26 3. The senate calendar shall include separate
27 listings for any bills and resolutions in the
28 following categories:
 - 29 a. Conference Committee Report
 - 30 b. Bills in Conference Committee

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1 c. House Amendment to Senate Amendment to House
2 File
3 d. House Refuses to Concur in Senate Amendment to
4 House File
5 e. Senate Files Amended by the House
6 f. Unfinished Business
7 g. Motions to Reconsider
8 h. Administrative Rules Nullification Resolutions
9 i. Veto Messages from the Governor
10 4. The secretary shall list bills and resolutions
11 in the above categories in the order they are
12 received. Upon their first publication in the
13 calendar, bills and resolutions in the above
14 categories may be called up for debate at any time by
15 the majority leader. Motions to reconsider shall be
16 called up as provided by Rule 24.
17 5. The senate calendar shall include a listing of
18 senate appropriations committee bills and bills
19 reported out by the senate appropriations committee.
20 The list shall be known as the "Appropriations
21 Calendar". The secretary shall list the bills in the
22 order they are received. Upon their first publication
23 in the calendar, bills on the appropriations calendar
24 may be called up for debate at any time by the
25 majority leader provided they are eligible under Rule
26 8.
27 6. The senate calendar shall include a listing of
28 bills which pertain to the levy, assessment or
29 collection of taxes sponsored by or initially assigned
30 to and reported out by the senate ways and means

Page 5

1 committee. The list shall be known as the "Ways and
2 Means Calendar". The secretary shall list the bills
3 in the order they are received. Upon their first
4 publication in the calendar, bills on the ways and
5 means calendar may be called up for debate at any time
6 by the majority leader provided they are eligible
7 under Rule 8.
8 7. The senate calendar shall include a list of
9 bills and resolutions, known as the "Regular
10 Calendar", which shall consist of bills and
11 resolutions reported out by a senate committee. The
12 bills and resolutions reported out each day shall be
13 placed in the order of their file numbers and
14 following those reported out on previous days.
15 Priority shall be given to senate over house bills and
16 resolutions and to joint resolutions over bills.
17 Bills and resolutions on the regular calendar shall be

18 considered in the order they are listed, provided they
19 are eligible under Rule 8.

20 8. The senate calendar shall include a listing of
21 the governor's appointees to state boards,
22 commissions, and other offices requiring senate
23 confirmation. This listing shall be known as the
24 "Confirmation Calendar". Names on the confirmation
25 calendar may be called up for confirmation at any time
26 by the majority leader provided they are eligible
27 under rule 59.

28 9. The majority leader, or in the absence of the
29 majority leader the assistant majority leaders, may
30 select from among the first twenty bills on the

Page 6

1 previous legislative day's regular calendar and from
2 the bills selected create a new listing which shall be
3 known as the "Debate Calendar". The debate calendar
4 shall list bills as the majority leader expects to
5 take them up during the following week. A bill or
6 resolution on the debate calendar may be debated only
7 when eligible under Rule 8.

8 10. The majority leader, or in the absence of the
9 majority leader the assistant majority leaders, shall
10 create a list of bills or resolutions about which no
11 controversy is believed to exist which shall be known
12 as the "Proposed Noncontroversial Calendar". Bills or
13 resolutions included on this listing may be debated at
14 any time upon being called up for debate by the
15 majority leader. Any bill or resolution which
16 appeared on the previous day's regular calendar may be
17 placed by any senator on the proposed noncontroversial
18 calendar, which shall be published. Any bill or
19 resolution on the proposed noncontroversial calendar
20 shall be stricken from the list if any senator files a
21 written objection with the secretary of the senate on
22 the first or second legislative day after it appears
23 on the proposed noncontroversial calendar. Any bill
24 stricken from the proposed noncontroversial calendar
25 shall be returned to its former place on the regular
26 calendar. The secretary shall prepare the
27 noncontroversial calendar which shall consist of all
28 bills or resolutions on the proposed noncontroversial
29 calendar to which no objection was received.

30 11. If the senate shall not be in session on a day

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1 assigned in paragraphs nine and ten for action upon a
 2 calendar, such assigned action shall occur on the next
 3 succeeding legislative day.
 4 12. On any bill called up for debate from any
 5 calendar, debate may continue from day to day until it
 6 is adopted, fails, or is postponed or deferred. If
 7 further debate is postponed or deferred without a time
 8 to continue being set, except for bills on the debate
 9 calendar, the bill shall be listed as unfinished
 10 business. Bills which are returned to the committee
 11 of first referral or to a different committee after
 12 being considered by the senate and classified as
 13 unfinished business shall be returned to the
 14 unfinished business calendar by that committee when
 15 the bill is reported out of committee. The unfinished
 16 business date on the calendar shall be the date on
 17 which the bill was returned to committee. Bills on
 18 the debate calendar upon which further debate is
 19 postponed or deferred without a time to continue being
 20 set shall return to the regular calendar.

Rule 7

21 Steering Committee

22 The senate may authorize the appointment of a
 23 steering committee. The majority leader shall appoint
 24 the majority party members to the steering committee.
 25 The minority leader shall appoint the minority party
 26 members to the steering committee. The function of
 27 the steering committee shall be to create its own
 28 calendar from the bills and resolutions on the regular
 29 calendar. Bills and resolutions on the steering
 30 calendar.

Page 8

1 committee calendar shall have priority over bills and
 2 resolutions on all other calendars, except the
 3 appropriations calendar.

4 Rule 8

5 When Eligible for Consideration

6 Bills, resolutions, and appointments shall be
 7 eligible for consideration by the senate as follows:
 8 1. An appointment by the governor which requires
 9 senate confirmation shall be eligible on the
 10 legislative day after it is first printed in the
 11 senate calendar as provided by Rule 59.
 12 2. A house or individually sponsored bill or
 13 resolution reported out by a committee shall be
 14 eligible on the legislative day after it is first
 15 printed in the senate calendar.

16 3. A committee bill or resolution sponsored by the
17 appropriations committee shall be eligible on the
18 legislative day after it is first printed in the
19 senate calendar.

20 4. Any committee bill or resolution, other than a
21 bill or resolution sponsored by the appropriations
22 committee, shall be eligible on the third legislative
23 day after it is first printed in the senate calendar.

24 5. A bill that has been reported out to the senate
25 calendar, referred to a different committee and
26 reported out by that committee is eligible for
27 consideration by the senate on the day it would have
28 been eligible under subsection 2, 3, or 4, whichever
29 is applicable, as if the bill had been printed in the
30 calendar after having been reported out by the first

Page 9

1 committee.

2 6. Any bill or resolution placed on the steering
3 committee calendar is eligible for consideration on
4 the day of its placement on that calendar.

5 When a bill or resolution on the calendar is not
6 yet eligible, the date when it will become eligible
7 shall be printed in the calendar.

8

Rule 9

9

Debate and Decorum

10 Before addressing the senate, the senator shall
11 request recognition by depressing the "speak" device
12 and, when recognized, rise and respectfully address
13 the chair.

14 The senator shall confine all remarks to the
15 question under debate and shall avoid discussing
16 personalities or implication of improper motives. No
17 questions except by the senator recognized shall be
18 entertained after a senator is recognized to give
19 final remarks.

20

Rule 10

21

Point of Personal Privilege

22 A point of personal privilege shall only be
23 recognized when there is no motion pending or other
24 business being considered by the senate. Senators
25 speaking on a point of personal privilege shall be
26 limited to ten minutes.

27

Rule 11

28

Introduction and Presentation of Guests

29 Only former members of the senate and former and
30 present members of Congress shall be presented to the

Page 10

1 senate, except that the president of the senate may
 2 present a visitor whose presence is of special
 3 significance to the senate. No presentation shall be
 4 made during debate or discussion of legislation. The
 5 presence of school groups accompanied by school
 6 officials shall be announced by the president of the
 7 senate and shall be recorded in the journal upon
 8 written request of a member of the senate.

Rule 12**10 Form and Withdrawal of Motions, Amendments and Signatures**

11 Motions need not be in writing unless required by
 12 the president or by the senate. No motion requires a
 13 second. Any amendment, motion (including a motion to
 14 reconsider), or resolution may be withdrawn by the
 15 mover if it has not been amended by the senate and if
 16 no amendment is pending. All amendments to bills,
 17 resolutions, and reports shall be in writing and filed
 18 before being acted upon by the senate.

19 No amendment, resolution, bill, or conference
 20 committee report shall be considered by the senate
 21 without a copy of the amendment, resolution, bill, or
 22 conference committee report being on the desks of the
 23 entire membership of the senate prior to
 24 consideration.

25 All amendments, reports, petitions or other
 26 documents requiring a signature shall have the name
 27 typed under the place for the signature. Once a
 28 signature is affixed and the document containing the
 29 signature filed with the recording clerk in the well,
 30 that signature shall not be removed.

Page 11

1 When an amendment to a main amendment is filed that
 2 would negate the effect of the main amendment and
 3 thereby leave the bill unchanged, the presiding
 4 officer shall have the authority to declare the
 5 amendment to the main amendment out of order, subject
 6 to an appeal to the full senate.

7 When a house amendment to a senate file is before
 8 the senate, an amendment to the house amendment shall
 9 be considered an amendment in the first degree.

10 When a ruling on germaneness is issued by the
 11 presiding officer, it shall be accompanied by an
 12 explanation of the ruling.

13 Rule 13**14 Order and Precedence of Motions and Amendments**

15 When a question is under debate, no motion shall be
 16 received but to adjourn, to recess, questions of
 17 privilege, to lay on the table, for the previous

18 question, to postpone to a day certain, to refer, to
 19 amend, to postpone indefinitely, to defer, or
 20 incidental motions. A substitute is not in order
 21 unless it is in the form of a motion to substitute.
 22 Such motions shall have precedence in the order in
 23 which they are named. No motion to postpone to a day
 24 certain, to refer, or postpone indefinitely, being
 25 decided, shall be again allowed on the same day with
 26 regard to the same question. A motion to strike out
 27 the enacting clause of a bill shall have precedence
 28 over all amendments and, if carried, shall be
 29 considered equivalent to the rejection of the bill.
 30 A motion to strike everything after the enacting

Page 12

1 clause has precedence over a committee amendment and
 2 all other amendments except one to strike the enacting
 3 clause. A committee amendment has precedence over all
 4 other amendments except as provided in this rule.
 5 A motion to rerefer a bill to committee may specify
 6 when the committee shall report the bill to the
 7 senate. If the motion is adopted in such form, the
 8 committee must report the bill by the date specified
 9 with or without recommendation or the bill shall
 10 automatically be returned to the calendar. When the
 11 bill is returned to the calendar, it shall occupy the
 12 same position it occupied at the time the bill was
 13 rereferred to the committee. If the committee to
 14 which the bill is rereferred submits an amendment in
 15 its report, that committee amendment shall take
 16 precedence over other amendments except if that
 17 committee amendment is in conflict with amendments
 18 previously adopted, the committee amendment shall not
 19 be considered until consideration of motions to
 20 reconsider the previously adopted amendments result in
 21 removing the conflict.

Rule 14

Designation of Motions

24 Motions before the senate shall be identified by
 25 the following numerical designations, which shall be
 26 displayed on the electronic voting system display
 27 boards following the word "motion":
 28 1. Quorum call (and call of the senate roll call).
 29 2. Motion to recess or adjourn.
 30 3. Motion to refer.

Page 13

- 1 4. Motion to defer or postpone.
- 2 5. Motion to reconsider and lay the motion to
- 3 reconsider on the table (Double-barreled motion).
- 4 6. Motion to table or take from the table.
- 5 7. Motion to suspend the rules.
- 6 8. Motion to adopt a report (including a
- 7 conference committee report).
- 8 9. Motion to confirm an appointment of the
- 9 governor.
- 10 10. Motion to concur in house amendment (Refuse to
- 11 concur).
- 12 11. Motion to recede (Insist).
- 13 12. Motion for the previous question.
- 14 13. Motion to sustain a decision of the chair.
- 15 14. Motion to strike the enacting clause.
- 16 15. All other motions.

Rule 15**Motions Debatable and not Debatable**

- The following motions are not debatable:
- 19 Adjourn
 - 20 Recess
 - 21 Call of the Senate
 - 22 Lay on Table or Take from Table
 - 23 Previous Question
 - 24 Reconsider vote by which bill was placed on last reading.
 - 25 A Motion to Reconsider and Lay the Motion to Reconsider
 - 26 on the Table (Double-barreled Motion).
 - 27 A motion to suspend the rules is debatable.

Rule 16

- 28 Division of the Question
- 29
- 30

Page 14

- 1 Any senator may call for a division of a question,
- 2 which shall be divided if it includes propositions so
- 3 distinct that if one is taken away, a substantive
- 4 proposition shall remain in a technically proper form
- 5 for the decision of the senate. A motion to strike
- 6 out and insert is indivisible; but a motion to strike
- 7 out, if lost, shall not preclude amendments to the
- 8 matter attempted to be stricken or a motion to strike
- 9 out and insert.

Rule 17**The Previous Question**

- 12 The previous question shall be in this form:
- 13 "Shall debate be closed on the pending question?" A
- 14 motion for the previous question may be adopted by a
- 15 majority of the senators present and voting. Its
- 16 effect shall be to put an end to debate and bring the
- 17 senate to a direct vote upon the pending question.

18 However, any senator who has not previously spoken on
19 the pending question and who, after the main question
20 is taken up and before the motion for the previous
21 question has been made, requested recognition by
22 depressing the "speak" device may speak no longer than
23 five minutes on the pending question. If action on
24 the pending question continues into another
25 legislative day or is deferred, the previous question
26 shall apply and the requests to be recognized shall be
27 honored.

28 When the motion applies to an amendment, the
29 senator proposing the amendment shall have five
30 minutes to close debate on the amendment.

Page 15

1 The senator handling the measure under
2 consideration shall have ten minutes to close debate
3 on the main question.

4 Rule 18

5 Call of the Senate

6 Ten senators may file in writing a call of the
7 senate on any single item of legislative business. A
8 call of the senate requires the presence of every
9 senator and is in order at any time prior to the vote
10 being announced by the president. The sergeant-at-
11 arms shall return promptly all absent senators.
12 Debate on the item may continue while absent senators
13 are returning, but no vote on the item is in order on
14 it until all have returned. Adoption of a motion to
15 recess or adjourn to a specific time will not lift the
16 call. The call may be lifted, or a senator may be
17 excused from the call without lifting the call, by a
18 vote of a constitutional majority of the senators.
19 Those senators excused prior to the filing of the call
20 are excused from the call.

21 Rule 19

22 Committee of the Whole

23 The senate may resolve itself into a committee of
24 the whole senate when it wishes to permit more free
25 and informal discussion. Persons other than senators
26 may appear and present information.

27 Any senator may move "that the senate now resolve
28 itself into a committee of the whole to consider" a
29 stated subject. The motion to resolve into a
30 committee of the whole is equivalent to a motion to

Page 16

1 refer.

2 The president of the senate shall be chair of the
3 committee of the whole unless otherwise ordered by the
4 senate.

5 The procedure in committee of the whole is subject
6 to the rules of the senate. The previous question and
7 the motion to reconsider shall be in order.

8 The committee of the whole cannot take any final
9 action and its power is limited to recommendation to
10 the senate. The proceedings of the committee of the
11 whole, including any roll call vote, shall be printed
12 in the journal.

13 Any senator may at any time, except while voting or
14 while a senator has the floor, move that "the
15 committee rise and report" which is equivalent to a
16 motion to adjourn.

17 After adoption of the motion to rise, the chair
18 shall report to the senate in the same manner as other
19 committee reports are given.

Rule 20**Last Reading and Passage of Bills**

21 When a motion to place a bill on its last reading
22 is lost, the same motion shall be in order at any
23 later time. After the last reading of a bill, no
24 amendment shall be received. The vote on final
25 passage shall be taken immediately without debate.

Rule 21**Engrossment of Bills**

26 An engrossment is a proofreading and verification
27 in order to be certain that a bill before the senate

Page 17

1 is identical with the original bill as introduced with
2 all amendments which have been adopted correctly
3 inserted. A bill shall be considered engrossed when
4 ordered to its last reading.

5 In an engrossed bill, all obvious typographical,
6 spelling or other clerical errors are corrected and
7 section or paragraph numbers and internal references
8 are changed as required to conform the original bill
9 to any amendments which have been adopted. All such
10 corrections or changes shall be reported in the
11 journal by the secretary of the senate. The engrossed
12 bill shall be placed in the bill file with the
13 original bill and amendments.

Rule 22**Manner of Voting**

14 On voice vote, the question shall be distinctly put
15 in this form: "Those in favor of (the question) say

18 “aye”.” “Those opposed to (the question) say “no”.”
19 A non-record or record roll call vote may be
20 requested by any senator or ordered by the president
21 any time before the results are announced. A non-
22 record roll call shall be requested by asking for a
23 “division”. A record roll call shall be requested by
24 asking for a “roll call”. Upon request for a non-
25 record or record roll call vote, the president shall
26 announce that such a non-record or record roll call
27 vote has been requested and shall state the question
28 to be put to the senate. The president then shall
29 direct the secretary of the senate to receive the
30 votes.

Page 18

1 Senators present may cast their votes, either by
2 operating the voting mechanism located at their
3 assigned desk or by signaling the president if they
4 are unable to vote at their assigned desk. The
5 president shall enter the votes of senators signaling
6 their votes.

7 After sufficient time has elapsed for all senators
8 present to record their votes, the president shall
9 direct the secretary of the senate to close the voting
10 system. The president shall still enter the senators’
11 votes at any time prior to directing the secretary of
12 the senate to lock the voting system. The president
13 shall then immediately announce the vote.

14 During a non-record or record roll call vote, both
15 individual votes and vote totals shall be indicated
16 openly on the display boards. On non-record roll
17 calls, only vote totals shall be printed in the
18 journal.

19 In the event the electronic voting system is not in
20 operating order, the president shall direct the
21 secretary of the senate to take the non-record or
22 record roll call by calling the names of the senators
23 in alphabetical order.

24 **Rule 23**
25 **Duty of Voting**

26 Every senator present when a question is put shall
27 vote “aye”, “no” or “present” unless previously
28 excused by the senate. Upon demand being made by any
29 senator, the secretary of the senate shall call in
30 alphabetical order the names of the senators not

Page 19

1 voting or voting "present". Those senators called
2 shall vote "aye" or "no" unless the senator states a
3 personal interest in the question or concludes that he
4 or she should not vote under the senate code of
5 ethics.

6

Rule 24

7

Reconsideration

8 When a main motion or main question has been
9 decided by the senate, any senator having voted on the
10 prevailing side may move to reconsider the vote on the
11 same or next legislative day. Motions to reconsider a
12 vote by which a bill or joint resolution was adopted
13 on final passage shall be in writing and filed with
14 the secretary of the senate. A motion to reconsider
15 an amendment to a main motion or main question shall
16 be in writing and filed with the secretary of the
17 senate. A motion to reconsider an amendment to a main
18 motion or main question shall be taken up for
19 consideration only prior to the disposition of the
20 main question or upon reconsideration of the main
21 question. A constitutional majority by a record roll
22 call is necessary to reconsider a bill or joint
23 resolution. During three legislative days from the
24 date the motion to reconsider a bill or resolution is
25 filed, only the mover may call it up. Thereafter, any
26 senator may call up the motion. If a date for
27 adjournment has been set by resolution of the senate,
28 any senator may call up a motion to reconsider at any
29 time within three days prior to the date set for
30 adjournment.

Page 20

1 If the motion to reconsider a bill or resolution
2 prevails, motions to reconsider amendments thereto
3 shall be in order and shall be disposed of without
4 delay.

5 A motion that any action taken by the senate be
6 reconsidered and the motion to reconsider be laid upon
7 the table shall be a single and indivisible motion,
8 known as the double-barreled motion, which, if
9 carried, shall have the effect of preventing
10 reconsideration unless a motion to take from the table
11 prevails. A constitutional majority is necessary for
12 the double-barreled motion to prevail on a bill or
13 joint resolution. The double-barreled motion can only
14 be made from the floor after the vote is announced and
15 the member who moved the final reading shall have

16 priority in making it.

17 A motion to reconsider and lay on the table shall
18 have priority over a motion to reconsider if they are
19 both filed on the same legislative day.

20 In the event that a motion to reconsider is pending
21 at the end of the first session or any extraordinary
22 session of any general assembly, or the general
23 assembly adjourns sine die, and the motion has not
24 been voted upon by the senate, it shall be determined
25 to have failed.

26

Rule 25

27 Suspension of Rules and Taking from Table

28 No standing rule or rules incorporated by reference
29 under Rule 3 or order of the senate shall be rescinded
30 or suspended, nor shall any matter, tabled upon

Page 21

1 motion, be taken up, except by an affirmative vote of
2 a constitutional majority of the senate.

3

INTRODUCTION AND FORM OF BILLS

4

Rule 26

5 Time and Method of Introducing Bills and Amendments

6 All bills to be introduced in the senate shall be
7 typed in proper form by the legislative service bureau
8 and shall be filed with the recording clerk not later
9 than 3:00 p.m.

10 All amendments shall be typed in proper form and
11 filed with the recording clerk not later than 4:30
12 p.m., or adjournment, whichever is later, in order to
13 be listed in the following day's clip sheet.

14 An "impact amendment" is an amendment which
15 reasonably could have an annual effect of at least one
16 hundred thousand dollars or a combined total effect
17 within five years after enactment of five hundred
18 thousand dollars or more on the aggregate revenues,
19 expenditures or fiscal liability of the state or its
20 subdivisions.

21 An impact amendment to a bill which has been on the
22 special order calendar for at least three full
23 legislative days prior to its consideration shall not
24 be taken up by the senate unless:

25 1) a fiscal note is attached, and the amendment is
26 filed at least one legislative day prior to the date
27 set for consideration of the bill; or

28 2) the amendment is an appropriation or other
29 measure where the total effect is stated in dollar
30 amounts.

Page 22

1

Rule 27

2

Limit on Introduction of Bills

3

4 No bill or joint resolution, except bills and joint
5 resolutions cosponsored by the majority and minority
6 floor leaders, shall be introduced in the senate after
7 4:00 p.m. on Friday of the seventh week of the first
8 regular session of a general assembly unless a written
9 request for drafting the bill has been filed with the
10 legislative service bureau before that time. After
11 adjournment of the first regular session, bills may be
12 prefiled at any time before the convening of the
13 second regular session. No bill shall be introduced
14 after 4:00 p.m. on Friday of the second week of the
15 second regular session of a general assembly unless a
16 written request for drafting the bill has been filed
17 with the legislative service bureau before that time.
18 However, standing committees may introduce bills and
19 joint resolutions at any time. A bill which relates
20 to departmental rules sponsored by the administrative
21 rules review committee and approved by a majority of
22 the members of the committee in each house may be
23 introduced at any time and must be referred to a
24 standing committee which must take action on the bill
25 within three weeks. Senate and concurrent resolutions
26 may be introduced at any time.

27 No bill, joint resolution, concurrent resolution or
28 senate resolution shall be introduced at any
29 extraordinary session unless sponsored by a standing
30 committee or the committee of the whole.

30

Rule 28

Page 23

1 Introduction, Reading and Form of Bills and Resolutions

2

3 Every senate bill and resolution shall be
4 introduced by one or more senators or by any standing
5 committee of the senate and shall at once be given its
6 first reading.

6

7 If the senate is in session when a bill or
8 resolution is introduced, the first reading shall
9 consist of reading its file number, the title and
10 sponsor of the bill. If the senate is not in session
11 but a journal is published for the day, the first
12 reading shall consist of a journal entry of the bill's
13 file number, title, sponsor and the notation "Read
14 first time under Rule 28."

14 Any bill or resolution approved for introduction by
15 a standing committee during an interim period between

16 sessions of one General Assembly shall be introduced
17 without further action by the committee at the next
18 succeeding regular session of the same General
19 Assembly and placed immediately upon the regular
20 calendar.

21 Every bill and resolution referred to committee
22 shall have received two readings before its passage.

23 The subject of every bill shall be expressed in its
24 title.

25 Rule 29

26 Explanations

27 No bill, except appropriation committee bills and
28 simple or concurrent resolutions, shall be introduced
29 unless a concise and accurate explanation is attached.
30 The chief sponsor or a committee to which the bill has

Page 24

1 been referred may add a revised explanation at any
2 time before the last reading, and it shall be included
3 in the daily clip sheet.

4 Rule 30

5 Resolutions

6 A "senate resolution" is a resolution acted upon
7 only by the senate which expresses sentiment or is
8 used for the appointment of special committees within
9 the senate. A senate resolution requires the
10 affirmative vote of a majority of the senators present
11 and voting. A senate resolution shall be filed with
12 the secretary of the senate. A senate resolution
13 shall be printed in the bound journal after its
14 adoption and in the daily journal upon written request
15 to the secretary of the senate by the sponsor of the
16 resolution.

17 Rule 31

18 Nullification Resolutions

19 A nullification resolution may be introduced by a
20 standing committee, the administrative rules review
21 committee, or any member of the senate. A
22 nullification resolution introduced by the
23 administrative rules review committee or a member of
24 the senate shall be referred to the same standing
25 committee it would be referred to if it was a bill.
26 Any nullification resolution may be referred to the
27 administrative rules review committee by a majority
28 vote of the standing committee which introduced it or
29 to which it was referred. The administrative rules
30 review committee may seek an agreement with the

Page 25

1 affected administrative agency wherein the agency
 2 agrees to voluntarily rescind or modify a rule or
 3 rules relating to the subject matter of the
 4 nullification resolution. An agreement to voluntarily
 5 rescind or modify an administrative agency rule shall
 6 be in writing and signed by the chief administrative
 7 officer of the administrative agency and a majority of
 8 the administrative rules review committee members of
 9 each house and shall be placed on file in the offices
 10 of the chief clerk of the house, the secretary of the
 11 senate and the secretary of state. If an agreement is
 12 not reached, or the nullification resolution is not
 13 approved by a majority of the administrative rules
 14 review committee members of each house, within two
 15 weeks of the date the resolution is referred to the
 16 committee, the resolution shall be placed on the
 17 calendar. If the nullification resolution is approved
 18 by the administrative rules review committee it shall
 19 be placed on the calendar. A nullification resolution
 20 is subject to a motion to withdraw the nullification
 21 resolution as provided in rule 42.

22 A nullification resolution is debatable, but cannot
 23 be amended on the floor of the senate.

24 **Rule 32**

25 **Resolutions, Applicable Rules**

26 All rules applicable to bills shall apply to
 27 resolutions, except as otherwise provided in the
 28 rules.

29 **Rule 33**

30 **Study Bills**

Page 26

1 1. A study bill is any matter which a senator
 2 wishes to have considered by a standing committee or
 3 appropriations subcommittee for introduction as a
 4 committee bill or resolution. The term "study bill"
 5 includes "proposed bills" provided for in Rule 37 and
 6 departmental requests prefiled in the manner specified
 7 in section 2.16 of the Code.

8 2. A study bill shall bear the name of the member
 9 who wishes to have the bill considered. A study bill
 10 submitted by a state agency shall bear the name of the
 11 agency. A committee chair may submit a study bill in
 12 the name of that committee.

13 3. Upon first receiving a study bill from a
 14 senator, a committee chairperson shall submit three

15 copies to the secretary of the senate. Study bills
16 received in the secretary of the senate's office
17 before 3:00 p.m. shall be filed, numbered, and
18 reported in the journal for that day. Study bills
19 received in the secretary of the senate's office after
20 3:00 p.m. shall be filed, numbered, and reported in
21 the journal for the subsequent day. The secretary
22 shall number such bills in consecutive order. The
23 secretary shall maintain a record of all study bills
24 and their assigned number. Committee records shall
25 refer to study bills by the number assigned by the
26 secretary.

27 4. The secretary shall file a report in the
28 journal of each study bill received. The report shall
29 show the study bill number, its title or subject
30 matter and the committee which is considering it. If

Page 27

1 a study bill is referred to a subcommittee, then the
2 committee chairperson shall report in the journal the
3 names of the subcommittee members to which it is
4 assigned.

5 5. If a committee bill or resolution is introduced
6 which was not previously the subject of a study bill
7 in the sponsoring committee, the majority leadership
8 may re-refer the bill back to the committee.

9 6. A study bill not prepared by the legislative
10 service bureau may be submitted to a standing
11 committee, but shall not be considered by the full
12 committee unless reviewed and typed in proper form by
13 the legislative service bureau.

COMMITTEES AND COMMITMENT**Rule 34****Committee Appointments**

17 Committee appointments shall be made by the
18 majority leader for majority party members, after
19 consultation with the president, and by the minority
20 leader for minority party members, after consultation
21 with the president. No senator shall serve on more
22 than five committees. The majority leader, after
23 consultation with the president, shall designate the
24 chairperson and vice-chairperson of each standing
25 committee. The minority leader, after consultation
26 with the president, shall designate the ranking
27 member of each standing committee from the minority
28 membership of that committee.

Rule 35**Standing Committees**

Page 28

- 1 The names of the standing committees of the senate
- 2 shall be:
- 3 Agriculture
- 4 Appropriations
- 5 Business and labor relations
- 6 Commerce
- 7 Education
- 8 Environment and energy utilities
- 9 Human resources
- 10 Judiciary
- 11 Local government
- 12 Natural resources
- 13 Rules and administration
- 14 Small business and economic development
- 15 State government
- 16 Transportation
- 17 Ways and means

Rule 36

- 18
- 19 **Committee on Rules and Administration**
- 20 The committee on rules and administration shall
- 21 recommend rules and rule changes to the senate, shall
- 22 hire senate employees, shall recommend salary scales
- 23 for all senate employees, and shall oversee senate
- 24 budget and administration matters.
- 25 The committee on rules and administration will
- 26 select, for senate approval, an individual to serve as
- 27 secretary of the senate.
- 28 Upon authorization being given by the committee on
- 29 rules and administration, the minority party members
- 30 of the committee will select, for senate approval, an

Page 29

- 1 individual to serve as assistant parliamentarian.
- 2
- 3 **Rule 37**
- 4 **Appropriations Committee**
- 5 The appropriations committee shall consist of
- 6 eighteen members, eleven of whom shall be members of
- 7 the majority party and seven of whom shall be members
- 8 of the minority party. The appropriations committee
- 9 shall receive bills committed to it and shall assign
- 10 each to one of the appropriations subcommittees.
- 11 There shall be ten appropriations subcommittees
- 12 which shall be named:
- 13 Administration
- 14 Agriculture/Natural Resources
- 15 Claims
- 16 Economic Development and Iowa Plan

16 Education
17 Health and Human Rights
18 Human Services
19 Justice System
20 Regulation
21 Transportation and Safety
22 The appropriations subcommittees shall receive
23 bills assigned to them or may originate proposed bills
24 within the subcommittee's jurisdiction as defined by
25 the appropriations committee for consideration by the
26 appropriations committee. Each subcommittee may
27 submit amendments to bills together with the
28 subcommittee's recommended action to the
29 appropriations committee.
30 If a bill or proposed bill is first submitted by an

Page 30

1 appropriations subcommittee to the appropriations
2 committee prior to Friday of the 7th week of the first
3 session or the 5th week of the second session, the
4 appropriations committee may either report the bill
5 out or approve the proposed bill for introduction by
6 the appropriations committee or re-refer it together
7 with the appropriations committee's objections to the
8 appropriations subcommittee from which it was
9 originally referred or which originated the proposed
10 bill.

11 If a bill or proposed bill is submitted to the
12 appropriations committee a second time by an
13 appropriations subcommittee, or if a bill or proposed
14 bill is submitted after Friday of the 7th week of the
15 first session or the 5th week of the second session,
16 the appropriations committee may:

17 1. report the bill or approve the proposed bill
18 for introduction by the appropriations committee;
19 2. report the bill with appropriations committee
20 amendments;
21 3. draft a new bill for sponsorship by the
22 appropriations committee and report it; or
23 4. re-refer it together with the appropriations
24 committee's objections to the appropriations
25 subcommittee from which it was originally referred or
26 which originated the draft bill.

27 The appropriations committee is authorized to meet
28 anytime upon call of the chairperson to:

29 1. Act upon bills or proposed bills submitted to
30 it by appropriations subcommittees as provided by this

Page 31

1 rule.

2 2. Prepare, review or revise a proposed
3 legislative budget.

4 3. After Friday of the 7th week of the first
5 session or the 5th week of the second session,
6 initiate any bill relating to budget or appropriation
7 matters.

8 The appropriations committee may meet jointly with
9 the appropriations committee of the house of
10 representatives.

11 **Rule 38**

12 **First Reading and Commitment**

13 Upon the first reading of an individual bill or
14 resolution, or a house committee bill or resolution,
15 the president shall refer the bill or resolution to an
16 appropriate standing committee unless otherwise
17 ordered by the senate. If the bill or resolution is a
18 senate committee bill or resolution, the president
19 shall place it on the calendar after its first
20 reading. If the subject of the bill or resolution is
21 not germane to the title of the committee presenting
22 it, the president or the senate may refer it to a
23 committee deemed appropriate.

24 All bills carrying an appropriation for any purpose
25 or involving the expenditure of state funds shall be
26 referred to the committee on appropriations.

27 All bills pertaining to the levy, assessment or
28 collection of taxes or fees shall be referred to the
29 committee on ways and means.

30 Any bill which provides for a new state board,

Page 32

1 commission, agency or department or makes separate or
2 autonomous an existing state board, commission, agency
3 or department, shall be referred to the committee on
4 state government. This rule shall also apply when
5 such a provision is added to a bill or resolution by
6 amendment adopted by the senate. If the bill or
7 resolution is so referred after being sponsored or
8 reported out by another committee, and if the
9 committee on state government does not report out the
10 bill or resolution within ten legislative days after
11 referral, the bill or resolution shall automatically
12 be restored to the calendar with the same priority it
13 had immediately before referral.

14

Rule 39

15 **Rules for Standing Committees**

16 The following rules shall govern all standing
17 committees of the senate. Any committee may adopt
18 additional rules which are consistent with these
19 rules:

- 20 1. A majority of the members shall constitute a
21 quorum.
- 22 2. The chair of a committee shall refer each bill
23 and resolution to a subcommittee within seven days
24 after the bill or resolution has been referred to the
25 committee. The chair may appoint subcommittees for
26 study of bills and resolutions without calling a
27 meeting of the committee, but the subcommittee must be
28 announced at the next meeting of the committee. No
29 bill or resolution shall be reported out of a
30 committee until the next meeting after the

Page 33

1 subcommittee is announced, except that the chair of
2 the appropriations committee may make the announcement
3 of the assignment to a subcommittee by placing a
4 notice in the journal. Any bill so assigned by the
5 appropriations committee chair shall be eligible for
6 consideration by the committee upon report of the
7 subcommittee but not sooner than three legislative
8 days following the publication of the announcement in
9 the journal.

10 When a bill or resolution has been assigned to a
11 subcommittee, the chair shall report to the senate the
12 bill or resolution number and the names of the
13 subcommittee members and such reports shall be
14 reported in the journal. Subcommittee assignments
15 shall be reported to the journal daily. Reports filed
16 before 3:00 p.m. shall be printed in the journal for
17 that day; reports filed after 3:00 p.m. shall be
18 printed in the journal for the subsequent day.

19 Where standing subcommittees of any committee have
20 been named, the names of the members and the title of
21 the subcommittee shall be published once and
22 thereafter publication of assignments may be made by
23 indicating the title of the subcommittee.

24 3. No bill or resolution shall be considered by a
25 committee until it has been referred to a subcommittee
26 and the subcommittee has made its report unless
27 otherwise ordered by a majority of the members.

28 4. The rules adopted by a committee, including
29 subsections 2, 3, 9, 10, 11, and 12 of this rule, may
30 be suspended by an affirmative vote of a majority of

Page 34

1 the members of the committee.

2 5. The affirmative vote of a majority of the
3 members of a committee is needed to sponsor a
4 committee bill or resolution or to report a bill or
5 resolution out for passage.

6 6. The vote on all bills and resolutions shall be
7 by roll call and a record shall be kept by the
8 secretary.

9 7. No committee, except a conference committee or
10 the steering committee, is authorized to meet when the
11 senate is in session.

12 8. A subcommittee shall not report a bill to the
13 committee unless the bill has been typed into proper
14 form by the legislative service bureau.

15 9. A bill or resolution shall not be voted upon
16 the same day a public hearing is held on that bill or
17 resolution. The presence or participation of a member
18 of the legislature, official of the state, state
19 department head, member of the press, legislative
20 staff member assigned to the committee, or a person
21 invited by the committee is not considered a public
22 hearing.

23 10. Public hearings may be called at the
24 discretion of the chair. The chair shall call a
25 public hearing upon the written request of one-half
26 the membership of the committee. The chair shall set
27 the time and place of the public hearing.

28 11. A subcommittee chair must notify the committee
29 chair not later than one legislative day prior to
30 bringing the bill or resolution before the committee.

Page 35

1 The committee cannot vote on a bill or resolution for
2 at least one full day following the receipt of the
3 subcommittee report by the chairperson.

4 12. A motion proposing action on a bill or
5 resolution that has been defeated by a committee shall
6 not be voted upon again at the same session of the
7 committee.

8 13. Committee meetings shall be open.

9

Rule 40

10 **Voting in Committee**

11 All committee meetings shall be open at all times.

12 Voting by secret ballot is prohibited. Roll call
13 votes shall be taken in each committee when final
14 action on any bill or resolution is voted, or at the
15 request of a member upon any amendment or motion. All

16 results shall be entered in the minutes which shall be
 17 public records. Records of these votes shall be made
 18 available by the chair or the committee secretary at
 19 any time. This rule also applies to the steering
 20 committee and appropriations subcommittees.
 21 The committee shall not authorize the introduction
 22 of a committee bill or resolution until the members
 23 have received final copies of the bill or resolution
 24 with amendments or changes incorporated, and typed
 25 into proper form by the legislative service bureau,
 26 provided that the committee can, by unanimous consent,
 27 dispense with this requirement when only
 28 nonsubstantive amendments or changes are necessary to
 29 correct the bill or resolution.
 30 The legislative service bureau shall file a report

Page 36

1 with the committee members detailing the amendments or
 2 changes and this report shall become a part of the
 3 committee report.

Rule 41**Announcement of Committee Meetings**

6 It shall be in order for the chair of any committee
 7 to announce to the senate the time and place of
 8 committee meetings. The announcement shall include a
 9 proposed agenda for the meeting. The sergeant-at-arms
 10 shall post at the rear of the chamber the daily
 11 schedule of committee meetings.

Rule 42**Withdrawal of Bills and Resolutions from Committee**

14 The secretary of the senate shall note on each bill
 15 and resolution the date of its reference to committee.
 16 No bill or resolution shall be withdrawn from any
 17 committee within fifteen legislative days after the
 18 bill or resolution has been referred to the committee
 19 and thereafter only upon written petition for the
 20 withdrawal of such bill or resolution signed by a
 21 constitutional majority of the senators, except as
 22 provided in Rule 37. Only senators may circulate such
 23 a petition.

Rule 43**Committee Reports**

25 All committees shall file a report with the
 26 secretary of the senate of committee meetings. Such
 27 reports shall contain the following information:
 28 reports shall contain the following information:
 29 a. The time the meeting convened;
 30 b. Those senators who were present and absent at

Page 37

1 the time the meeting convened, as well as the time any
 2 senator, who was not present at the time the meeting
 3 convened, arrives for the meeting;
 4 c. The vote on any bill or resolution reported out
 5 of the committee for floor action;
 6 d. The title of the bill;
 7 e. The file number of the bill or resolution (if
 8 known);
 9 f. Whether the committee recommends that the bill
 10 or resolution be passed, amended and passed,
 11 indefinitely postponed, or considered without
 12 committee recommendation;
 13 g. An indication of other bills or matters
 14 discussed;
 15 h. Such other matters as the committee chair shall
 16 direct; and
 17 i. The time the meeting adjourned.
 18 No committee report shall be read, but all
 19 committee reports shall be printed by the secretary in
 20 the journal. Upon printing, all committee reports
 21 shall then stand approved unless the senate directs
 22 otherwise.

Rule 44

23 **Bills or Resolutions Recommended for Indefinite Postponement**
 24 When a question is postponed indefinitely, it shall
 25 not be again acted upon during that general assembly.
 26 If a bill or resolution is reported back from a
 27 committee recommending indefinite postponement, the
 28 report shall be placed on the calendar and shall be
 29 disposed of within three legislative days. If not,
 30

Page 38

1 the committee recommendation shall be considered
 2 adopted. However, no senate bill or resolution
 3 recommended for indefinite postponement shall be
 4 considered in the absence of the chief sponsor or, if
 5 a house bill or resolution, in the absence of the
 6 senator representing the district in which the sponsor
 7 resides. If a committee report recommends indefinite
 8 postponement, it shall require a vote of thirty-four
 9 senators to prevent indefinite postponement, and
 10 debate shall be limited to ten minutes on each side.

GENERAL RULES**Rule 45****Admission to Senate Chamber
and Prohibition of Lobbying**

11 While the senate is in session and for a period of

16 fifteen minutes before the convening of any session
17 and sixty minutes after the daily adjournment, only
18 legislators, employees of the senate, authorized
19 senate interns, immediate families of senators, doctor
20 of the day, minister of the day, and their immediate
21 families and aides to senators shall be allowed in the
22 senate chamber. Employees of the legislative service
23 bureau authorized by its director and employees of the
24 legislative fiscal bureau authorized by its director
25 shall be allowed in the senate chamber. A person or
26 group accompanied by a senator or persons going
27 directly to committee meetings may be admitted during
28 recess. Former legislators not registered as
29 lobbyists in either house shall also be admitted to
30 the senate floor. News reporters shall be permitted

Page 39

1 to occupy the seats assigned for the press and to go
2 to or from those seats. No other persons shall be
3 allowed on the senate floor without express permission
4 of the presiding officer of the senate. The presiding
5 officer shall require persons normally allowed in the
6 senate chamber, other than senators, to leave the
7 chamber if they are not at that time necessary for the
8 senate's business.

9

Rule 46

10

Legislative Interns and Aides

11 Legislative interns for senators shall be allowed
12 on the floor of the senate in accordance with Rule 45;
13 provided that each intern first has obtained a name
14 badge from the secretary of the senate. The secretary
15 of the senate shall issue an appropriate name badge to
16 all interns for senators.

17 In addition, those persons designated as "aides to
18 senators" shall be allowed on the floor of the senate.
19 The secretary of the senate shall issue an appropriate
20 name badge for such individuals.

21

Rule 47

22

Clearing of Lobby and Gallery

23 In case of disturbance or disorderly conduct in the
24 lobby or gallery, the presiding officer may order it
25 cleared.

26

Rule 48

27

Presentation of Petitions

28 Each petition shall contain a brief statement of
29 its subject matter and the name of the senator
30 presenting it. Petitions shall be filed with the

- 16 2. Have charge of the secretary's desk.
 17 3. Be responsible for the custody and safekeeping
 18 of all bills, resolutions, and amendments filed,
 19 except while they are in the custody of a committee.
 20 4. Have charge of the daily journal.
 21 5. Have control of all rooms assigned for the use
 22 of the senate.
 23 6. Keep a detailed record of senate action on all
 24 bills and resolutions.
 25 7. Insert adopted amendments into bills before
 26 transmittal to the house of representatives and prior
 27 to final enrollment.
 28 8. Prescribe the duties of and supervise all
 29 senate employees.
 30 9. Authorize all expenditures of funds within the

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- 1 senate budget.
 2 The secretary of the senate shall also act as
 3 senate parliamentarian and shall:
 4 1. Advise the presiding officer of the senate
 5 about parliamentary procedures during deliberations of
 6 the senate.
 7 2. Perform other duties as prescribed by the
 8 committee on rules and administration.
 9 3. Process the handling of amendments when filed
 10 and during the floor consideration of bills.

11 Rule 55

12 Legal Counsel

- 13 The legal counsel shall be a contractual employee
 14 of the senate and shall:
 15 1. Serve as attorney and counselor for the senate.
 16 2. At the request of the majority and minority
 17 leaders, research any legal issue in which the senate
 18 has an interest. However, the legal counsel shall not
 19 issue nor venture any opinions on unresolved questions
 20 of law unless permitted by both the majority and
 21 minority leaders.

22 Rule 56

23 Sergeant-at-Arms

- 24 The sergeant-at-arms shall be an employee of the
 25 senate and shall:
 26 1. Wear the appropriate badge of his or her
 27 office.
 28 2. Attend the senate during its sessions.
 29 3. Aid in the enforcement of order under the
 30 direction of the president of the senate and the

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- 1 secretary of the senate.
 2 4. Execute the commands of the senate.
 3 5. See that no unauthorized person disturbs the
 4 contents of the senators' desks.
 5 6. Supervise the doorkeepers, the assistant
 6 sergeant-at-arms, and pages.
 7 7. Announce all delegations from the governor or
 8 house.
 9 8. Supervise the seating of visitors and press
 10 representatives.

Rule 57**Senate Secretaries**

- 13 Every senator shall be permitted to employ for each
 14 session of a general assembly a personally selected
 15 secretary.

Rule 58**Use of Electronic Voting System**

- 18 Any officer or employee of the senate, other than a
 19 duly elected member of the senate, who operates the
 20 electronic voting machine mechanism located at the
 21 desk of said member of the senate shall be subject to
 22 immediate termination from employment. The provisions
 23 of this paragraph only shall apply during the taking
 24 of a roll call vote utilizing the electronic voting
 25 system.

CONFIRMATION OF APPOINTMENTS**Rule 59****Appointments**

- 29 The secretary of the senate shall:
 30 a. send, to each appointee submitted by the

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- 1 governor for senate confirmation, a copy of a senate
 2 questionnaire as approved by the rules and
 3 administration committee;
 4 b. receive completed questionnaires from
 5 appointees and forward copies of the completed
 6 questionnaires to appropriate committee members;
 7 c. maintain "Confirmation Calendar" categories on
 8 the senate calendar as directed under this rule,
 9 senate rule 6, and by the committee on rules and
 10 administration. No appointee shall be listed as
 11 eligible on the confirmation calendar until the
 12 secretary has received the appointee's completed
 13 senate questionnaire.
 14 The secretary of the senate shall maintain a file
 15 of all appointments received from the governor for

16 confirmation. The file shall contain a description of
17 the duties and the compensation for each nominee. The
18 file shall show the date an appointment was received
19 from the governor, whether the appointment letter was
20 read to the senate, whether the nominee has been
21 introduced, whether a committee report has been filed,
22 when the senate questionnaire was sent to the
23 appointee, and shall include a copy of the appointee's
24 completed senate questionnaire, upon receipt.
25 INVESTIGATING COMMITTEES. All appointments
26 received from the governor shall be referred to the
27 rules and administration committee by the secretary of
28 the senate on the same day they are read to the
29 senate. The rules and administration committee shall
30 establish an en bloc confirmation calendar which must

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1 be filed with the secretary of the senate. Within
2 three (3) legislative days after receiving an
3 appointment, the committee shall either place a
4 nominee on the en bloc confirmation calendar or assign
5 the nominee to an appropriate standing committee for
6 further investigation, publishing notice of such
7 assignment in the senate journal for the next
8 legislative day. If the rules and administration
9 committee fails to take action on a nominee within the
10 three days, the nominee shall automatically be placed
11 on the en bloc confirmation calendar.
12 Within the three (3) legislative days after an
13 appointment has been referred to the rules and
14 administration committee, any ten senators may require
15 that the nominee be assigned to an appropriate
16 standing committee by filing a written, signed request
17 therefor with the chairperson of the rules and
18 administration committee. The committee chair shall
19 refer the appointment to a subcommittee within one (1)
20 legislative day after a standing committee receives an
21 appointment for further investigation, publishing
22 notice of such assignment in the senate journal for
23 the next legislative day. Within ten (10) legislative
24 days after a standing committee receives an
25 appointment for further investigation the subcommittee
26 shall file its report with the standing committee.
27 Within fourteen (14) legislative days after a
28 standing committee receives an appointment for further
29 investigation, the committee shall conduct an
30 investigation of the nominee and file its report

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1 thereon with the secretary of the senate, who shall
2 then place the nominee on the en bloc calendar or
3 individual confirmation calendar as directed by the
4 committee. The failure of a committee to file its
5 report within the prescribed time means that the
6 nominee is to be automatically placed, without
7 recommendation, upon the individual confirmation
8 calendar.

9 Any senator within five (5) days following a
10 nominee's name being published in the journal may
11 request that said nominee be introduced to the full
12 senate by submitting a written request with the
13 secretary of the senate. In any event, all nominees
14 who are referred by the rules and administration
15 committee to a standing committee shall be introduced
16 to the full senate prior to a vote on confirmation of
17 the nominee.

18 HEARINGS. Any member of a committee investigating
19 an appointment may obtain a hearing with the nominee
20 by filing a written request with the chair of the
21 investigating committee within five (5) legislative
22 days after the committee receives the appointment. At
23 the hearing, which shall be before the investigating
24 committee, the nominee may be questioned as to his or
25 her qualifications to fulfill the office to which
26 nominated and further questioned as to his or her
27 viewpoints on issues facing the office to which
28 nominated. Notice of the hearing shall be published
29 in the journal at least three (3) days prior to the
30 hearing. Any senator may at the discretion of the

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1 chair of the investigating committee be permitted to
2 submit oral questions. The public may, at the
3 discretion of the investigating committee, be
4 permitted to submit oral or written statements as to
5 the qualifications of the nominee.

6 Also, within five (5) days after the investigating
7 committee receives an appointment for investigation,
8 any senator may submit written questions to be
9 answered by the nominee prior to consideration of the
10 nominee's confirmation by the senate.

11 VOTING ON CONFIRMATIONS. Upon the motion of the
12 majority leader or his or her designee, the nominees
13 on the en bloc confirmation calendar shall be
14 confirmed en bloc by the affirmative vote of two-
15 thirds of the members elected to the senate. The

16 journal shall reflect a single roll call accompanied
17 by a statement of the names of those individuals
18 subject to the en bloc confirmation vote.
19 Prior to an en bloc vote, any senator may request
20 an individual vote on any nominee on the en bloc
21 confirmation calendar. The senate shall vote
22 separately on the nominee.
23 Nominees on the individual confirmation calendar
24 shall be confirmed by a two-thirds vote; however, the
25 senate shall take a separate roll call on each
26 nominee, unless by unanimous consent, it determines to
27 take one vote on all nominees under consideration. In
28 any case, the journal shall reflect a single roll call
29 vote for each nominee.

1 SENATE RESOLUTION 3

2 By: Committee on Ethics

3 A resolution to provide senate rules governing
4 lobbyists for the seventy-second General Assembly.
5 WHEREAS, section 68B.10 of the Code provides that
6 the senate committee on ethics shall prepare rules
7 relating to lobbyists and lobbyists' activities; and
8 WHEREAS, the Code further provides that the rules
9 governing lobbyists shall not become effective until
10 approved by the senate, and that the rules may be
11 amended either upon recommendation of the ethics
12 committee or by the members of the senate; NOW
13 THEREFORE,
14 BE IT RESOLVED BY THE SENATE, That the rules
15 governing lobbyists for the seventy-second general
16 assembly shall be:

17 SENATE RULES GOVERNING LOBBYISTS

18 1. For the purposes of these rules "lobbyist" is
19 defined as a person who:
20 a. Is paid compensation or expends money for
21 encouraging the passage, defeat, or modification of
22 legislation, or influencing the decision of the
23 members of a legislative committee or a subcommittee;
24 or
25 b. Represents on a regular basis an organization
26 which has as one of its purposes the encouragement of
27 the passage, defeat, or modification of legislation,
28 or influencing the decision of the members of a
29 legislative committee or a subcommittee; or
30 c. Is a federal, state, or local government

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1 official or employee representing the official
2 position of the official or employee's department,
3 commission, board, or agency and who attempts to
4 encourage the passage, defeat, or modification of
5 legislation, or influencing the decision of the
6 members of a legislative committee or a subcommittee
7 while the senator is at the state capital for a
8 legislative session or for official legislative
9 business.

10 2. The term "lobbyist" shall not include within
11 its definition:

12 a. Officials and employees of a political party
13 organized in the state of Iowa representing more than
14 two percent of the total votes cast for governor in
15 the last preceding general election, but only when
16 representing the political party in an official
17 capacity.

18 b. Representatives of the news media engaged only
19 in the reporting and dissemination of news and
20 editorials.

21 c. Federal, state, or local government officials
22 and employees who in the course of their official
23 duties submit proposed legislation or amendments to a
24 senator or senate committee or who provide information
25 or are requested or required to provide information to
26 a senator or to appear before a senate committee and
27 who do not actively encourage the passage, defeat, or
28 modification of legislation.

29 d. The governor and lieutenant governor of the
30 state of Iowa, and all other elected state officials.

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1 e. Persons who exclusively represent their own
2 interests (as distinguished from the interests of a
3 group, employer, or organization), provided they are
4 not compensated by anyone for lobbying.

5 3. These rules are only applicable to lobbying
6 activities involving the Iowa general assembly.

7 4. All lobbyists shall, on or before the day their
8 lobbying activity begins, register with the secretary
9 of the senate by filing a lobbyist's registration
10 statement listing:

11 a. Name, permanent business address, temporary
12 residential and business address in Polk county during
13 the legislative session, and telephone numbers. If
14 two or more lobbyists are associated together or
15 consistently work together in all their lobbying, then

16 they may file a joint registration. The name,
17 permanent business address, temporary residential and
18 business address in Polk county during the legislative
19 session, and telephone numbers of all persons included
20 in the joint registration shall be listed.

21 b. The name and address of all individuals,
22 companies, firms, corporations, unions, associations
23 or causes for which the individual lobbies.

24 c. The general subjects of legislation in which
25 the lobbyist is or may be interested, the numbers of
26 the bills and resolutions (if known) which will be
27 lobbied, and whether the lobbyist intends to lobby for
28 or against each bill (if known).

29 d. A detailed description of any agreement,
30 arrangement, or understanding concerning contingent

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1 fees.

2 Any change in or addition to the foregoing
3 information shall be registered with the secretary of
4 the senate within ten days after the change or
5 addition is known to the lobbyist.

6 5. All federal, state, and local officials or
7 employees representing the official positions of their
8 departments, commissions, boards or agencies shall
9 present to the secretary of the senate a letter of
10 authorization from their department or agency heads
11 prior to the commencement of their lobbying. The
12 lobbyist registration statement of these officials and
13 employees shall not be deemed complete until the
14 letter of authorization is attached.

15 6. Federal, state, and local officials who wish to
16 lobby in opposition to the official position of their
17 departments, commissions, boards or agencies must
18 indicate such on their lobbyist registration
19 statements.

20 7. If a lobbyist's service on behalf of a
21 particular employer, client, or cause is concluded
22 prior to the end of the calendar year, the lobbyist
23 may cancel the registration on appropriate forms
24 supplied by the secretary of the senate. Upon
25 cancellation of registration, a lobbyist is prohibited
26 from engaging in any lobbying activity on behalf of
27 that particular employer, client, or cause until re-
28 registering and complying with these rules.

29 8. Lobbyists and the organizations they represent
30 shall not allow any senators to charge any amounts or

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1 items to any charge account to be paid for by those
2 lobbyists or by the organizations they represent.
3 9. A lobbyist, or an employer of a lobbyist, shall
4 not offer economic or investment opportunity or
5 promise of employment to any senator with intent to
6 influence the senator's conduct in the performance of
7 official duties.
8 10. A lobbyist, or employer of a lobbyist, shall
9 not pay for membership in or contributions to clubs or
10 organizations on behalf of a senator.
11 11. Lobbyists shall not be permitted on the floor
12 of the senate while the senate is in session. Elected
13 state officials, except the governor, lieutenant
14 governor, and the members of the house of
15 representatives, shall not be permitted on the floor
16 of the senate while the senate is in session to
17 encourage the passage, defeat, or modification of
18 legislation.
19 12. Any member of the general assembly may file a
20 complaint against a lobbyist or a senator alleging
21 violation of law or the senate rules governing
22 lobbyists. The complaint shall be in writing, made
23 under oath, and filed with the secretary of the
24 senate. The secretary of the senate promptly shall
25 transmit the complaint to the chair of the senate
26 ethics committee, who promptly shall convene that
27 committee to consider the complaint.
28 If the ethics committee determines that the
29 complaint sets out an apparent violation of law or the
30 senate rules governing lobbyists, it shall set the

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1 matter for hearing, and then notify the accused of the
2 right to appear in person, to be represented by
3 counsel, to present statements and evidence, and to
4 cross-examine witnesses. The committee shall hold a
5 hearing, consider all relevant evidence, and make its
6 recommendation to the senate. Violation of the senate
7 rules governing lobbyists may result in the suspension
8 of a lobbyist, if directed by a two-thirds vote of the
9 senate in accordance with section 68B.10.
10 13. The senate ethics committee is authorized to
11 meet during the time the general assembly is not in
12 session to conduct hearings and other business that
13 properly may come before it. If the committee submits
14 a report seeking senate action against a lobbyist
15 after the second regular session of a general assembly

16 has adjourned sine die, the report shall be submitted
17 to and considered by the subsequent general assembly.

18 14. A lobbyist's registration is valid for only
19 one session of a general assembly.

20 15. These rules governing lobbyists shall be in
21 effect throughout the calendar year, whether or not
22 the general assembly is in session.

23 16. The secretary of the senate shall prescribe
24 forms and procedures for compliance with these rules.

25 17. All statements filed under these rules shall
26 be public records open to public inspection at all
27 reasonable times. Records relating to lobbying in one
28 general assembly shall be retained by the secretary of
29 the senate through the succeeding general assembly.

30 18. As used in these rules, the word "gift" and

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1 the phrases "immediate family member" and "public
2 disclosure" have the meaning provided in chapter 68B.

3 The reports required to be filed under rules 19 and
4 20 of these rules shall be filed not later than the
5 fifteenth day of a month for gifts made or received
6 during the preceding month.

7 19. Persons who have made gifts to any senator,
8 senate employee, or any immediate family member of a
9 senator or senate employee which has a value in excess
10 of fifteen dollars on any one calendar day shall file
11 a report with the secretary of the senate which
12 includes:

13 a. A list of senators, senate employees, or their
14 immediate family members each to whom a gift was made,
15 the date the gift was made, and the nature and amount
16 of the gift. The value of the gift shall be
17 determined as provided in chapter 68B.

18 b. A monthly total of all gifts made by persons
19 and their employer or employers regardless of the
20 dollar value to senators, senate employees, and their
21 immediate family members, including the following:

22 (1) Food and refreshment.

23 (2) Entertainment, including the cost of a hospitality room.

24 (3) Travel.

25 (4) Recreation expense.

26 (5) Lodging expense.

27 (6) Other (including the nature of the gift).

28 c. The amount of an honorarium for speaking in
29 excess of fifteen dollars paid to a senator, senate
30 employee, or immediate family member of a senator or

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1 senate employee. The amount listed shall include
 2 reimbursement for or payment of actual expenses
 3 incurred for public speaking engagements or other
 4 formal public appearances.
 5 20. Senators and employees of the senate shall
 6 file a report with the secretary of the senate of the
 7 acceptance of a gift made to them or to each immediate
 8 family member which exceeds fifteen dollars in value
 9 during any one calendar day. The report shall list
 10 the nature, date and donor of the gift.
 11 Honoraria for speaking in excess of fifteen dollars
 12 paid to a senator, senate employee, or immediate
 13 family member of a senator or senate employee shall be
 14 listed.

1 SENATE RESOLUTION 4
 2 By: Committee on Ethics
 3 A resolution to provide a senate code of ethics for
 4 the seventy-second General Assembly.
 5 WHEREAS, section 68B.10 of the Code requires that
 6 the senate committee on ethics shall prepare a code of
 7 ethics within thirty days after the commencement of
 8 the session; and
 9 WHEREAS, the Code further provides that the code of
 10 ethics shall not become effective until approved by
 11 the senate, and that the code of ethics may be amended
 12 either upon the recommendation of the ethics committee
 13 or by the members of the senate; NOW THEREFORE,
 14 BE IT RESOLVED BY THE SENATE, That the senate code
 15 of ethics for the seventy-second general assembly
 16 shall be:

17 SENATE CODE OF ETHICS
 18 Recognizing that service in the Iowa general
 19 assembly is a part-time endeavor and that members of
 20 the general assembly are honorable individuals who are
 21 active in the affairs of their localities and
 22 elsewhere and that it is necessary that they maintain
 23 a livelihood and source of income apart from their
 24 legislative compensation, the following rules are
 25 adopted pursuant to section 68B.10, to assist the
 26 members in the conduct of their legislative affairs.
 27 1. Taking into account that legislative service is
 28 part-time, a senator shall not accept economic or
 29 investment opportunity, under circumstances where the
 30 senator knows, or should know, that there is a

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1 reasonable possibility that the opportunity is being
2 afforded the senator with intent to influence the
3 senator's conduct in the performance of official
4 duties.

5 2. A senator shall not charge to or accept from a
6 person, corporation, partnership or association known
7 to have a legislative interest a price, fee,
8 compensation or other consideration for the sale or
9 lease of any property or the furnishing of services
10 which is in excess of that which the senator would
11 charge another.

12 3. A senator in order to further the senator's own
13 economic interests, or those of any other person,
14 shall not disclose or use confidential information
15 acquired in the course of official duties.

16 4. A senator may appear before a governmental
17 agency or board in any representation case, except
18 that the senator shall not appear before a
19 governmental agency or board for compensation if the
20 matter is subject to legislative review. Whenever a
21 senator appears before a governmental agency or board,
22 the senator shall carefully avoid all conduct which
23 might in any way lead members of the general public to
24 conclude that the senator is using the senator's
25 official position to further the senator's
26 professional success or personal financial interest.

27 5. In order to permit the general assembly to
28 function effectively, a senator will sometimes be
29 required to vote on bills and participate in committee
30 work which will affect the senator's employment and

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1 other monetary interests. In making a decision
2 relative to the senator's activity on given bills or
3 committee work which are subject to the code, the
4 following factors shall be considered:

5 a. Whether a substantial threat to the senator's
6 independence of judgment has been created by the
7 conflict situation.

8 b. The effect of the senator's participation on
9 public confidence in the integrity of the legislature.

10 c. Whether the senator's participation is likely
11 to have any significant effect on the disposition of
12 the matter.

13 d. The need for the senator's particular
14 contribution, such as special knowledge of the subject
15 matter, to the effective functioning of the

16 legislature.

17 A senator with a conflict of interest may
18 participate in floor debate if prior to debate the
19 senator indicates the conflict of interest.

20 6. Each senator shall file with the secretary of
21 the senate within ten days after the adoption of the
22 code of ethics by the senate, and within ten days
23 after the convening of the second session of the
24 general assembly, a statement on forms provided by the
25 secretary of the senate setting forth the following
26 information:

27 a. The nature of each business in which the
28 senator is engaged and the nature of the business of
29 each company in which the senator or the senator's
30 spouse has a financial interest. A senator shall not

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1 be required to file a report or be assumed to have a
2 financial interest if an investment in stocks, bonds,
3 bills, notes, mortgages or other securities offered
4 for sale through recognized financial brokers is less
5 than five percent of the total outstanding issue of
6 any such stock, bonds, bills, notes, mortgages or
7 other securities of the offering entity.

8 b. The name of any state or national business,
9 trade, labor, farm, professional, religious,
10 educational or charitable association, foundation or
11 organization which is involved in supporting or
12 opposing legislation brought before the general
13 assembly and by which the senator, the senator's
14 partner or business associate is employed or retained
15 or has rendered services for compensation within the
16 last twelve months.

17 c. Every office or directorship held by the
18 senator in any corporation, firm, enterprise, labor
19 union, farm organization, cooperative, religious,
20 educational or charitable association or organization,
21 or trade or professional association held during the
22 last twelve months and every membership in such an
23 organization which is engaged in actively supporting
24 or opposing legislation in the general assembly. The
25 name of the entity shall be set out.

26 Disclosures required under this rule shall be as of
27 the date filed unless provided to the contrary, and
28 shall be amended to include interests and changes
29 encompassed by this rule that occur while the general
30 assembly is in session. All filings under this rule

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1 shall be open to public inspection in the office of
2 the secretary of the senate at all reasonable times.

3 The secretary of the senate shall inform the ethics
4 committee of the statements which are filed and shall
5 report to the ethics committee the names of any
6 senators who appear not to have filed complete
7 statements. The ethics committee shall require any
8 senator who appears not to have filed a complete
9 statement to appear before the committee.

10 7. Members of the general assembly are urged to
11 familiarize themselves with chapter 68B and chapter
12 722.

13 8. Senators shall not charge any amount or item to
14 any charge account to be paid for by any lobbyist or
15 any organization he or she represents.

16 9. A senator shall not charge to the state of Iowa
17 amounts for travel and expenses unless the senator
18 actually has incurred those mileage and expense costs.
19 Senators shall not file the vouchers for weekly
20 mileage reimbursement required by section 2.10,
21 subsection 1, unless the travel was actually incurred
22 at commensurate expense to the senator.

23 10. Complaints against any senator or any lobbyist
24 shall be in writing, made under oath and filed with
25 the ethics committee. If the ethics committee
26 determines that the complaint sets out an apparent
27 violation of the law or code of ethics or rules
28 governing lobbyists, it shall set the matter for
29 hearing, notify the accused of the right to appear in
30 person, to be represented by counsel, to present

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1 statements and evidence and to cross-examine
2 witnesses. The committee shall hold a hearing and
3 consider all relevant evidence and shall make its
4 recommendations to the senate.

1 SENATE RESOLUTION 5

2 By: Committee on Rules and Administration

3 A Senate Resolution relating to gubernatorial appointments
4 requiring senate confirmation.

5 WHEREAS, section 2.32, subsection 7, requires the
6 governor to provide the secretary of the senate with a
7 list of all gubernatorial appointments requiring
8 senate confirmation during this session by February 1;
9 and

10 WHEREAS, this information has been submitted and is

11 on file in the office of the secretary of the senate;
 12 and
 13 WHEREAS, that subsection also requires that the
 14 senate by resolution approve the list or request
 15 corrections by February 15; NOW THEREFORE,
 16 BE IT RESOLVED BY THE SENATE, That the following
 17 list of appointments submitted by the governor
 18 pursuant to section 2.32, subsection 7, and on file
 19 with the secretary of the senate is approved:
 20 Accountancy Examining Board
 21 2 terms commencing 5-1-87 and ending 4-30-90
 22 Adjutant General
 23 1 term commencing 5-1-87 and ending 4-30-91
 24 Agricultural Development Authority
 25 1 unexpired portion of a term ending 4-30-92
 26 Alcoholic Beverages Commission
 27 1 term commencing 5-1-87 and ending 4-30-92
 28 Alcoholic Beverages Division Administrator
 29 1 unexpired portion of a term ending 4-30-90
 30 Appellate Defender

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1 1 term serving at the pleasure of the governor
 2 Architectural Examining Board
 3 3 terms commencing 5-1-87 and ending 4-30-90
 4 Barber Examiners, Board of
 5 2 terms commencing 5-1-87 and ending 4-30-90
 6 Blind, Commission for the
 7 1 term commencing 5-1-87 and ending 4-30-90
 8 1 unexpired portion of a term ending 4-30-87
 9 Campaign Finance Disclosure Commission
 10 1 term commencing 5-1-87 and ending 4-30-93
 11 1 unexpired portion of a term ending 4-30-89
 12 Children, Youth and Families Division Administrator
 13 1 term serving at the pleasure of the governor
 14 Chiropractic Examiners, Board of
 15 3 terms commencing 5-1-87 and ending 4-30-90
 16 City Development Board
 17 1 unexpired portion of a term ending 4-30-88
 18 Civil Rights Commission
 19 3 terms commencing 5-1-87 and ending 4-30-91
 20 1 unexpired portion of as term ending 4-30-87
 21 1 unexpired portion of a term ending 4-30-89
 22 Civil Rights Commission Director
 23 1 term serving at the pleasure of the governor
 24 Commerce, Director of Department
 25 1 term serving at the pleasure of the governor
 26 Community Action Agencies Division Administrator
 27 1 term serving at the pleasure of the governor

- 28 Corrections, Board of
- 29 3 terms commencing 5-1-87 and ending 4-30-91
- 30 1 unexpired portion of a term ending 4-30-89

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- 1 Cosmetology Examiners, Board of
- 2 2 terms commencing 5-1-87 and ending 4-30-90
- 3 County Finance Committee
- 4 4 terms commencing 5-1-87 and ending 4-30-91
- 5 Credit Union Review Board
- 6 2 terms commencing 5-1-87 and ending 4-30-90
- 7 1 unexpired portion of a term ending 4-30-87
- 8 Credit Unions, Superintendent of
- 9 1 term serving at the pleasure of the governor
- 10 Criminal and Juvenile Justice Advisory Council
- 11 1 unexpired portion of a term ending 4-30-90
- 12 Cultural Affairs, Director of Department
- 13 1 term serving at the pleasure of the governor
- 14 Deaf, Commission on the
- 15 3 terms commencing 5-1-87 and ending 4-30-90
- 16 1 unexpired portion of a term ending 4-30-87
- 17 2 unexpired portions of terms ending 4-30-89
- 18 Deaf Services Division Administrator
- 19 1 term serving at the pleasure of the governor
- 20 Dental Examiners, Board of
- 21 3 terms commencing 5-1-87 and ending 4-30-90
- 22 Dietetic Examiners, Board of
- 23 2 terms commencing 5-1-87 and ending 4-30-90
- 24 Economic Development Board
- 25 2 terms commencing 5-1-87 and ending 4-30-91
- 26 1 unexpired portion of a term ending 4-30-90
- 27 Economic Development, Director of Department
- 28 1 term serving at the pleasure of the governor
- 29 Education, Director of Department
- 30 1 term serving at the pleasure of the governor

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- 1 Elder Affairs, Commission of
- 2 2 terms commencing 5-1-87 and ending 4-30-91
- 3 1 unexpired portion of a term ending 4-30-88
- 4 Elder Affairs, Director of Department
- 5 1 term serving at the pleasure of the governor
- 6 Employment Appeal Board
- 7 1 unexpired portion of a term ending 4-30-92
- 8 1 unexpired portion of a term ending 4-30-90
- 9 1 unexpired portion of a term ending 4-30-88
- 10 Employment Services, Director of Department
- 11 1 term serving at the pleasure of the governor

- 12 Engineering and Land Surveying Examining Board
- 13 3 terms commencing 5-1-87 and ending 4-30-90
- 14 1 unexpired portion of a term ending 4-30-89
- 15 Environmental Protection Commission
- 16 6 terms commencing 5-1-87 and ending 4-30-91
- 17 First in the Nation in Education Foundation Governing Board
- 18 3 terms commencing 5-1-87 and ending 4-30-93
- 19 Foster Care Review Board, State
- 20 3 terms commencing 5-1-87 and ending 4-30-90
- 21 Public Health, Director of Department
- 22 1 term serving at the pleasure of the governor
- 23 Health Facilities Council
- 24 2 terms commencing 5-1-87 and ending 4-30-93
- 25 Hearing Aid Dealers, Board of Examiners for the Licensing and Regulation of
- 26 2 terms commencing 5-1-87 and ending 4-30-90
- 27 Higher Education Loan Authority
- 28 1 term commencing 5-1-87 and ending 4-30-93
- 29 Human Rights, Coordinator of Department
- 30 1 term serving at the pleasure of the governor

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- 1 Human Services, Commissioner of Department
- 2 1 term serving at the pleasure of the governor
- 3 Human Services, Council on
- 4 3 terms commencing 5-1-87 and ending 4-30-93
- 5 1 unexpired portion of a term ending 4-30-91
- 6 Insurance, Commissioner of
- 7 1 term commencing 7-1-86 and ending 4-30-90
- 8 Interstate Agricultural Grain Marketing Commission
- 9 1 unexpired portion of a term ending 6-30-87
- 10 Iowa Finance Authority
- 11 3 terms commencing 5-1-87 and ending 4-30-93
- 12 Iowa Grain Indemnity Fund Board
- 13 2 terms commencing 5-14-86 and ending 4-30-89
- 14 Iowa High Technology Council
- 15 7 terms commencing 5-1-87 and ending 4-30-91
- 16 2 unexpired portions of terms ending 4-30-87
- 17 1 unexpired portion of a term ending 4-30-89
- 18 Iowa Product Development Corporation
- 19 4 terms commencing 5-1-87 and ending 4-30-91
- 20 Iowa Public Employees Retirement System Investment Board
- 21 2 terms commencing 5-1-87 and ending 4-30-93
- 22 1 unexpired portion of a term ending 4-30-92
- 23 Job Service Advisory Council
- 24 3 terms commencing 5-1-87 and ending 4-30-93
- 25 1 unexpired portion of a term ending 4-30-87
- 26 Judicial Nominating Commission, State
- 27 2 terms commencing 5-1-97 and ending 4-30-93

- 28 Judicial Qualifications, Commission on
- 29 1 term commencing 5-1-87 and ending 4-30-93
- 30 Labor Commissioner

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- 1 1 term commencing 5-1-87 and ending 4-30-91
- 2 Landscape Architectural Examining Board
- 3 3 terms commencing 5-1-87 and ending 4-30-90
- 4 Law Enforcement Academy Council
- 5 1 term commencing 5-1-87 and ending 4-30-91
- 6 Lottery, Commissioner of the
- 7 1 term serving at the pleasure of the governor
- 8 Management, Director of Department
- 9 1 term serving at the pleasure of the governor
- 10 Medical Examiners, Board of
- 11 3 terms commencing 5-1-87 and ending 4-30-90
- 12 Mental Health and Mental Retardation Commission
- 13 5 terms commencing 5-1-87 and ending 4-30-90
- 14 1 unexpired portion of a term ending 4-30-88
- 15 Mortuary Science Examiners, Board of
- 16 2 terms commencing 5-1-87 and ending 4-30-90
- 17 Natural Resource Commission
- 18 3 terms commencing 5-1-87 and ending 4-30-93
- 19 Natural Resources, Director of Department
- 20 1 term serving at the pleasure of the governor
- 21 Nursing, Board of
- 22 3 terms commencing 5-1-87 and ending 4-30-90
- 23 Nursing Home Administrators, State Board of Examiners for
- 24 2 terms commencing 5-1-87 and ending 4-30-90
- 25 Optometry Examiners, Board of
- 26 3 terms commencing 5-1-87 and ending 4-30-90
- 27 Parole, Board of
- 28 2 unexpired portions of terms ending 4-30-88
- 29 2 unexpired portions of terms ending 4-30-89
- 30 1 unexpired portion of a term ending 4-30-90

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- 1 Personnel Commission
- 2 2 terms commencing 5-1-87 and ending 4-30-93
- 3 1 unexpired portion of a term ending 4-30-91
- 4 Personnel, Director of Department
- 5 1 term serving at the pleasure of the governor
- 6 Persons with Disabilities Division Administrator
- 7 1 term serving at the pleasure of the governor
- 8 Pharmacy Examiners, Board of
- 9 3 terms commencing 5-1-87 and ending 4-30-90
- 10 Physical and Occupational Therapy Examiners, Board of
- 11 3 terms commencing 5-1-87 and ending 4-30-90

- 12 1 unexpired portion of a term ending 4-30-87
- 13 Podiatry Examiners, Board of
- 14 2 terms commencing 5-1-87 and ending 4-30-90
- 15 Professional Licensing and Regulation Division Administrator
- 16 1 term serving at the pleasure of the governor
- 17 Psychology Examiners, Board of
- 18 3 terms commencing 5-1-87 and ending 4-30-90
- 19 Public Employment Relations Board
- 20 1 unexpired portion of as term ending 4-30-88
- 21 1 unexpired portion of as term ending 4-30-90
- 22 Racing Commission, State
- 23 2 terms commencing 5-1-87 and ending 4-30-90
- 24 Railway Finance Authority, Iowa
- 25 1 unexpired portion of a term ending 4-30-88
- 26 1 unexpired portion of a term ending 4-30-90
- 27 Real Estate Examining Board
- 28 2 terms commencing 5-1-87 and ending 4-30-90
- 29 Regents, State Board of
- 30 3 terms commencing 5-1-87 and ending 4-30-93

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- 1 Respiratory Care Advisory Committee
- 2 2 terms commencing 5-1-87 and ending 4-30-93
- 3 Revenue and Finance, Director of Department
- 4 1 term serving at the pleasure of the governor
- 5 Savings and Loan Associations, Superintendent of
- 6 1 term serving at the pleasure of the governor
- 7 Social Work Examiners, Board of
- 8 2 terms commencing 5-1-87 and ending 4-30-90
- 9 Soil Conservation Committee
- 10 3 terms commencing 5-1-87 and ending 4-30-93
- 11 1 unexpired portion of a term ending 4-30-89
- 12 1 unexpired portion of a term ending 4-30-92
- 13 Spanish-speaking Peoples Division Administrator
- 14 1 term serving at the pleasure of the governor
- 15 Speech Pathology and Audiology Examiners, Board of
- 16 2 terms commencing 5-1-87 and ending 4-30-90
- 17 Status of Women Division Administrator
- 18 1 term serving at the pleasure of the governor
- 19 Tax Review, State Board of
- 20 1 term commencing 5-1-87 and ending 4-30-93
- 21 Title Guaranty Division Board
- 22 2 terms commencing 5-1-87 and ending 4-30-93
- 23 Transportation Commission, State
- 24 1 term commencing 5-1-87 and ending 4-30-91
- 25 Transportation, Director of
- 26 1 term serving at the pleasure of the governor
- 27 Utilities Board
- 28 1 term commencing 5-1-87 and ending 4-30-93

29 Veterans Affairs Division Administrator
 30 1 term serving at the pleasure of the governor

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1 Veterinary Medicine, Iowa Board of
 2 2 terms commencing 5-1-87 and ending 4-30-90

1 SENATE RESOLUTION 7

2 By: Wells, Horn and Lloyd-Jones

3 A Senate Resolution relating to the Iowa Hawkeyes
 4 Basketball Team.

5 WHEREAS, the citizens of Iowa are justly proud that
 6 the Iowa Hawkeyes have again been invited to the NCAA
 7 tournament after having completed one of the most
 8 successful regular seasons in the school's history;
 9 and

10 WHEREAS, during this season Iowa held the ranking
 11 as the Number One college basketball team in America,
 12 the first time an Iowa school has ever held that
 13 distinction; and

14 WHEREAS, the Hawkeyes' eighteen game winning streak
 15 is the longest winning streak to start a season in the
 16 history of Iowa, and also breaks the thirty year old
 17 record for the longest season winning streak in Iowa
 18 Hawkeye history; and

19 WHEREAS, this Iowa team has equaled the school
 20 record for Big Ten victories in a season; and

21 WHEREAS, this Iowa team has won three collegiate
 22 tournaments already this season, the most ever for an
 23 Iowa school; and

24 WHEREAS, this team has also garnered the mythical
 25 title for the championship of the state of Iowa; and

26 WHEREAS, the Iowa Hawkeyes will begin their quest
 27 for an NCAA championship on Friday, March 13, 1987, in
 28 the West Region; NOW THEREFORE,

29 BE IT RESOLVED BY THE SENATE, That Coach Tom Davis
 30 and all the rest of the Iowa Hawkeyes be wished the

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1 best of luck for the 1987 NCAA tournament; and

2 BE IT FURTHER RESOLVED, That, upon passage,
 3 enrolled copies of this Resolution be sent to Coach
 4 Tom Davis and the members of the Iowa Hawkeyes
 5 Basketball Team.

1 SENATE RESOLUTION 8

2 By: Lloyd-Jones, Wells and Horn

3 A Senate Resolution relating to the Iowa Hawkeyes Women's
4 Basketball Team.5 WHEREAS, the citizens of Iowa are justly proud that
6 the Iowa Hawkeyes have been invited to the NCAA
7 tournament for the second consecutive year; and8 WHEREAS, the Hawkeyes' having completed the most
9 successful regular season in the school's history as
10 Big Ten Co-Champions; and11 WHEREAS, this Iowa team is currently the tenth
12 rated women's basketball team in America; and13 WHEREAS, this Iowa team has set a school record for
14 number of victories in a season; and15 WHEREAS, this team has set a school record for Big
16 Ten victories in a season; and17 WHEREAS, the Iowa Hawkeyes will begin their quest
18 for an NCAA championship on Sunday, March 15, 1987, in
19 the Midwest Region; NOW THEREFORE,20 BE IT RESOLVED BY THE SENATE, That Coach C. Vivian
21 Stringer and all the rest of the Iowa Hawkeyes be
22 wished the best of luck for the 1987 NCAA tournament;
23 and24 BE IT FURTHER RESOLVED, That, upon passage,
25 enrolled copies of this Resolution be sent to Coach C.
26 Vivian Stringer and members of the Iowa Hawkeyes
27 Women's Basketball Team.

1 SENATE RESOLUTION 10

2 By: COMMITTEE ON ETHICS

3 A Resolution to provide a senate code of ethics for
4 the Seventy-second General Assembly.5 WHEREAS, section 68B.10 of the Code requires that
6 the senate committee on ethics shall prepare a code of
7 ethics within thirty days after the commencement of
8 the session; and9 WHEREAS, the Code further provides that the code of
10 ethics shall not become effective until approved by
11 the senate, and that the code of ethics may be amended
12 either upon the recommendation of the ethics committee
13 or by the members of the senate; NOW THEREFORE,14 BE IT RESOLVED BY THE SENATE, That the senate code
15 of ethics for the seventy-second general assembly
16 shall be:

17 SENATE CODE OF ETHICS

18 PREAMBLE. Every legislator owes a duty to uphold
19 the integrity and honor of the general assembly, to
20 encourage respect for the law and for the general
21 assembly and the members thereof, and to observe the
22 legislative code of ethics.

23 In doing so, each member of the senate has a duty
24 to conduct oneself so as to reflect credit on the
25 general assembly, and to inspire the confidence,
26 respect, and trust of the public, and to strive to
27 avoid both unethical and illegal conduct and the
28 appearance of unethical and illegal conduct.
29 Recognizing that service in the Iowa general
30 assembly is a part-time endeavor and that members of

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1 the general assembly are honorable individuals who are
2 active in the affairs of their localities and
3 elsewhere and that it is necessary that they maintain
4 a livelihood and source of income apart from their
5 legislative compensation, the following rules are
6 adopted pursuant to section 68B.10, to assist the
7 members in the conduct of their legislative affairs.
8 1. ECONOMIC INTEREST OF SENATOR. Taking into
9 account that legislative service is part-time, a
10 senator shall not accept economic or investment
11 opportunity, under circumstances where the senator
12 knows, or should know, that there is a reasonable
13 possibility that the opportunity is being afforded the
14 senator with intent to influence the senator's conduct
15 in the performance of official duties.
16 a. Divestiture. Where a senator learns that an
17 economic or investment opportunity previously accepted
18 was offered with the intent of influencing the
19 senator's conduct in the performance of official
20 duties, the senator shall take steps to divest that
21 senator of that investment or economic opportunity,
22 and shall report the facts of the situation to the
23 senate ethics committee.
24 b. Charges for Services. A senator shall not
25 charge to or accept from a person, corporation,
26 partnership or association known to have a legislative
27 interest a price, fee, compensation or other
28 consideration for the sale or lease of any property or
29 the furnishing of services which is in excess of that
30 which the senator would charge another.

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1 c. Use of Confidential Information. A senator in
2 order to further the senator's own economic interests,
3 or those of any other person, shall not disclose or
4 use confidential information acquired in the course of
5 official duties.
6 2. ECONOMIC INTERESTS OF LOBBYIST. With the

7 exception of exercising unfettered discretion in
 8 supporting or refusing to support proposed
 9 legislation, a senator shall not take action intended
 10 to affect the economic interests of a lobbyist or
 11 citizen supporting or opposing proposed legislation.
 12 3. APPEARANCE BEFORE GOVERNMENTAL AGENCY. A
 13 senator may appear before a governmental agency or
 14 board in any representation case, except that the
 15 senator shall not appear before a governmental agency
 16 or board for compensation if the matter is subject to
 17 legislative review. Whenever a senator appears before
 18 a governmental agency or board, the senator shall
 19 carefully avoid all conduct which might in any way
 20 lead members of the general public to conclude that
 21 the senator is using the senator's official position
 22 to further the senator's professional success or
 23 personal financial interest.
 24 4. CONFLICTS OF INTERESTS. In order to permit the
 25 general assembly to function effectively, a senator
 26 will sometimes be required to vote on bills and
 27 participate in committee work which will affect the
 28 senator's employment and other monetary interests. In
 29 making a decision relative to the senator's activity
 30 on given bills or committee work which are subject to

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1 the code, the following factors shall be considered:
 2 a. Whether a substantial threat to the senator's
 3 independence of judgment has been created by the
 4 conflict situation.
 5 b. The effect of the senator's participation on
 6 public confidence in the integrity of the legislature.
 7 c. Whether the senator's participation is likely
 8 to have any significant effect on the disposition of
 9 the matter.
 10 d. The need for the senator's particular
 11 contribution, such as special knowledge of the subject
 12 matter, to the effective functioning of the
 13 legislature.
 14 A senator with a conflict of interest may
 15 participate in floor debate if prior to debate the
 16 senator indicates the conflict of interest.
 17 5. DISCLOSURE REQUIRED. Each senator shall file
 18 with the secretary of the senate within ten days after
 19 the adoption of the code of ethics by the senate, and
 20 within ten days after the convening of the second
 21 session of the general assembly, a statement on forms
 22 provided by the secretary of the senate setting forth
 23 the following information:

24 a. The nature of each business in which the
25 senator is engaged and the nature of the business of
26 each company in which the senator or the senator's
27 spouse has a financial interest. A senator shall not
28 be required to file a report or be assumed to have a
29 financial interest if an investment in stocks, bonds,
30 bills, notes, mortgages or other securities offered

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1 for sale through recognized financial brokers is less
2 than five percent of the total outstanding issue of
3 any such stock, bonds, bills, notes, mortgages or
4 other securities of the offering entity.

5 b. The name of any state or national business,
6 trade, labor, farm, professional, religious,
7 educational or charitable association, foundation or
8 organization which is involved in supporting or
9 opposing legislation brought before the general
10 assembly and by which the senator, the senator's
11 partner or business associate is employed or retained
12 or has rendered services for compensation within the
13 last twelve months.

14 c. Every office or directorship held by the
15 senator in any corporation, firm, enterprise, labor
16 union, farm organization, cooperative, religious,
17 educational or charitable association or organization,
18 or trade or professional association held during the
19 last twelve months and every membership in such an
20 organization which is engaged in actively supporting
21 or opposing legislation in the general assembly. The
22 name of the entity shall be set out.

23 Disclosures required under this rule shall be as of
24 the date filed unless provided to the contrary, and
25 shall be amended to include interests and changes
26 encompassed by this rule that occur while the general
27 assembly is in session. All filings under this rule
28 shall be open to public inspection in the office of
29 the secretary of the senate at all reasonable times.

30 The secretary of the senate shall inform the ethics

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1 committee of the statements which are filed and shall
2 report to the ethics committee the names of any
3 senators who appear not to have filed complete
4 statements. The chairperson of the ethics committee
5 shall request in writing that a senator who has failed
6 to complete the report or appears to have filed an
7 incomplete report do so within five days, and, upon

8 the failure of the senator to comply, the ethics
9 committee shall require the senator to appear before
10 the committee.

11 d. Senators and employees of the senate shall file
12 a report with the secretary of the senate, of a gift,
13 which does not include food or drink provided for
14 immediate consumption, or series of gifts made to them
15 or each family member from any one donor which exceed
16 fifteen dollars in cumulative value in any one
17 calendar day. The report shall list the nature, date,
18 and donor of the gift and shall be filed by the
19 fifteenth of the month covering the preceding month.

20 6. STATUTORY VIOLATIONS. Members of the general
21 assembly are urged to familiarize themselves with
22 chapter 68B and chapter 722.

23 7. CHARGE ACCOUNTS. Senators shall not charge any
24 amount or item to any charge account to be paid for by
25 any lobbyist or any organization he or she represents.

26 8. TRAVEL EXPENSES. A senator shall not charge to
27 the state of Iowa amounts for travel and expenses
28 unless the senator actually has incurred those mileage
29 and expense costs. Senators shall not file the
30 vouchers for weekly mileage reimbursement required by

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1 section 2.10, subsection 1, unless the travel was
2 actually incurred at commensurate expense to the
3 senator.

4 9. COMPLAINTS. Complaints or charges against any
5 senator or any lobbyist shall be in writing, made
6 under oath, and filed with the secretary of the senate
7 or the chairperson of the ethics committee. If filed
8 with the secretary of the senate, the secretary shall
9 immediately advise the chairperson of the ethics
10 committee of the receipt of the complaint.

11 Complaint forms shall be available from the
12 secretary of the senate, or the chairperson of the
13 ethics committee, but a complaint shall not be
14 rejected for failure to use an approved form if the
15 complaint substantially complies with senate
16 requirements.

17 A complainant may submit exhibits and affidavits
18 attached to the complaint.

19 10. FILING OF COMPLAINTS. Complaints may be filed
20 by any person believing that a senator or lobbyist has
21 been guilty of a violation of the senate ethics code,
22 the senate rules governing lobbyists, and chapter 68B
23 of the Iowa Code. A violation of the criminal law may
24 be considered to be a violation of this code of

25 ethics.

26 The ethics committee may, upon its own motion,
27 initiate a complaint, investigation or disciplinary
28 action.

29 A complaint will be considered to be timely filed
30 if it is filed during the legislative session when an

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1 alleged violation of the ethics code occurs. If the
2 alleged unethical conduct occurs after adjournment,
3 the complaint may be filed at any time up to and
4 including the first fifteen days of the following
5 legislative session.

6 If the complaint alleges a violation of Iowa's
7 criminal law, it is timely if filed during the
8 legislative session when the alleged violation
9 occurred, or during the session when the criminal
10 charges are disposed of.

11 11. PERMANENT RECORD. The secretary of the senate
12 shall maintain a permanent record of all complaints
13 filed, including a separate card file containing the
14 date filed, name and address of the complainant, name
15 and address of the respondent, a brief statement of
16 the charges made, and ultimate disposition of the
17 complaint. The secretary shall keep each such
18 complaint confidential until public disclosure is made
19 by the ethics committee.

20 12. PRE-HEARING PROCEDURE. Upon receipt of any
21 complaint substantially complying with the
22 requirements of this code of ethics, the chairperson
23 of the ethics committee shall cause a copy of the
24 complaint and any supporting information to be
25 delivered promptly to the respondent, requesting a
26 written response to it within ten days. At the
27 request of the respondent and upon a showing of good
28 cause, the committee, or the chairperson if authorized
29 by the committee, may extend the time for response,
30 not to exceed ten additional days.

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1 Upon receipt of the response, the committee shall
2 schedule a public meeting to review the complaint and
3 available information, and shall:

4 a. Notify the complainant that no further action
5 will be taken, unless further substantiating
6 information is produced, or

7 b. Conduct its own investigation or, upon approval
8 of the senate or the senate rules and administration

9 committee when the senate is not in session, arrange
 10 for an investigation of the complaint by independent
 11 counsel, to be received within a reasonable time, or
 12 c. Cause the complaint to be scheduled for a
 13 public hearing before the committee, or
 14 d. Cause the complaint to be scheduled for a
 15 public hearing upon receipt of the report of the
 16 independent counsel.
 17 13. HEARING PROCEDURE. If the committee causes a
 18 complaint to be scheduled for a public hearing, notice
 19 of the hearing date and time shall be given to the
 20 complainant and respondent in writing, and of the
 21 respondent's right to appear in person, be represented
 22 by legal counsel, present statements and evidence, and
 23 examine and cross-examine witnesses. The committee
 24 shall not be bound by formal rules of evidence, but
 25 shall receive relevant evidence, subject to
 26 limitations on repetitiveness. Any evidence taken
 27 shall be under oath.
 28 The committee may continue the hearing to a future
 29 date if necessary for appropriate reasons or purposes.
 30 Upon receipt of all relevant evidence and

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1 arguments, the committee shall consider the same and
 2 recommend to the senate:
 3 a. That the complaint be dismissed, or
 4 b. That the senator or lobbyist be censured or
 5 reprimanded, and recommend the appropriate form of
 6 censure or reprimand, or
 7 c. Any other appropriate sanction, including
 8 suspension or expulsion from membership in the senate,
 9 or suspension of lobbying privileges.
 10 14. COMMITTEE AUTHORIZED TO MEET. The senate
 11 ethics committee is authorized to meet during the time
 12 the general assembly is not in session to conduct
 13 hearings and other business that properly may come
 14 before it. If the committee submits a report seeking
 15 senate action against a senator or lobbyist after the
 16 second regular session of a general assembly has
 17 adjourned sine die, the report shall be submitted to
 18 and considered by the subsequent general assembly.
 19 15. COMPLAINT FILING FORM. The following form
 20 shall be used to file a complaint under these rules:
 21 THE SENATE
 22 Ethics Complaint Form

23 Re: _____ (Senator/Lobbyist),
 24 of _____, Iowa.
 25 I, _____, (Complainant), residing
 26 at _____, in the City of _____,
 27 State of _____, hereby complain that
 28 _____ (Senator/Lobbyist), whose
 29 address is _____,
 30 has violated the Senate Rule of Ethics or Senate Rules

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1 Governing Lobbyists in that:
 2 (Explain the basis for the complaint here. Use addi-
 3 tional pages, if necessary).
 4 Under penalty of perjury, I certify that the above
 5 complaint is true and correct as I verily believe.

6 _____
 7 Signature of Complainant
 8 SUBSCRIBED AND AFFIRMED to before me this _____
 9 ay of _____, 19_____
 10 _____
 11 Notary Public in and for the
 12 State of _____

13 16. COMPLAINT NOTICE FORM. The following form
 14 shall be used for notice of a complaint under these
 15 rules:

16 STATE OF IOWA
 17 THE SENATE
 18 COMMITTEE ON ETHICS)
 19 IOWA STATE SENATE)
 20)
 21 On The Complaint Of) NOTICE OF COMPLAINT
 22)
 23 _____)
 24)
 25 And Involving)
 26)
 27 _____)
 28)
 29 TO _____,
 30

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1 Senator or Lobbyist named above:
 2 You are hereby notified that there is now on file
 3 with the Secretary of the Senate, State Capitol, Des
 4 Moines, Iowa, a complaint which alleges that you have
 5 committed a violation of the Senate's Ethics Code or
 6 Senate Rules Governing Lobbyists.

7 A copy of said complaint and the Senate rules for
8 processing the same are attached hereto and made a
9 part of this notice.

10 You are further notified and requested to file your
11 written answer to said complaint within ten days of the
12 date upon which the notice was caused to be delivered
13 to you, _____, 19____. Your answer is
14 to be filed with the Secretary of the Senate, State
15 Capitol, Des Moines, Iowa.

16 Dated this _____ day of _____, 19____.

17 _____
18 Chair, Senate Ethics Committee,
19 or, Secretary of the Senate

20 17. HEARING NOTICE FORM. The following form
21 shall be used for notice of a hearing under these
22 rules:

23	STATE OF IOWA	
24	THE SENATE	
25	COMMITTEE ON ETHICS)
26	IOWA STATE SENATE)
27)
28	On The Complaint Of) NOTICE OF HEARING
29)
30	_____)

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1)
2	And Involving)
3)
4	_____)
5)

6 TO _____,

7 Senator or Lobbyist named above:

8 You are hereby notified that there is now on file
9 with the Secretary of the Senate, State Capitol, Des
10 Moines, Iowa, a complaint which alleges that you have
11 committed a violation of the Senate's Ethics Code or
12 Senate Rules Governing Lobbyists.

13 A copy of said complaint and the Senate rules for
14 processing the same are attached hereto and made a
15 part of this notice.

16 You are further notified that, after preliminary
17 review, the committee has caused a public hearing to
18 be scheduled on
19 (date) _____, 19____, (hour) _____
20 (a.m.) (p.m.), in Room _____, State Capitol, Des Moines,
21 Iowa.

22 At said hearing, you will have the right to appear
23 in person, be represented by legal counsel at your own

24 expense, present statements and evidence, examine and
 25 cross-examine witnesses. The committee shall not be
 26 bound by formal rules of evidence, but shall receive
 27 relevant evidence, subject to limitations on
 28 repetitiveness. Any evidence taken shall be under
 29 oath.
 30 The committee may continue the hearing to a future

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1 date if necessary for appropriate reasons or purposes.
 2 You are further notified that the committee will
 3 receive such evidence and take such action as
 4 warranted by the evidence.

5 Dated this _____ day of _____, 19____.

6

7 _____
 8 Chair, Senate Ethics Committee,
 9 or, Secretary of the Senate

9 **BE IT FURTHER RESOLVED BY THE SENATE,** That the
 10 senate code of ethics contained in this resolution
 11 takes effect upon enactment by the senate and
 12 supersedes any previously adopted senate code of
 13 ethics.

1 **SENATE RESOLUTION 11**

2 **By: Committee on Ethics**

3 **A Resolution to provide senate rules governing**
 4 **lobbyists for the Seventy-second General Assembly.**
 5 **WHEREAS,** section 68B.10 of the Code provides that
 6 the senate committee on ethics shall prepare rules
 7 relating to lobbyists and lobbyists' activities; and

8 **WHEREAS,** the Code further provides that the rules
 9 governing lobbyists shall not become effective until
 10 approved by the senate, and that the rules may be
 11 amended either upon recommendation of the ethics
 12 committee or by the members of the senate; **NOW**

13 **THEREFORE,**

14 **BE IT RESOLVED BY THE SENATE,** That the rules
 15 governing lobbyists for the seventy-second general
 16 assembly shall be:

17 **SENATE RULES GOVERNING LOBBYISTS**

18 **1. DEFINITIONS.** For the purposes of these rules
 19 "lobbyist" is defined as a person who:

20 a. Is paid compensation or expends money for
 21 encouraging the passage, defeat, or modification of
 22 legislation, or influencing the decision of the
 23 members of a legislative committee or a subcommittee;
 24 or

25 b. Represents on a regular basis an organization
 26 which has as one of its purposes the encouragement of

27 the passage, defeat, or modification of legislation,
28 or influencing the decision of the members of a
29 legislative committee or a subcommittee; or
30 c. Is a federal, state, or local government

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1 official or employee representing the official
2 position of the official or employee's department,
3 commission, board, or agency and who attempts to
4 encourage the passage, defeat, or modification of
5 legislation, or influencing the decision of the
6 members of a legislative committee or a subcommittee
7 while the senator is at the state capital for a
8 legislative session or for official legislative
9 business.

10 As used in these rules the word "gift" and the
11 phrases "immediate family member" and "public
12 disclosure" have the meaning provided in chapter 68B.

13 2. EXCEPTIONS. The term "lobbyist" shall not
14 include within its definition:

15 a. Officials and employees of a political party
16 organized in the state of Iowa representing more than
17 two percent of the total votes cast for governor in
18 the last preceding general election, but only when
19 representing the political party in an official
20 capacity.

21 b. Representatives of the news media engaged only
22 in the reporting and dissemination of news and
23 editorials.

24 c. Federal, state, or local government officials
25 and employees who in the course of their official
26 duties submit proposed legislation or amendments to a
27 senator or senate committee or who provide information
28 or are requested or required to provide information to
29 a senator or to appear before a senate committee and
30 who do not actively encourage the passage, defeat, or

Page 3

1 modification of legislation.

2 d. The governor and lieutenant governor of the
3 state of Iowa, and all other elected state officials.

4 e. Persons who exclusively represent their own
5 interests (as distinguished from the interests of a
6 group, employer, or organization), provided they are
7 not compensated by anyone for lobbying.

8 3. APPLICABILITY. These rules are only applicable
9 to lobbying activities involving the Iowa general
10 assembly.

11 4. REGISTRATION REQUIRED. All lobbyists shall, on
12 or before the day their lobbying activity begins,
13 register with the secretary of the senate by filing a
14 lobbyist's registration statement listing:
15 a. Name, permanent business address, temporary
16 residential and business address in Polk county during
17 the legislative session, and telephone numbers. If
18 two or more lobbyists are associated together or
19 consistently work together in all their lobbying, then
20 they may file a joint registration. The name,
21 permanent business address, temporary residential and
22 business address in Polk county during the legislative
23 session, and telephone numbers of all persons included
24 in the joint registration shall be listed.
25 b. The name and address of all individuals,
26 companies, firms, corporations, unions, associations
27 or causes for which the individual lobbies.
28 c. The general subjects of legislation in which
29 the lobbyist is or may be interested, the numbers of
30 the bills and resolutions (if known) which will be

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1 lobbied, and whether the lobbyist intends to lobby for
2 or against each bill (if known).
3 d. A detailed description of any agreement,
4 arrangement, or understanding concerning contingent
5 fees.
6 Any change in or addition to the foregoing
7 information shall be registered with the secretary of
8 the senate within ten days after the change or
9 addition is known to the lobbyist.
10 5. CANCELLATION OF REGISTRATION. If a lobbyist's
11 service on behalf of a particular employer, client, or
12 cause is concluded prior to the end of the calendar
13 year, the lobbyist may cancel the registration on
14 appropriate forms supplied by the secretary of the
15 senate. Upon cancellation of registration, a lobbyist
16 is prohibited from engaging in any lobbying activity
17 on behalf of that particular employer, client, or
18 cause until re-registering and complying with these
19 rules. A lobbyist's registration is valid for only
20 one session of a general assembly.
21 6. GOVERNMENT OFFICIALS. All federal, state, and
22 local officials or employees representing the official
23 positions of their departments, commissions, boards or
24 agencies shall present to the secretary of the senate
25 a letter of authorization from their department or
26 agency heads prior to the commencement of their
27 lobbying. The lobbyist registration statement of

28 these officials and employees shall not be deemed
29 complete until the letter of authorization is
30 attached. Federal, state, and local officials who

Page 5

1 wish to lobby in opposition to the official position
2 of their departments, commissions, boards or agencies
3 must indicate such on their lobbyist registration
4 statements.

5 7. CHARGE ACCOUNTS. Lobbyists and the
6 organizations they represent shall not allow any
7 senators to charge any amounts or items to any charge
8 account to be paid for by those lobbyists or by the
9 organizations they represent.

10 8. OFFERS OF ECONOMIC OPPORTUNITY. A lobbyist, or
11 an employer of a lobbyist, shall not offer economic or
12 investment opportunity or promise of employment to any
13 senator with intent to influence the senator's conduct
14 in the performance of official duties.

15 9. MEMBERSHIP CONTRIBUTIONS. A lobbyist, or
16 employer of a lobbyist, shall not pay for membership
17 in or contributions to clubs or organizations on
18 behalf of a senator.

19 10. ACCESS TO SENATE FLOOR. Lobbyists shall not
20 be permitted on the floor of the senate while the
21 senate is in session. Elected state officials, except
22 the governor, lieutenant governor, and the members of
23 the house of representatives, shall not be permitted
24 on the floor of the senate while the senate is in
25 session to encourage the passage, defeat, or
26 modification of legislation.

27 11. EFFECTIVE PERIOD. These rules governing
28 lobbyists shall be in effect throughout the calendar
29 year, whether or not the general assembly is in
30 session.

Page 6

1 12. REPORTING OF GIFTS. Persons who have made
2 gifts to any senator, senate employee, or any
3 immediate family member of a senator or senate
4 employee which has a value in excess of fifteen
5 dollars on any one calendar day shall file a report
6 with the secretary of the senate which includes:

7 a. A list of senators, senate employees, or their
8 immediate family members each to whom a gift was made,
9 the date of the occurrence, and the nature and amount
10 of the gift.

11 b. A monthly total of all gifts made by persons

12 and their employer or employers regardless of the
 13 dollar value to senators, senate employees, and their
 14 immediate family members, including the following:

- 15 (1) Food and refreshment.
- 16 (2) Entertainment, including the cost of a hospitality room.
- 17 (3) Travel.
- 18 (4) Recreation expense.
- 19 (5) Lodging expense.
- 20 (6) Other (including the nature of the gift).

21 c. The amount of an honorarium for speaking in
 22 excess of fifteen dollars paid to a senator, senate
 23 employee, or immediate family member of a senator or
 24 senate employee. The amount listed shall include
 25 reimbursement for or payment of actual expenses
 26 incurred for public speaking engagements or other
 27 formal public appearances.

28 d. If a gift is made to two or more members of the
 29 general assembly, employees of the general assembly,
 30 or their immediate families which cannot be precisely

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1 attributed to each recipient, the value of the gift
 2 shall be divided by the number of individuals
 3 receiving the gift.

4 e. The reports required to be filed under this
 5 rule shall be filed not later than the fifteenth day
 6 of a month for gifts made or received during the
 7 preceding month.

8 13. COMPLAINTS. Rules 9 through 14 of the senate
 9 code of ethics apply to complaints and procedures
 10 regarding violations of these rules.

11 BE IT FURTHER RESOLVED BY THE SENATE, That the
 12 senate rules governing lobbyists contained in this
 13 resolution take effect upon its adoption by the senate
 14 and supersede any previously adopted senate rules
 15 governing lobbyists.

SENATE RESOLUTION 14

By: Committee on Rules and Administration

A Senate Resolution relating to daily operations of
 the Senate.

WHEREAS, the legislative authority of this state is
 vested in the General Assembly consisting of the
 Senate and the House of Representatives; and

WHEREAS, the Senate necessarily incurs substantial
 expenses for its daily operations; and

WHEREAS, the Senate is authorized to expend funds
 from the state treasury necessary to pay for its

12 expenses and for expenses incurred jointly by the
13 Senate and House of Representatives; and
14 WHEREAS, it is deemed advisable and proper for the
15 Senate to make expenditures in accordance with a
16 budgetary plan; NOW THEREFORE,
17 BE IT RESOLVED BY THE SENATE:
18 Section 1. Expenditures of the Senate payable
19 pursuant to Iowa Code sections 2.10 through 2.14
20 inclusive for the regular legislative session and the
21 interim period during the fiscal year beginning July
22 1, 1987 and ending June 30, 1988, are budgeted to be
23 as follows:
24 1. Session expenses including members' and
25 temporary staff compensation and other current
26 expenses in an amount not to exceed \$1,715,020.
27 2. Interim expenses including members' and staff
28 compensation and other current expenses in an amount
29 not to exceed \$214,000.
30 3. Fixed expenses, including permanent employees'

Page 2

1 compensation and equipment in an amount not to exceed
2 \$927,420.
3 Sec. 2. The Secretary of the Senate shall
4 immediately provide written notice to the majority and
5 minority leaders of the Senate and to the Chair and
6 Ranking Member of the Senate Appropriations Committee
7 if actual expenditures payable pursuant to Iowa Code
8 sections 2.10 through 2.14 inclusive exceed the
9 maximum amount allocated to any category of the budget
10 provided by section 1 of this resolution. The written
11 notice shall specify the amount of and reasons for any
12 excess expenditure.
13 Sec. 3. The expenditures referred to in section 2
14 of this resolution shall consist only of those sums
15 required for payment of the various expenses of the
16 General Assembly including such items as legislative
17 printing expenses, unpaid expenses incurred during the
18 interim between sessions of the General Assembly,
19 expenditures incurred pursuant to resolutions, and
20 expenses for purchases of legislative equipment and
21 supplies necessary to carry out the functions of the
22 General Assembly. Joint expenditures and expenses for
23 renovation and remodeling of the Senate chamber or
24 offices approved by the Committee on Rules and
25 Administration are not included in the budget set
26 forth in this resolution.
27 Sec. 4. If a special session of the General
28 Assembly is held, the Committee on Rules and

29 Administration shall provide for consideration of a
30 budget for the special session.

1 SENATE CONCURRENT RESOLUTION 1

2 By: Committee on Rules and Administration
3 A Concurrent Resolution relating to distribution of
4 printed legislative materials.

5 BE IT RESOLVED BY THE SENATE, THE HOUSE CONCURRING,

6 That the superintendent of printing be instructed to
7 mail to each county auditor in the state of Iowa who
8 has filed a written request with the secretary of the
9 senate and the chief clerk of the house, one copy of
10 the daily proof senate and house journals, one copy of
11 each senate and house bill, one copy of each senate
12 and house reprinted bill, one copy of each senate and
13 house enrolled bill, and one copy of each senate and
14 house clip sheet, for the duration of the seventy-
15 second general assembly, and that the same be
16 furnished to such officers free of charge, to be paid
17 for out of the general fund from funds not otherwise
18 appropriated.

19 BE IT FURTHER RESOLVED, That each county auditor
20 may elect to receive daily all of the items enumerated
21 above or only those items designated by the auditor,
22 and that no such mailings will be made until a written
23 request has been filed.

24 BE IT FURTHER RESOLVED, That the superintendent of
25 printing be instructed to mail to each member of
26 Iowa's congressional delegation who has not waived the
27 right of receipt, one copy of the daily proof senate
28 and house journals, one copy of each senate and house
29 bill, one copy of each senate and house reprinted
30 bill, one copy of each senate and house enrolled bill,

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1 and one copy of each senate and house clip sheet, for
2 the duration of the seventy-second general assembly,
3 and that the same be furnished to such officers free
4 of charge, to be paid for out of the general fund from
5 funds not otherwise appropriated.

6 BE IT FURTHER RESOLVED, That the superintendent of
7 printing make such mailings at least once weekly.

1 SENATE CONCURRENT RESOLUTION 2

2 By: Committee on Rules and Administration
3 A Concurrent Resolution relating to appointment of
4 a joint inaugural committee.

5 BE IT RESOLVED BY THE SENATE, THE HOUSE CONCURRING,

6 That a joint committee be designated, consisting of
 7 six members of the senate to be appointed by the
 8 majority leader of the senate, and six members of the
 9 house to be appointed by the speaker of the house of
 10 representatives, to arrange for the inauguration of
 11 the governor and the lieutenant governor.

1 SENATE CONCURRENT RESOLUTION 3

2 By: Committee on Rules and Administration

3 A concurrent resolution relating to joint rules
 4 of the senate and house for the seventy-second
 5 general assembly.

6 BE IT RESOLVED BY THE SENATE, THE HOUSE CONCURRING,

7 That the joint rules of the senate and house in the
 8 seventy-second general assembly shall be:

9 JOINT RULES OF THE
 10 SENATE AND HOUSE

11 Rule 1

12 Suspension of Joint Rules

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

16 Rule 2

17 Designation of Sessions

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

21 Rule 3

22 Sessions of a General Assembly

23 The election of officers, organization, hiring and
 24 compensation of employees, and standing committees in
 25 each house of the general assembly and action taken by
 26 each house shall carry over from the first to the
 27 second regular session and to any extraordinary
 28 session of the same general assembly. The status of
 29 each bill and resolution shall be the same at the
 30 beginning of each second session as it was immediately

Page 2

1 before adjournment of the previous regular or
 2 extraordinary session; however the rules of either
 3 house may provide for re-referral of some or all bills
 4 and resolutions to standing committees upon
 5 adjournment of each session or at the beginning of a
 6 subsequent regular or extraordinary session, except
 7 those which have been adopted by both houses in
 8 different forms.

9 Upon final adoption of a concurrent resolution at

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

21

Rule 4

22

Presentation of Messages

23

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

27

28

Rule 5

29

Printing and Form of Bills

30

and Other Documents

Page 3

1 Bills and joint resolutions shall be introduced,
2 numbered, prepared, and printed as provided by law, or
3 in the absence of such law, in a manner determined by
4 the secretary of the senate and the chief clerk of the
5 house of representatives.

6 All bills and joint resolutions introduced shall be
7 in a form and number approved by the secretary of the
8 senate and chief clerk of the house.

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

11

Rule 6

12

Companion Bills

13 Identical bills introduced in each house shall be
14 called companion bills. Each house shall designate
15 the sponsor in the usual way followed in parentheses
16 by the sponsor of the companion bill in the other
17 house. The house where the bill is first introduced
18 shall print the complete text.

19

Rule 7

20

Reprinting of Bills

21 Whenever any bill has been substantially amended by
22 either house, the secretary of the senate or the chief
23 clerk shall order the bill reprinted on paper of a
24 different color. All adopted amendments shall be
25 distinguishable.

26 The secretary of the senate or the chief clerk may

27 order the printing of a reasonable number of
 28 additional copies of any bill, resolution, amendment,
 29 or journal.
 30 Rule 8

Page 4

1 Daily Clip Sheet
 2 The secretary of the senate and the chief clerk
 3 shall prepare a daily clip sheet covering all
 4 amendments filed.
 5 Rule 9
 6 Reintroduction of Bills and Other Measures
 7 A bill or resolution which has passed one house and
 8 is rejected in the other shall not be introduced again
 9 during that general assembly.
 10 Rule 10
 11 Certification of Bills and Other Enrollments
 12 When any bill or resolution which has passed one
 13 house is rejected or adopted in the other, notice of
 14 such action and the date thereof shall be given to the
 15 house of origin in writing signed by the secretary or
 16 the chief clerk.
 17 Rule 11
 18 Code Editor's Correction Bill
 19 A bill recommended by the code editor which is
 20 introduced by a committee of the house or senate
 21 within the first four weeks of convening of a
 22 legislative session and which contains code
 23 corrections of a nonsubstantive nature shall not be
 24 amended on the floor of either house except pursuant
 25 to corrective or nonsubstantive amendments filed by
 26 the judiciary committee of the senate or the judiciary
 27 and law enforcement committee of the house. Such
 28 committee amendments shall not be incorporated into
 29 the bill in the originating house but shall be filed
 30 separately.

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1 A bill recommended by the code editor which is
 2 introduced by a committee of the house or senate
 3 within the first four weeks of convening of a
 4 legislative session and which contains code
 5 corrections beyond those of a nonsubstantive nature
 6 shall not be amended on the floor of either house
 7 except pursuant to amendments filed by the judiciary
 8 committee of the senate or the judiciary and law
 9 enforcement committee of the house. Such committee
 10 amendments shall not be incorporated into the bill in

11 the originating house but shall be filed separately.
12 Such a bill shall be limited to corrections which:
13 Adjust language to reflect current practices, insert
14 earlier omissions, delete redundancies and
15 inaccuracies, delete temporary language, resolve
16 inconsistencies and conflicts, update ongoing
17 provisions, and remove ambiguities.

18 Rule 12

19 Amendments by Other House

20 I. When a bill which originated in one house is
21 amended in the other house, the house originating the
22 bill may amend the amendment, concur in full in the
23 amendment, or refuse to concur in full in the
24 amendment. Such amendments shall not be ruled out of
25 order based on a question of germaneness. Precedence
26 of motions shall be in that order.

27 A. If the house originating the bill concurs in
28 the amendment, the bill shall then be immediately
29 placed upon its final passage.

30 B. If the house originating the bill refuses to

Page 6

1 concur in the amendment, the bill shall be returned to
2 the amending house which shall either:

3 1. Recede, after which the bill shall be read for
4 the last time and immediately placed upon its final
5 passage; or

6 2. Insist, which will send the bill to a
7 conference committee.

8 C. If the house originating the bill amends the
9 amendment, that house shall concur in the amendment as
10 amended and the bill shall be immediately placed on
11 final passage, and shall be returned to the other
12 house. The other house cannot further amend the bill.

13 1. If the amending house which gave second
14 consideration to the bill concurs in the amendment to
15 the amendment, the bill shall then be immediately
16 placed upon its final passage.

17 2. If the amending house refuses to concur in the
18 amendment to the amendment, the bill shall be returned
19 to the house originating the bill which shall either:

20 a. Recede, after which the bill shall be read for
21 the last time as amended and immediately placed upon
22 its final passage; or

23 b. Insist, which will send the bill to a
24 conference committee.

25 II. A motion to recede has precedence over a
26 motion to insist. Failure to recede means to insist;
27 and failure to insist means to recede.

28 III. A motion to lay on the table or to
29 indefinitely postpone shall be out of order with
30 respect to motions to recede from or insist upon and

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1 to amendments to bills which have passed both houses.
2 IV. A motion to concur, refuse to concur, recede,
3 insist, or adopt a conference committee report is in
4 order even though the subject matter has previously
5 been acted upon.

6 Rule 13

7 Conference Committee

8 1. Within one legislative day after either house
9 insists upon an amendment to a bill, the presiding
10 officer of the house, after consultation with the
11 majority leader, shall appoint three majority party
12 members and, after consultation with the minority
13 leader, shall appoint two minority party members to a
14 conference committee. The majority leader of the
15 senate, after consultation with the president, shall
16 appoint three majority party members and, after
17 consultation with and approval by the minority leader,
18 shall appoint two minority party members to a
19 conference committee. The papers shall remain with the
20 house that originated the bill.

21 2. The conference committee shall meet before the
22 end of the next legislative day after their
23 appointment, shall select a chair and shall discuss
24 the controversy.

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

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1 4. An agreement on recommendations must be
2 approved by at least three members from each house.
3 The committee shall submit two originals of the report
4 signed by at least three members of each house with
5 one signed original and three copies to be submitted
6 to each house. The report shall first be acted upon
7 in the house originating the bill. Such action,
8 including all papers, shall be immediately referred by
9 the secretary of the senate or the chief clerk of the
10 house of representatives to the other house.

11 5. The report of agreement is debatable, but

12 cannot be amended. If the report contains recommended
 13 amendments to the bill, adoption of the report shall
 14 automatically adopt all amendments contained therein.
 15 After the report is adopted, there shall be no more
 16 debate, and the bill shall immediately be placed upon
 17 its final passage.

18 6. Refusal of either house to adopt the conference
 19 committee report has the same effect as if the
 20 committee had disagreed.

21 7. If the conference committee fails to reach
 22 agreement, a report of such failure signed by at least
 23 three members of each house shall be given promptly to
 24 each house. The bill shall be returned to the house
 25 that originated the bill, the members of the committee
 26 shall be immediately discharged, and a new conference
 27 committee appointed in the same manner as the first
 28 conference committee.

29 Rule 14

30 Enrollment and Authentication of Bills

Page 9

1 A bill or resolution which has passed both houses
 2 shall be enrolled in the house of origin under the
 3 direction of either the secretary or the chief clerk
 4 and its house of origin shall be certified by the
 5 endorsement of the secretary or the chief clerk.
 6 After enrollment, each bill shall be signed by the
 7 president and by the speaker.

8 Rule 15

9 Concerning other Enrollments

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

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

19 Rule 16

20 Transmission of Bills to the Governor

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

27 Rule 17

28 Fiscal Notes

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

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1 effect of at least one hundred thousand dollars or a
2 combined total effect within five years after
3 enactment of five hundred thousand dollars or more on
4 the aggregate revenues, expenditures or fiscal
5 liability of the state or its subdivisions. This rule
6 does not apply to appropriation and ways and means
7 measures where the total effect is stated in dollar
8 amounts.

9 The preliminary determination of whether the bill
10 appears to require a fiscal note shall be made by the
11 legislative service bureau which shall send a copy of
12 the request to the legislative fiscal bureau unless
13 the requestor specifies the request is to be
14 confidential. Upon completion of the bill draft, the
15 legislative service bureau shall immediately send a
16 copy to the legislative fiscal director for review.
17 If the legislative fiscal bureau confirms that a
18 fiscal note is required, the words "FISCAL NOTE
19 REQUIRED" shall be prominently stamped on the bill
20 jacket.

21 When a committee reports a bill to the floor, the
22 committee shall state in the report whether a fiscal
23 note is or is not required.

24 The fiscal note shall be printed on the bill before
25 introduction if practicable; and the secretary of the
26 senate or chief clerk of the house shall attach the
27 fiscal note to the bill as soon as it is available.

28 The legislative fiscal director shall prepare the
29 fiscal note within a reasonable time after receiving
30 the request and necessary information. A copy of the

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1 fiscal note shall be filed by the legislative fiscal
2 director, for distribution, with the secretary of the
3 senate or the chief clerk of the house unless within
4 one legislative day a request for a revised fiscal
5 note is filed with the legislative fiscal director.

6 The legislative fiscal director may request the
7 cooperation of any state department or agency.

8 Each fiscal note shall state in dollars the
9 estimated effect of the bill on the revenues,
10 expenditures, and fiscal liability of the state during
11 the first five years after enactment. The information
12 shall specifically note the fiscal impact for the

13 first two years following enactment and the
14 anticipated impact for the succeeding three years.
15 The fiscal note shall specify the source of the
16 information. Sources of funds for expenditures under
17 the bill shall be stated, including federal funds. If
18 the fiscal director cannot make an accurate estimate,
19 the director shall state the best available estimate
20 or shall state that no dollar estimate can be made and
21 state concisely the reason.
22 The fiscal note shall be attached or printed in the
23 bill following the explanation or shall be printed in
24 the daily clip sheet.
25 A revised fiscal note may be requested by a
26 committee chair or a sponsor of the bill if the fiscal
27 effect of the bill has been changed by adoption of an
28 amendment. However, a request for a revised fiscal
29 note shall not delay action on a bill unless so
30 ordered by the presiding officer of the house in which

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

Rule 18

Legislative Interns

7
8
9 Legislators may arrange student internships during
10 the legislative session with Iowa college, university,
11 or law school students, for which the students may
12 receive college credit at the discretion of their
13 schools. Each legislator is allowed only one intern
14 at a time per legislative session, and all interns
15 must be registered with the offices of the secretary
16 of the senate and the chief clerk of the house.
17 The purpose of the legislative intern program shall
18 be: 1) to provide useful staff services to
19 legislators not otherwise provided by the general
20 assembly; 2) to give interested college, graduate, and
21 law school students practical experience in the
22 legislative process as well as providing a meaningful
23 educational experience; and 3) to enrich the
24 curriculum of participating colleges and universities.
25 The secretary of the senate and the chief clerk of
26 the house or their designees shall have the following
27 responsibilities as regards the legislative intern
28 program:

29 1. Identify a supervising faculty member at each
30 participating institution who shall be responsible for

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1 authorizing students to participate in the intern
2 program.

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

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

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

13 **Rule 19**

14 **Administrative Rules Review Committee Bills**

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

23 **Rule 20**

24 **Time of Committee Passage and Consideration of Bills**

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

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1 rules review committee bills, bills cosponsored by
2 majority and minority floor leaders of one house,
3 bills in conference committee, and companion bills
4 sponsored by the majority floor leaders of both houses
5 after consultation with the respective minority floor
6 leaders. For the purposes of this rule, a joint
7 resolution is considered as a bill.

8 2. To be placed on the calendar in the house of
9 origin, a bill must be first reported out of the
10 committee of first referral by Friday of the 10th week
11 of the first session and the 8th week of the second
12 session. To be placed on the calendar in the other

13 house, a bill must be first reported out of the
 14 committee of first referral by Friday of the 13th week
 15 of the first session and the 11th week of the second
 16 session.

17 3. During the 11th week of the first session and
 18 the 9th week of the second session, each house shall
 19 consider only bills originating in that house and
 20 unfinished business. During the 14th week of the
 21 first session and the 12th week of the second session,
 22 each house shall consider only bills originating in
 23 the other house and unfinished business. Beginning
 24 with the 15th week of the first session and the 13th
 25 week of the second session, each house shall consider
 26 only bills passed by both houses, bills exempt from
 27 subsection 2 and unfinished business.

28 4. A motion to reconsider filed and not disposed
 29 of on an action taken on a bill or resolution which is
 30 subject to a deadline under this rule may be called up

Page 15

1 at any time before or after the day of the deadline by
 2 the person filing the motion or after the deadline by
 3 the majority floor leader, notwithstanding any other
 4 rule to the contrary.

5 Rule 21 6 Resolutions

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

27 2. A "joint resolution" is a resolution which
 28 requires for approval the affirmative vote of a

29 constitutional majority of each house of the general
30 assembly. A joint resolution which appropriates funds

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

Rule 22

Nullification Resolutions

17
18 A "nullification resolution" is a joint resolution
19 which nullifies all or part of an administrative rule
20 adopted pursuant to chapter 17A of the Code. A
21 nullification resolution shall not amend an
22 administrative rule by adding language or by inserting
23 new language in lieu of existing language.
24
25 A nullification resolution is debatable, but cannot
26 be amended on the floor of the house or senate. The
27 effective date of a nullification resolution shall be
28 stated in the resolution. Any motions filed to
29 reconsider adoption of a nullification resolution must
30 be disposed of within one legislative day of the

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1 filing.

Rule 23

Reconsideration of Vetoes

2
3 1. The senate and house calendar shall include a
4 list known as the "Veto Calendar." The veto calendar
5 shall consist of:
6
7 a. Bills returned to that house by the governor in
8 accordance with Article III, section 16 of the
9 Constitution of the State of Iowa.
10 b. Appropriations items returned to that house by
11 the governor in accordance with Article III, section
12 16 of the Constitution of the State of Iowa.

13 c. Bills and appropriations items received from
14 the other house after that house has voted to override
15 a veto of them by the governor.

16 2. Vetoed bills and appropriations items shall
17 automatically be placed on the veto calendar upon
18 receipt. Vetoed bills and appropriations items shall
19 not be referred to committee.

20 3. Upon first publication in the veto calendar,
21 the senate majority leader or the house majority
22 leader may call up a vetoed bill or appropriations
23 item at any time.

24 4. The affirmative vote of two-thirds of the
25 members of the body by record roll call on a motion to
26 reconsider a vetoed bill or appropriations item
27 constitutes a vote to override the executive veto or
28 item veto.

29 5. A motion to reconsider a vetoed bill or
30 appropriations item is debatable. A vetoed bill or

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1 appropriation item cannot be amended in this case.

2 6. The vote by which a motion to reconsider a
3 vetoed bill or appropriations item passes or fails to
4 pass either house is not subject to reconsideration
5 under senate rule 24 or house rule 73.

6 7. The secretary of the senate or the chief clerk
7 of the house shall immediately notify the other house
8 of the adoption or rejection of a motion to reconsider
9 a vetoed bill or appropriations item.

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

14 9. Bills and appropriations items on the veto
15 calendar are exempt from deadlines imposed by joint
16 rule 20.

1 SENATE CONCURRENT RESOLUTION 4

2 By: Committee on Appropriations

3 A Concurrent Resolution relating to the board of
4 regents ten-year building program.

5 WHEREAS, pursuant to section 262A.3, the state
6 board of regents prepared and within seven days after
7 the convening of the Seventy-second General Assembly
8 of the State of Iowa, First Session, submitted to the
9 Seventy-second General Assembly, First Session, for
10 approval the proposed ten-year building program for
11 each institution of higher learning under the
12 jurisdiction of the board, containing a list of the

13 buildings and facilities which the board deems
 14 necessary to further the educational objectives of the
 15 institutions, together with an estimate of the cost of
 16 each of the buildings and facilities and an estimate
 17 of the maximum amount of bonds which the board expects
 18 to issue under chapter 262A for each year of the
 19 fiscal biennium beginning July 1, 1987, and ending
 20 June 30, 1989; and
 21 WHEREAS, the projects contained in the building
 22 program are deemed necessary for the proper
 23 performance of the instructional, research, and
 24 service functions of the institutions; and
 25 WHEREAS, section 262A.4 provides that the state
 26 board of regents, after authorization by a
 27 constitutional majority of each House of the General
 28 Assembly and approval by the Governor, may undertake
 29 and carry out at the institutions of higher learning
 30 under the jurisdiction of the board any project as

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1 defined in chapter 262A; and
 2 WHEREAS, chapter 262A authorizes the state board of
 3 regents to borrow money and to issue and sell
 4 negotiable revenue bonds to pay all or any part of the
 5 cost of carrying out projects at any institution
 6 payable solely from and secured by an irrevocable
 7 pledge of a sufficient portion of the student fees and
 8 charges and institutional income received by the
 9 particular institution; and
 10 WHEREAS, to further the educational objectives of
 11 the institutions, and to foster economic growth in
 12 this state, the state board of regents requests
 13 authorization to undertake and carry out certain
 14 projects at this time and to finance their costs by
 15 borrowing money and issuing negotiable bonds under
 16 chapter 262A in a total amount not to exceed ninety-
 17 eight million five hundred thousand dollars, the
 18 remaining cost of the projects to be financed by
 19 capital appropriations or by federal or other funds
 20 lawfully available; NOW THEREFORE,
 21 BE IT RESOLVED BY THE SENATE, THE HOUSE CONCURRING,
 22 That the proposed ten-year building program submitted
 23 by the state board of regents for each institution of
 24 higher learning under its jurisdiction is approved;
 25 and
 26 BE IT FURTHER RESOLVED, That no commitment is
 27 implied or intended by approval to fund any portion of
 28 the proposed ten-year building program submitted by

29 the state board of regents beyond the portion that is
30 financed and approved by the Seventy-second General

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1 Assembly, First Session, and the Governor; and
2 BE IT FURTHER RESOLVED, That during the biennium
3 which commences July 1, 1987, and which ends June 30,
4 1989, the maximum amount of bonds which the state
5 board of regents expects to issue under chapter 262A,
6 unless additional bonding is authorized, is ninety-
7 eight million five hundred thousand dollars, up to and
8 including sixty-two million dollars of which may be
9 issued at any time during the fiscal year ending June
10 30, 1988, and the remainder of which may be issued on
11 or after January 1, 1988 until June 30, 1988, and if
12 all that amount should not be issued during the fiscal
13 year ending June 30, 1988, any remaining balance may
14 be issued during the fiscal year ending June 30, 1989,
15 or thereafter, and this plan of financing is approved;
16 and
17 BE IT FURTHER RESOLVED, That upon completion, the
18 projects authorized to be carried out under this
19 resolution shall not be used for the purpose of
20 engaging in classified research; and
21 BE IT FURTHER RESOLVED, That the state board of
22 regents is authorized to undertake, plan, construct,
23 equip, and otherwise carry out the following projects
24 and to pay all or any part of the cost of carrying out
25 the projects by borrowing money and issuing negotiable
26 revenue bonds under chapter 262A during the fiscal
27 year beginning July 1, 1987, except as otherwise
28 provided in this resolution, in a total amount not to
29 exceed sixty-two million dollars:
30 State University of Iowa

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1 Laser laboratories
2 Fire and environmental safety projects
3 Engineering building addition
4 Old law center remodeling
5 Pharmacy remodeling
6 Cost of issuance of bonds
7 Iowa State University
8 Molecular biology building - planning
9 Fire and environmental safety projects
10 Home economics building--phase I
11 Agronomy building equipment
12 Animal science, outlying research

13 centers -- planning
 14 University research park development
 15 Veterinary medicine research institute
 16 laboratories
 17 Electrical interconnection with city
 18 of Ames
 19 Cost of issuance of bonds
 20 University of Northern Iowa
 21 Latham hall remodeling
 22 Fire and environmental safety projects
 23 Power plant addition
 24 Cost of issuance of bonds; and
 25 BE IT FURTHER RESOLVED, That the state board of
 26 regents is authorized to undertake, plan, construct,
 27 equip, and otherwise carry out the following projects
 28 and to pay all or any part of the cost of carrying out
 29 the projects by borrowing money and issuing negotiable
 30 revenue bonds under chapter 262A during the fiscal

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1 period beginning January 1, 1988 and ending June 30,
 2 1988, except as otherwise provided in this resolution,
 3 in a total amount not to exceed thirty-six million
 4 five hundred thousand dollars:
 5 Iowa State University
 6 Molecular biology building -- construction
 7 Meat irradiation facility
 8 Cost of issuance of bonds; and
 9 BE IT FURTHER RESOLVED, That as a requirement for
 10 receiving authorization for the projects in this
 11 resolution, the state board of regents shall conduct a
 12 study relating to the appropriate disposition of the
 13 results of research conducted at the institutions
 14 under the state board of regents. Consideration shall
 15 be given during the study as to whether the results of
 16 research shall first be offered to Iowa-based
 17 companies. The study shall also recommend a policy on
 18 the obtaining of appropriate patents for tangible
 19 research results and a policy for conducting
 20 collaborative research between Iowa State University
 21 and the University of Iowa in the fields of laser
 22 technology, molecular biology, and other fields of
 23 common scientific research. A report of the study
 24 together with recommendations shall be submitted to
 25 the general assembly on or before January 15, 1988.

1 SENATE CONCURRENT RESOLUTION 5

2 By: Mann, Riordan and Hannon

3 A Senate Concurrent Resolution commemorating the
4 life and work of Reverend Dr. Martin Luther King, Jr.5 WHEREAS, Reverend Dr. Martin Luther King, Jr. was
6 born on January 15, 1929, fifty-eight years ago; and7 WHEREAS, Dr. King received a B.A. degree from
8 Morehouse College in 1948, a B.D. degree from Crozer
9 Theological Seminary in 1951, and a Ph.D. degree from
10 Boston University in 1955; and11 WHEREAS, Dr. King was ordained a minister in the
12 Ebenezer Baptist Church in Atlanta, Georgia in 1947
13 and became pastor of the Dexter Avenue Baptist Church
14 in Montgomery, Alabama in 1954; and15 WHEREAS, Dr. King began his active leadership of
16 the civil rights movement in 1955 by taking charge of
17 the successful 382-day boycott of the Montgomery bus
18 system, after a black woman was arrested for refusing
19 to give up her seat on a Montgomery bus to a white
20 person; and21 WHEREAS, Dr. King was instrumental in founding the
22 Southern Christian Leadership Conference (SCLC), a
23 coalition of influential southern black ministers,
24 that became a significant civil rights organization;
25 and26 WHEREAS, Dr. King and the SCLC inspired nonviolent
27 protests, across America, known as "sit-ins," "freedom
28 rides," and "freedom marches," which challenged the
29 segregation practices of southern and border states
30 and raised the consciousness of all America; and**Page 2**1 WHEREAS, Dr. King led a massive civil rights
2 campaign in Birmingham, Alabama in 1963, which was
3 followed by other major civil rights campaigns for
4 black voter registration, desegregation, and better
5 education and housing; and6 WHEREAS, Dr. King, at the largest civil rights
7 demonstration in history, at our nation's Capitol, on
8 August 28, 1963, delivered his inspirational "I Have a
9 Dream" speech, on the steps of the Lincoln Memorial;
10 and11 WHEREAS, Dr. King emphasized the need to act in
12 nonviolent ways in all of his civil rights campaigns;
13 and14 WHEREAS, Dr. King received the Nobel Peace Prize in
15 1964; and

16 WHEREAS, Dr. King, more than anyone else, by

17 dedicating his life to freedom, justice, and equality
18 for all persons, was responsible for the federal
19 "Civil Rights Act of 1964" and the "1965 Voting Rights
20 Act" which guaranteed by law the political and
21 economic rights of black Americans; and
22 WHEREAS, Dr. King wrote several books, reflecting
23 and promoting the mission of his life's work,
24 including Stride Toward Freedom (1958), Strength to
25 Live (1963), Why Can't We Wait (1964), and The Trumpet
26 of Conscience (1968); and
27 WHEREAS, Dr. King, in a campaign to help poor
28 people, to draw national attention to their economic
29 and housing needs, on March 28, 1968, in Memphis,
30 Tennessee, led a march of six thousand protesters

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1 supporting the city's striking sanitation workers; and
2 WHEREAS, Dr. King, on the day after delivering his
3 speech, "I've Been to the Mountain Top," in Memphis,
4 was assassinated on April 4, 1968; and
5 WHEREAS, Dr. King provided the inspirational and
6 driving leadership in the civil rights movement; and
7 WHEREAS, Dr. King, by our memory of his dedication
8 and principles, inspires and drives us to continue his
9 struggle, "To Keep The Dream Alive", so that all
10 people may live and work in a society free of
11 inequality, free of injustice, and free of
12 discrimination; and
13 WHEREAS, Dr. King has had and will continue to have
14 an extraordinarily, significant impact on the lives of
15 all Americans; and
16 WHEREAS, Dr. King's life and work, because of its
17 great social and legal impact on all of America,
18 should be commemorated by each House of this General
19 Assembly and by all Iowans, so that America and Iowa
20 will always remember the struggle and the "Dream,";
21 and
22 WHEREAS, Dr. King's birthday has been recognized
23 and declared a holiday by the federal and Iowa
24 governments to be celebrated on the third Monday of
25 every January; NOW THEREFORE,
26 BE IT RESOLVED BY THE SENATE, THE HOUSE CONCURRING,
27 That Reverend Dr. Martin Luther King, Jr. was a great
28 American, a great civil rights leader, and a great
29 "drum major for justice, peace, and righteousness."

1 SENATE CONCURRENT RESOLUTION 6

2 By: Committee on Rules and Administration
 3 A Concurrent Resolution relating to the compensation
 4 of chaplains, officers and employees of the
 5 seventy-second general assembly.

6 WHEREAS, section 2.11 of the Code provides that
 7 "The compensation of chaplains, officers and employees
 8 of the general assembly shall be fixed by joint action
 9 of the house and senate by resolution at the opening
 10 of each session, or as soon thereafter as conveniently
 11 can be done.", NOW THEREFORE,

12 BE IT RESOLVED BY THE SENATE, THE HOUSE CONCURRING,
 13 That the compensation for the following officers for
 14 the period commencing January 9, 1987 and ending
 15 January 9, 1989, shall be within the following ranges:

16 Secretary of the Senate and Chief
 17 Clerk of the House \$30,700 to \$49,046

18 Within the indicated ranges the exact compensation
 19 shall be set or adjusted for the senate officers by
 20 the senate rules and administration committee and for
 21 the house officers by the house rules and
 22 administration committee. The committees shall report
 23 the exact compensation assigned to each position on
 24 the next legislative day, or, if such action is during
 25 the interim, on the first day the senate or house
 26 shall convene. Any action by the senate or house to
 27 disapprove or amend the report shall be effective the
 28 day after the action.

29 BE IT FURTHER RESOLVED, That the compensation of
 30 the employees of the seventy-second general assembly

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1 is set, effective from January 9, 1987, until January
 2 9, 1989, in accordance with the following salary
 3 schedule:

4 #8	#9	#10	#11	#12
5 \$9,318.40	\$9,796.80	\$10,296.00	\$10,816.00	\$11,356.80
6 4.48	4.71	4.95	5.20	5.46
7				
8 #13	#14	#15	#16	#17
9 \$11,939.20	\$12,542.40	\$13,166.40	\$13,832.00	\$14,497.60
10 5.74	6.03	6.33	6.65	6.97
11				
12 #18	#19	#20	#21	#22
13 \$15,184.00	\$15,912.00	\$16,702.40	\$17,472.00	\$18,324.80
14 7.30	7.65	8.03	8.40	8.81
15				
16 #23	#24	#25	#26	#27

17	\$19,219.20	\$20,113.60	\$21,091.20	\$22,110.40	\$23,171.20
18	9.24	9.67	10.14	10.63	11.14
19					
20	#28	#29	#30	#31	#32
21	\$24,273.60	\$25,459.20	\$26,644.80	\$27,955.20	\$29,265.60
22	11.67	12.24	12.81	13.44	14.07
23					
24	#33	#34	#35	#36	#37
25	\$30,700.80	\$32,156.80	\$33,696.00	\$35,318.40	\$37,003.20
26	14.76	15.46	16.20	16.98	17.79
27					
28	#38	#39	#40	#41	#42
29	\$38,812.80	\$40,664.00	\$42,619.20	\$44,657.60	\$46,800.00
30	18.66	19.55	20.49	21.47	22.50

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1 In this schedule, each numbered block shall be the
2 yearly and hourly compensation for the pay grade of
3 the number heading the block. Within each grade there
4 shall be six steps numbered "1" through "6". In the
5 above schedule the steps for all grades are determined
6 in the following manner. Each numbered block is
7 counted as the "1" step for that grade. The next
8 higher block is counted as the "2" step; the next
9 higher block is the "3" step; the next higher block is
10 the "4" step; the next higher block is the "5" step;
11 the next higher block is the "6" step.

12 All employees, other than those designated "part-
13 time" shall be compensated for 40 hours of work in a
14 one-week pay period. Except for the personnel
15 designated to the contrary in this resolution,
16 employees who are required to work in excess of 40
17 hours in a one-week pay period shall either be
18 compensated at a rate of pay equal to one and one-half
19 times the hourly pay provided in this resolution or
20 allowed compensatory time off at a rate of one and
21 one-half hours for each hour of overtime.

22 The following personnel shall not be paid an
23 overtime premium:

24 Secretary of the Senate
25 Chief Clerk of the House
26 Assistant Secretary of the Senate
27 Assistant Chief Clerk of the House
28 Senate Legal Counsel
29 House Legal Counsel
30 Finance Officer

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1 All Administrative Assistants
 2 All Research Analysts
 3 All Secretaries to Senators and Representatives
 4 All Caucus Staff Directors
 5 Administrative, Executive, and Confidential
 6 Secretaries to Speaker, Leader or
 7 Secretary of Senate or Chief Clerk of House
 8 All employees shall be available to work daily
 9 until completion of the senate's and house of
 10 representatives' business. The secretary of the
 11 senate and chief clerk of the house shall schedule all
 12 employees' working hours to, as far as possible,
 13 maintain regular working hours.
 14 BE IT FURTHER RESOLVED, That compensatory time off
 15 shall be granted to employees not eligible for
 16 overtime pay in a uniform manner for all legislative
 17 employees as determined by the legislative council.
 18 BE IT FURTHER RESOLVED, That in the event the
 19 salary schedule for employees of the State of Iowa as
 20 promulgated by the personnel commission pursuant to
 21 section 19A.9, subsection 2, Code 1987, is revised
 22 upward at any time during the seventy-second general
 23 assembly, such revised schedule shall simultaneously
 24 be adopted for the compensation of the employees of
 25 the seventy-second general assembly assigned a grade
 26 by this resolution. The pay ranges of those positions
 27 specifically listed on page one of this resolution
 28 shall be automatically adjusted to reflect any cost of
 29 living increases granted to those employees not
 30 included in the collective bargaining agreement made

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1 final under chapter 20 of the Code.
 2 BE IT FURTHER RESOLVED, That the employees of the
 3 seventy-second general assembly be placed in the
 4 following pay grades:
 5 EMPLOYEES OF THE HOUSE
 6 Assistant Chief Clerk of the House Grade 33
 7 Legal Counsel II Grade 33
 8 Legal Counsel I Grade 29
 9 Caucus Staff Director Grade 34
 10 Sr. Caucus Staff Director Grade 36
 11 Administrative Assistant to Leader
 12 or Speaker I Grade 27
 13 Administrative Assistant to Leader
 14 or Speaker II Grade 30
 15 Administrative Assistant to Leader

16	or Speaker III	Grade 33
17	Sr. Administrative Assistant to	
18	Leader or Speaker	Grade 35
19	Legislative Research Analyst I	Grade 27
20	Legislative Research Analyst II	Grade 30
21	Legislative Research Analyst III	Grade 33
22	Sr. Legislative Research Analyst	Grade 35
23	Secretary to Leader	Grade 19
24	Caucus Secretary	Grade 21
25	Administrative Secretary to Leader,	
26	Speaker, or Chief Clerk	Grade 21
27	Executive Secretary to Leader,	
28	Speaker or Chief Clerk	Grade 23
29	Confidential Secretary to Leader,	
30	Speaker, or Chief Clerk	Grade 26

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1	Clerk to Chief Clerk	Grade 16
2	Supervisor of Secretaries	Grade 22
3	Journal Editor	Grade 25
4	Assistant Journal Editor	Grade 21
5	Compositor	Grade 20
6	Finance Officer	Grade 27
7	Assistant Finance Officer	Grade 21
8	Recording Clerk	Grade 20
9	Assistant Legal Counsel	Grade 26
10	Assistant to the Legal Counsel and	
11	Engrossing/Enrolling Clerk	Grade 24
12	Assistant to the Legal Counsel	Grade 16
13	Chief Indexer	Grade 21
14	Indexing Assistant	Grade 18
15	Supply Clerk	Grade 15
16	Switchboard Operator	Grade 13
17	Legislative Secretary	Grade 15
18	Legislative Committee Secretary	Grade 17
19	Bill Clerk	Grade 13
20	Assistant Bill Clerk	Grade 12
21	Postmaster	Grade 11
22	Sergeant-at-Arms	Grade 16
23	Assistant Sergeant-at-Arms	Grade 13
24	Doorkeepers	Grade 10
25	Pages	Minimum Wage
26	EMPLOYEES OF THE SENATE	
27	Assistant Secretary of the Senate	Grade 33
28	Legal Counsel II	Grade 33
29	Legal Counsel I	Grade 29
30	Caucus Staff Director	Grade 34

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1	Sr. Caucus Staff Director	Grade 36
2	Administrative Assistant to Leader I	Grade 27
3	Administrative Assistant to Leader II	Grade 30
4	Administrative Assistant to Leader III	Grade 33
5	Sr. Administrative Assistant to Leader	Grade 35
6	Legislative Research Analyst I	Grade 27
7	Legislative Research Analyst II	Grade 30
8	Legislative Research Analyst III	Grade 33
9	Sr. Legislative Research Analyst	Grade 35
10	Caucus Secretary	Grade 21
11	Secretary to Leader	Grade 19
12	Administrative Secretary to Leader	
13	or Secretary of the Senate	Grade 21
14	Executive Secretary to Leader	
15	or Secretary of the Senate	Grade 23
16	Confidential Secretary to Leader	
17	or Secretary of the Senate	Grade 26
18	Journal Editor	Grade 25
19	Assistant Journal Editor/	
20	Assistant Finance Officer	Grade 23
21	Assistant Journal Editor	Grade 21
22	Compositor	Grade 20
23	Assistant Legal Counsel	Grade 26
24	Assistant to the Legal Counsel/	
25	Assistant Finance Officer	Grade 18
26	Assistant to the Legal Counsel	Grade 16
27	Finance Officer	Grade 27
28	Assistant Finance Officer	Grade 21
29	Recording Clerk	Grade 20
30	Chief Indexer	Grade 21

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1	Indexing Assistant	Grade 18
2	Records and Supply Clerk	Grade 17
3	Switchboard Operator	Grade 13
4	Legislative Secretary	Grade 15
5	Legislative Committee Secretary	Grade 17
6	Bill Clerk	Grade 13
7	Assistant Bill Clerk	Grade 12
8	Postmaster	Grade 11
9	Sergeant-at-Arms	Grade 16
10	Assistant Sergeant-at-Arms	Grade 13
11	Chief Doorkeeper	Grade 11
12	Doorkeepers	Grade 10
13	Porter	Grade 9
14	Pages	Minimum Wage
15	BE IT FURTHER RESOLVED, That there shall be four	

16 classes of appointments as employees of the general
17 assembly:

18 A "permanent full-time" or "permanent part-time"
19 employee is one who is employed the year around and
20 eligible to receive state benefits.

21 An "exempt full-time" employee is one who is
22 employed for the period of the sessions with
23 extensions post-session and pre-session as scheduled.
24 This class is eligible to receive state benefits with
25 the cost of benefits to the state to be paid by the
26 employee when not on the payroll.

27 A "session-only" employee is one who is employed
28 for only a portion of the year, usually the
29 legislative session. This class is not eligible for
30 state benefits, except IPERS.

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1 A "part-time" employee is one who is employed to
2 work less than 40 hours per week. This class is not
3 eligible for state benefits, except IPERS if eligible.

4 BE IT FURTHER RESOLVED, That the exact
5 classification for individuals in a job series created
6 by this resolution shall be set or changed for senate
7 employees by the senate rules and administration
8 committee and for the house employees by the house
9 rules and administration committee. The committees
10 shall base the classification upon the following
11 factors:

12 1. The extent of formal education required of the
13 position; and,

14 2. The extent of the responsibilities to be
15 assigned to the position; and,

16 3. The amount of supervision placed over the
17 position; and,

18 4. The number of persons the position is assigned
19 to supervise and skill and responsibilities of those
20 positions supervised.

21 The committees shall report the exact
22 classifications assigned to each individual on the
23 next legislative day, or, if such action is during the
24 interim, on the first day the senate or house shall
25 convene. Any action by the senate or house to
26 disapprove a report or a portion of a report shall be
27 effective the day after the action.

28 BE IT FURTHER RESOLVED, That positions, titles and
29 grades assigned in this resolution may be adjusted by
30 affirmative vote of the Comparable Worth Appeals

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1 Committee and the senate rules and administration
2 committee and the house rules and administration
3 committee.
4 BE IT FURTHER RESOLVED, That a senator or
5 representative may employ a secretary who in the
6 judgment of the senator or representative employing
7 such person, possesses the necessary skills to perform
8 the duties such senator or representative shall
9 designate, under the administrative direction, as
10 appropriate, of the secretary of the senate or the
11 chief clerk of the house.
12 Each standing committee chairperson, ethics
13 committee chairperson, and each appropriations
14 subcommittee chairperson shall designate a secretary
15 who has either: a) been certified by the personnel
16 commission as having passed a typing and shorthand
17 performance examination, or, b) has demonstrated
18 competence in the use of the legislative computer
19 system to be the Secretary to the Committee. Such
20 Secretary shall prepare committee minutes, committee
21 reports, type committee correspondence, maintain
22 committee records, and otherwise assist the committee.
23 Such duties shall be performed in accordance with
24 standards which shall be provided by the secretary of
25 the senate and chief clerk of the house. The
26 chairperson of a senate or house committee may
27 designate any secretary who has been certified by the
28 personnel commission or who has demonstrated
29 competence in the use of the legislative computer
30 system to be the committee secretary. In making the

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1 designation, chairpersons shall consider persons for
2 possible designation as the secretary to the committee
3 in the following order:
4 First: The secretary to the chairperson.
5 Second: The secretary to the committee's vice-
6 chairperson.
7 Third: The secretary to any other member of the
8 committee.
9 Fourth: The secretary to any other member in the
10 same house as the committee.
11 A designated committee secretary must be a person
12 who has been certified by the personnel commission as
13 having passed a typing performance examination of at
14 least 40 words per minute, and a stenographic
15 performance examination of 80 words per minute using

16 either manual or machine dictation which will be
 17 transcribed with 80% or 95% accuracy respectively, or
 18 who has demonstrated competency in the use of the
 19 legislative computer system.
 20 BE IT FURTHER RESOLVED, That a Legal Counsel II
 21 shall be a person who has graduated from an accredited
 22 school of law and is admitted to practice in Iowa as
 23 an Attorney and Counselor at Law and possesses either
 24 a Masters of Law degree or has at least two years of
 25 legal experience after admission to practice.
 26 A Legal Counsel I shall be a person who has
 27 graduated from an accredited school of law and is
 28 admitted to practice in Iowa as an Attorney and
 29 Counselor at Law.
 30 BE IT FURTHER RESOLVED, That part-time employees

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1 shall be compensated at the scheduled hourly rate for
 2 their pay grade and step.
 3 BE IT FURTHER RESOLVED, That employees of the
 4 general assembly may be eligible for either:
 5 a) increases in salary grade or step based on
 6 evaluation of their job performance and
 7 recommendations of their administrative officers,
 8 subject to approval of the senate committee on rules
 9 and administration or the house committee on rules and
 10 administration, as appropriate; or
 11 b) mobility within pay steps at the discretion of
 12 the chief clerk of the house and the secretary of the
 13 senate, subject to the approval of the house committee
 14 on rules and administration or the senate committee on
 15 rules and administration, as appropriate -- in accord
 16 with the following schedule:
 17 (1) Progression from step "1" to "2" -- twelve
 18 months of actual employment.
 19 (2) Progression from step "2" to "3", and step "3"
 20 to "4", and step "4" to "5" -- twelve months of actual
 21 employment.
 22 (3) Progression from step "5" to "6" -- twenty-
 23 four months of actual employment.
 24 Notwithstanding the provisions of the above
 25 paragraph, any employees of the general assembly, who,
 26 prior to the date of final passage of this resolution,
 27 were granted meritorious-based steps in their position
 28 which raised them beyond step six are subject to the
 29 following process in determining pay level:
 30 a. as of the effective date of this resolution,

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1 the rate of the employees' compensation is to be set
2 at the grade level assigned under this resolution, and
3 the step level is to be set at the same level as that
4 employee was assigned as of the date of final passage
5 of this resolution;

6 b. the employees covered under this paragraph
7 shall not be eligible for further compensation
8 increases until such time as the actual compensation
9 level for step six of their assigned grade exceeds
10 their current compensation, at which time the employee
11 shall move to step six of their assigned grade.

12 BE IT FURTHER RESOLVED, that in addition to the
13 steps provided in the preceding paragraph, that
14 secretaries to senators and representatives shall be
15 eligible for two additional steps upon certification
16 by the personnel commission that the secretary has
17 passed the typing and shorthand performance
18 examinations.

19 BE IT FURTHER RESOLVED, That in addition to the
20 steps provided in the preceding paragraph, that
21 secretaries to senators and representatives shall be
22 eligible for a maximum of three additional grades
23 beyond grade 15, in any combination, as provided in
24 this paragraph:

25 1. One additional grade for a secretary to a
26 standing committee chair, ethics committee chair or
27 appropriations subcommittee chair who is not the
28 designated committee secretary.

29 2. One additional grade for a secretary to a vice-
30 chairperson or ranking member of a standing committee.

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1 3. One additional grade for a secretary to the
2 chairperson of the chaplain's committee.

3 4. Two additional grades for a secretary to an
4 assistant floor leader or speaker pro tempore or
5 president pro tempore.

6 BE IT FURTHER RESOLVED, That the entrance salary
7 for employees of the general assembly shall be at step
8 1 in the grade of the position held. Such employee
9 may be hired above the entrance step if possessing
10 outstanding and unusual experience for the position,
11 provided that the entrance is not beyond step 3. Such
12 employee who is hired above the entrance step shall be
13 mobile above that step in the same period of time as
14 other employees in that same step. An officer or
15 employee who is moved to another position may be

16 considered for partial or full credit for their
17 experience in the former position in determining the
18 step in the new grade.

19 The entry level for the position of research
20 analyst shall be Legislative Research Analyst I,
21 unless extraordinary conditions justify increasing
22 that entry level; however, that entry level may not be
23 increased beyond Legislative Research Analyst II. A
24 research analyst must have shown knowledge of
25 legislative rules and procedures as well as the Code
26 of Iowa to be considered at any level above a
27 Legislative Research Analyst I.

28 BE IT FURTHER RESOLVED, That a pay increase for
29 employees of one step within the pay grade for the
30 position may be made for exceptionally meritorious

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1 service in addition to step increases provided for in
2 this resolution, upon recommendation of the secretary
3 of the senate or chief clerk of the house and the
4 approval of the senate committee on rules and
5 administration or the house committee on rules and
6 administration. Exceptionally meritorious service pay
7 increases shall be governed by the following:

8 a. The employee must have served in the position
9 for at least twelve months;

10 b. Written justification, setting forth in detail
11 the nature of the exceptionally meritorious service
12 rendered, must be submitted to the senate rules and
13 administration committee or house rules and
14 administration committee and approved in advance of
15 granting the pay increase;

16 c. No more than one exceptionally meritorious
17 service pay increase may be granted in any twelve-
18 month period.

19 d. Such meritorious service pay increase shall not
20 be granted beyond the six-step maximum for that
21 position.

22 BE IT FURTHER RESOLVED, That the secretary of the
23 senate and chief clerk of the house shall receive
24 applications for employment, arrange for any necessary
25 examinations, contact references and make
26 recommendations for hiring. The senate rules and
27 administration committee and the house rules and
28 administration committee shall both hire officers and
29 employees for their respective bodies and fill any
30 vacancies which may occur, to be effective at such

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1 time as they shall set. The committee shall report
2 the names of those it has hired for the positions
3 specified in this resolution or the filling of any
4 vacancies on the next legislative day or, if such
5 action is during the interim, on the first day the
6 senate or house shall convene. Any action by the
7 senate or house to amend or disapprove a report or a
8 portion of a report shall be effective the day after
9 the action.

10 The chief clerk of the house shall submit to the
11 house committee on rules and administration and the
12 secretary of the senate shall submit to the senate
13 committee on rules and administration the list of
14 names, or amendments thereto, of employee
15 classifications and recommended pay step for each
16 officer and employee. Such list shall include
17 recommendations for the pay step for all employees.
18 Each respective committee shall approve or amend the
19 list of recommended classifications and pay steps and
20 publish said list in the journal. The secretary of
21 the senate and the chief clerk of the house shall set
22 the period of employment of intermittent employees
23 under such direction as the senate rules and
24 administration committee and the house rules and
25 administration committee may provide.

26 **BE IT FURTHER RESOLVED**, That permanent employees of
27 the general assembly shall receive vacation
28 allowances, sick leave, health and accident insurance,
29 life insurance, and disability income insurance as are
30 provided for full-time permanent state employees. The

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1 computations shall be maintained by the finance
2 officers in each house and coordinated with the
3 department of management.
4 **BE IT FURTHER RESOLVED**, That should any employee
5 have a grievance concerning their compensation, hours
6 of work, performance of work, or other matter, the
7 grievance shall be resolved as provided in this
8 paragraph or by procedures determined by the senate
9 rules and administration committee or the house rules
10 and administration committee.
11 The grievance shall first be brought to the
12 attention of the secretary of the senate or chief
13 clerk of the house. The procedure may be informal and
14 oral except that the secretary or chief clerk shall
15 give his or her final conclusion in writing.

16 An employee may appeal in writing an adverse ruling
 17 of the secretary or chief clerk to the senate rules
 18 and administration committee or the house rules and
 19 administration committee which shall consider the
 20 grievance. The committee's consideration shall be
 21 informal except that accurate minutes shall be kept
 22 and the final conclusion shall be in writing.

23 Any employee having a grievance shall have access
 24 to all relevant house or senate records, may have the
 25 assistance of counsel, and, if the grievance involves
 26 a disciplinary action, shall have a written statement
 27 of the grounds for the disciplinary action.

28 BE IT FURTHER RESOLVED, That the compensation of
 29 chaplains officiating at the opening of the daily
 30 sessions of the house of representatives and the

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1 senate of the seventy-second general assembly be fixed
 2 at ten dollars for each house of the general assembly,
 3 and that mileage for chaplains be fixed at the rate of
 4 twenty-one cents per mile to and from the State
 5 Capitol.

1 SENATE CONCURRENT RESOLUTION 8

2 By: Committee on Agriculture

3 A Senate Concurrent Resolution relating to the
 4 federal conservation reserve program.

5 WHEREAS, the prevention of soil erosion is
 6 recognized as being of prime importance to ensure the
 7 preservation of the nation's environmental and
 8 agricultural resources; and

9 WHEREAS, Title XII of the federal Food Security Act
 10 of 1985, Public Law 99-198, provides that persons may
 11 contract with the Secretary of the United States
 12 Department of Agriculture to enter into a conservation
 13 reserve program; and

14 WHEREAS, persons in the State of Iowa will have
 15 contracted to enter into the federal conservation
 16 reserve program before February 9, 1987 and set aside
 17 highly erodible cropland in order to conserve and
 18 improve the soil and water resources at their farms;
 19 and

20 WHEREAS, only persons contracting to enter into the
 21 federal conservation reserve program between February
 22 9, 1987, and February 28, 1987, are eligible to
 23 receive a bonus annual rental payment for set-aside
 24 land; and

25 WHEREAS, a purpose of the federal conservation

26 program is to encourage persons to immediately begin
27 the set-aside of highly erodible land; NOW THEREFORE,
28 BE IT RESOLVED BY THE SENATE, THE HOUSE CONCURRING,
29 That the General Assembly hereby petitions the
30 Congress of the United States, the President of the

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1 United States, and the Secretary of Agriculture to
2 take immediate steps to ensure that persons who have
3 conscientiously entered into the federal conservation
4 reserve program promptly may receive the same bonus
5 payment that tardy entrants are eligible to receive,
6 in order to prevent a great inequity and to further
7 the purpose of the program; and
8 BE IT FURTHER RESOLVED, That copies of this
9 resolution and petition be submitted to the United
10 States Congress, the President of the United States,
11 the Secretary of Agriculture, and members of Iowa's
12 Congressional Delegation.

1 SENATE CONCURRENT RESOLUTION 9

2 By: Committee on Business and Labor

3 A Concurrent Resolution to urge and request the United States
4 Congress to fully fund and support the State Employment
5 Service System, to continue the federal-state Work-Incentive-
6 (WIN) Program, and to enact a Worker Adjustment Assistance
7 Program.

8 WHEREAS, the state of Iowa, one of the major
9 agricultural states in the United States, is suffering
10 from an economic crisis in agriculture that affects
11 the entire economic health of this state, as well as
12 the economic health of the midwest and the nation as a
13 whole; and

14 WHEREAS, 95,000 main street businesses, including
15 2,000 farm implement dealers, have closed their
16 businesses since 1981; and

17 WHEREAS, 55,000 farm implement manufacturing
18 workers have been permanently laid off in the past
19 five years; and

20 WHEREAS, more than 17,000 Iowa farms have failed
21 since 1981 and at least one-third of Iowa's remaining
22 farmers are suffering severe financial stress; and

23 WHEREAS, the federal government has no unified,
24 coherent effort to assist workers and farmers who have
25 become dislocated as a result of the agricultural
26 crisis; and

27 WHEREAS, the state of Iowa has received
28 increasingly diminished resources to fund the State

29 Employment Service System, which is the front line in
30 assisting dislocated workers in finding jobs; and

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1 WHEREAS, the recommended \$90,000,000 budget
2 reduction to the Employment Service System nationwide
3 will cause the closing of 34 of the 69 employment
4 service offices in the state of Iowa; and

5 WHEREAS, the federal-state Work-Incentive (WIN)
6 Program has proven successful in providing education
7 and training to public assistance recipients and in
8 aiding them to become self-sufficient; and

9 WHEREAS, the President of the United States has
10 recognized the need for a unified Worker Adjustment
11 Assistance Program to respond to the dislocation
12 pressures on the American workforce triggered by
13 international competition, technological change, and
14 economic shifts; and

15 WHEREAS, the major problem faced by dislocated
16 American workers is the loss of jobs and the securing
17 of employment; and

18 WHEREAS, Job Service of Iowa, within the Department
19 of Employment Services, has demonstrated that it
20 administers the most efficient operation in matching
21 workers with jobs; and

22 WHEREAS, the Employment Security Administration
23 account in Washington has amassed a \$2,500,000,000
24 surplus while the state of Iowa has experienced a 33
25 percent decline in administrative funding for its
26 employment services offices since 1982; NOW THEREFORE,

27 BE IT RESOLVED BY THE SENATE, THE HOUSE CONCURRING,
28 That the United States Congress is urged to support
29 full funding of the Employment Service System at
30 levels no lower than 1985 funding levels; and

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1 BE IT FURTHER RESOLVED, That the United States
2 Congress is urged to continue to support the federal-
3 state Work Incentive (WIN) Program; and

4 BE IT FURTHER RESOLVED, That the United States
5 Congress is urged to support the passage of a Worker
6 Adjustment Assistance Program; and

7 BE IT FURTHER RESOLVED, That Job Service of Iowa be
8 designated as the presumptive deliverer of labor
9 exchange services through its employment services
10 offices, thereby avoiding duplication of effort and
11 maximizing service to all job seekers; and

12 BE IT FURTHER RESOLVED, That copies of this

13 Resolution be sent to the President of the United
 14 States Senate and to the Speaker of the United States
 15 House of Representatives, and to all members of the
 16 Iowa Congressional Delegation.

1 SENATE CONCURRENT RESOLUTION 11

2 By: Gentleman

3 A Concurrent Resolution to petition the Federal Communications
 4 Commission to increase the wattage of KWDM.

5 WHEREAS, the West Des Moines Community School
 6 District serves the community by providing an
 7 information service with regard to coming events,
 8 news, news reporting, weather forecasting, and sports
 9 announcing; and

10 WHEREAS, the West Des Moines Community School
 11 District provides academic excellence and educational
 12 opportunities in the areas of communication, English,
 13 and broadcasting; and

14 WHEREAS, the West Des Moines Community School
 15 District provides professional opportunities for
 16 students; NOW THEREFORE,

17 BE IT RESOLVED BY THE SENATE, THE HOUSE CONCURRING,
 18 That the Federal Communications Commission be
 19 petitioned to increase the wattage of KWDM from one
 20 one-hundredths kilowatts to one-tenth kilowatts, from
 21 class "D" to class "A", and from the frequency of 88.9
 22 to 88.7 FM (FCC reference number 86091MH). The West
 23 Des Moines Community School District is amenable to
 24 changes in its application to the Federal
 25 Communications Commission in order to effect the
 26 requests of the petition.

1 SENATE CONCURRENT RESOLUTION 14

2 By: Gettings

3 A Concurrent Resolution congratulating Deere & Company on its 150th
 4 anniversary.

5 WHEREAS, 1987 is the 150th year of continuous
 6 existence for Deere & Company, which is an
 7 accomplishment that very few companies can claim; and
 8 WHEREAS, much of the history of this successful
 9 company, which is currently Iowa's largest private
 10 employer, is interwoven with the history of this
 11 state; and

12 WHEREAS, the name JOHN DEERE and its products are
 13 known the world over, which reflects positively on
 14 this state; and

15 WHEREAS, John Deere invented the first steel plow
 16 which revolutionized the agricultural economy; and

17 WHEREAS, thousands of Iowans have worked for and
 18 contributed to the success of this company during its
 19 long existence; and
 20 WHEREAS, the presence of Deere & Company in Iowa
 21 has enhanced the quality of life for urban and rural
 22 residents of the state; and
 23 WHEREAS, Deere & Company has distinguished itself
 24 as a responsible corporate citizen; NOW THEREFORE,
 25 BE IT RESOLVED BY THE SENATE, THE HOUSE CONCURRING,
 26 That the General Assembly congratulates Deere &
 27 Company and its more than 14,000 Iowa employees on
 28 this 150th anniversary and that the General Assembly
 29 commends them on their important place in the economic
 30 life of Iowa and their contribution to the economy of

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1 the state and wish them many more years of growth and
 2 prosperity; and
 3 BE IT FURTHER RESOLVED, That an official copy of
 4 this resolution be prepared and presented to the
 5 chairman of the board of directors of Deere & Company.

1 SENATE CONCURRENT RESOLUTION 15
 2 By: Committee on Rules and Administration
 3 A Senate Concurrent Resolution relating to a
 4 Biennial Memorial Session.
 5 WHEREAS, it has been the custom to hold a biennial
 6 memorial session in recognition of the public service
 7 of deceased members of the general assembly; and
 8 WHEREAS, both houses desire to participate in such
 9 an observance; NOW THEREFORE,
 10 BE IT RESOLVED BY THE SENATE, THE HOUSE OF
 11 REPRESENTATIVES CONCURRING, That an evening session of
 12 the seventy-second general assembly be held in the
 13 senate chamber Wednesday, April 22, 1987, at 7:30 p.m.
 14 BE IT FURTHER RESOLVED, That a joint committee of
 15 eight members be appointed, four from the senate to be
 16 appointed by the majority leader of the senate, and
 17 four from the house to be appointed by the speaker of
 18 the house, to make suitable arrangements for a joint
 19 memorial session.

1 SENATE CONCURRENT RESOLUTION 16
 2 By: Committee on Natural Resources
 3 A Senate Concurrent Resolution urging the President of the
 4 United States and the Congress of the United States to enact the
 5 Mississippi River National Heritage Corridor Act of 1987.

6 WHEREAS, the Mississippi River is a tremendous
7 asset in the cultural, ecological, and economic
8 development of our country; and
9 WHEREAS, the Mississippi River traverses ten states
10 and has a profound impact on the commerce, tourism,
11 and manufacturing in those states; and
12 WHEREAS, the river's course and its surrounding
13 lands are abundant in cultural sites, natural areas,
14 wildlife refuges, industrial sites, population
15 centers, and other areas that are integral to our
16 national heritage; and
17 WHEREAS, as a favorite region for visitors, the
18 Mississippi River has become a famous national as well
19 as international attraction; and
20 WHEREAS, the ten-state Mississippi River Parkway
21 Commission has proposed the designation of the
22 Mississippi River area as a National Heritage
23 Corridor; and
24 WHEREAS, it is appropriate that the federal
25 government undertake significant efforts to retain,
26 enhance, and interpret, for present and future
27 generations, the cultural, historical, artistic,
28 natural, recreational, and economic resources of the
29 corridor that are consistent with industrial and
30 economic growth; and

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1 WHEREAS, the Congress of the United States is
2 considering the Mississippi River National Heritage
3 Corridor Act of 1987 that, if adopted, will ensure
4 that the above activities in the corridor will be
5 instituted; and
6 WHEREAS, the proposed designation would recognize a
7 vast array of diverse resources in the river valley
8 and promote economic development in the heartland of
9 this nation; and
10 WHEREAS, such a designation is not expected to
11 impose any new regulatory burdens on the citizens, or
12 on local, regional, or state governments; and
13 WHEREAS, this proposed corridor would encourage the
14 United States Department of the Interior to provide
15 coordinating and technical functions for the
16 Mississippi River National Heritage Corridor; and
17 WHEREAS, participation by constituent groups,
18 historians, sportsmen, archaeologists,
19 conservationists, developers, and planners is
20 anticipated for enhancement of the corridor; NOW
21 THEREFORE,
22 BE IT RESOLVED BY THE SENATE, THE HOUSE CONCURRING,

23 That the General Assembly approve the establishment of
 24 a Mississippi River National Heritage Corridor; urge
 25 the Congress of the United States to immediately
 26 enact, and the President of the United States to
 27 approve, the Mississippi River National Heritage
 28 Corridor Act of 1987; and that copies of this
 29 resolution be transmitted to the President of the
 30 United States Senate, the Speaker of the United States

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1 House of Representatives, and to each member of the
 2 Iowa Congressional Delegation.

1 SENATE CONCURRENT RESOLUTION 17
 2 By: Committee on Natural Resources
 3 A Senate Concurrent Resolution to double the acres
 4 of woodland in Iowa.
 5 WHEREAS, the timber acreage in Iowa has declined
 6 from seven million to one and one-half million acres
 7 through the recorded history of the state; and
 8 WHEREAS, soil erosion from wind and water has
 9 accelerated partially as a result of that timber
 10 decrease; and
 11 WHEREAS, comparatively low row crop production from
 12 marginal lands formerly in forest cover is not needed
 13 now, nor in the foreseeable future; and
 14 WHEREAS, management and production of timber
 15 represent economically viable alternatives to other
 16 agricultural practices; and
 17 WHEREAS, woodlands supply the raw material for Iowa
 18 wood-using industries, thus providing income for
 19 landowners and jobs for many Iowans; and
 20 WHEREAS, woodlands provide scenic diversity to the
 21 Iowa landscape and serve as the principal resource
 22 base for a wide range of recreational pursuits; and
 23 WHEREAS, wood products can provide energy sources
 24 that are now being supplied by imported fuels; and
 25 WHEREAS, many forms of wildlife are a product of
 26 forest lands, and such wildlife enrich our lives; NOW
 27 THEREFORE,
 28 BE IT RESOLVED BY THE SENATE, THE HOUSE CONCURRING,
 29 That it be the intent of the General Assembly that the
 30 state of Iowa develop programs to double the acreage

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1 devoted to timber before the year 2010.

1 SENATE CONCURRENT RESOLUTION 18

2 By: Committee on Education

3 A resolution emphasizing the importance of the arts in a
4 complete education.5 WHEREAS, historically the arts have provided
6 societies with a truly human means of expression that
7 goes well beyond ordinary language; and8 WHEREAS, the arts serve as a powerful expression of
9 thoughts and feelings, as a means to challenge and
10 extend the human experience, and as a distinctive way
11 of understanding human beings and nature; and12 WHEREAS, few areas of life are as important to a
13 free, democratic society as education; and14 WHEREAS, a country in which pluralism and
15 individual expression are an essential part of its
16 character must rely on a high level of shared
17 education to foster a common culture; and18 WHEREAS, public discussion following recent studies
19 of education in the United States indicates an
20 increasing desire to strengthen Iowa's schools; and21 WHEREAS, the arts provide an important aspect of a
22 complete education and have been included as one of
23 the six basic academic subjects by the College Board;
24 and25 WHEREAS, practice and preparation in the arts can
26 develop discipline, concentration, and self-
27 confidence; and28 WHEREAS, participation in the arts helps to develop
29 the higher levels of skill, literacy, and training
30 essential to enable individuals to participate fully**Page 2**

1 in our national life; and

2 WHEREAS, exposure to the arts is an integral part
3 of the understanding and appreciation of the diverse
4 cultures of the world; and5 WHEREAS, the arts serve to preserve our uniquely
6 American culture and provide a particularly effective
7 means to present it to other nations; and8 WHEREAS, the arts enrich our lives by offering
9 fulfillment through self-expression and aesthetic
10 appreciation; and11 WHEREAS, the Congress of the United States has
12 passed, and the President has signed, a resolution
13 recognizing the importance of the arts to a complete
14 education; NOW THEREFORE,15 BE IT RESOLVED BY THE SENATE, THE HOUSE CONCURRING,
16 That the General Assembly recognizes the important

17 contribution of the arts in a complete education and
 18 urges all citizens to support efforts which strengthen
 19 artistic training and appreciation within Iowa's
 20 schools.

1 SENATE CONCURRENT RESOLUTION 19

2 By: Committee on Education

3 A Concurrent Resolution directing the state board of education to
 4 include specific named topics in its study of restructuring.

5 WHEREAS, the number of pupils enrolled in public
 6 school districts in Iowa has declined from 659,888 in
 7 1969 to 481,195 in 1986, an enrollment decline of
 8 178,693 pupils; and

9 WHEREAS, pursuant to section 1407 of chapter 1245,
 10 1986 Iowa Acts, the state board of education is
 11 developing plans for the restructuring of school
 12 districts, area education agencies, and merged area
 13 schools and is required under that legislation to
 14 report the plans to the General Assembly not later
 15 than October 1, 1987; and

16 WHEREAS, the legislation directs that the focus of
 17 the plans is to assure more productive and efficient
 18 use of limited resources, equity of geographical
 19 access to facilities, equity of educational
 20 opportunity within the state, and improved student
 21 achievement; and

22 WHEREAS, the General Assembly desires that the
 23 state board include in its studies in connection with
 24 the development of restructuring plans several
 25 different areas connected with school district
 26 structure and efficiency; NOW THEREFORE,

27 BE IT RESOLVED BY THE SENATE, THE HOUSE CONCURRING,
 28 That the General Assembly direct the state board of
 29 education, in connection with the plans it is
 30 developing for the General Assembly under section 1407

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1 of chapter 1245, 1986 Iowa Acts, to study the
 2 following listed areas, comment on the feasibility of
 3 their implementation, and describe the most
 4 appropriate manner in which to implement them:
 5 completing the process of collective bargaining for
 6 school districts on a regional and state rather than
 7 individual basis, consolidating vocational education
 8 for secondary students in the area schools rather than
 9 in the high schools, utilizing regional transportation
 10 systems and providing school transportation on a
 11 regional rather than individual district basis,

12 providing school administration on a regional rather
13 than individual district basis, utilizing a
14 centralized purchasing concept provided by the area
15 education agencies, merging the administrative
16 structure of each corresponding area school and area
17 education agency, combining the boards of directors of
18 each corresponding area school and area education
19 agency, and consolidating library and media services
20 from the regional libraries and the area education
21 agency media divisions into a single entity; and

22 BE IT FURTHER RESOLVED, That the state board of
23 education include the results of these studies in its
24 report to the General Assembly due not later than
25 October 1, 1987.

1 SENATE CONCURRENT RESOLUTION 20

2 By: Committee on Rules and Administration

3 A Senate Concurrent Resolution urging the postmaster general
4 to issue a special commemorative stamp to honor Harry Lloyd
5 Hopkins.

6 WHEREAS, Harry Lloyd Hopkins was born in Sioux
7 City, Iowa on August 17, 1890, was raised in Grinnell,
8 Iowa, and graduated from Grinnell College, and is now
9 buried in Grinnell, Iowa; and

10 WHEREAS, Hopkins served in many top administrative
11 positions in the Roosevelt administration, including
12 the position of Secretary of Commerce; and

13 WHEREAS, Hopkins was an intimate friend and trusted
14 advisor to President Franklin D. Roosevelt and a
15 special advisor to President Harry S. Truman; and

16 WHEREAS, Harry Lloyd Hopkins played an
17 extraordinary role in rescuing the country from the
18 grips of industrial collapse and unemployment; and

19 WHEREAS, Harry Lloyd Hopkins, though desperately
20 ill, was a catalyst in forging the Grand Alliance and
21 mobilizing the country to fight its enemies during
22 World War II; NOW THEREFORE,

23 BE IT RESOLVED BY THE SENATE, THE HOUSE CONCURRING,
24 That the Honorable Preston Tisch, Postmaster General
25 of the United States, and the Stamp Advisory
26 Committee, are urged to issue a stamp commemorating
27 the centennial of the birth of this great Iowan and
28 American, who served his country with such selfless
29 devotion; and

30 BE IT FURTHER RESOLVED, That the secretary of the

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1 senate send copies of this resolution to the Honorable
 2 Preston Tisch, the Stamp Advisory Committee, and
 3 members of the Iowa Congressional delegation.

1 SENATE CONCURRENT RESOLUTION 30
 2 By: Miller of Des Moines, Holden, Gettings, Deluhery,
 3 Fraise, Coleman, Hannon, and Soorholtz
 4 A Concurrent Resolution relating to the establishment of
 5 occupational therapy programs.

6 WHEREAS, an occupational therapist is an individual
 7 who evaluates self-care and work and leisure
 8 performance skills of an individual, and plans and
 9 implements programs designed to restore, develop, or
 10 maintain a patient's ability to accomplish daily
 11 living tasks; and

12 WHEREAS, the number of Iowa's elders is increasing,
 13 and a large number of the elders require services to
 14 restore or maintain abilities to accomplish daily
 15 living tasks; and

16 WHEREAS, Pub. L. 92-142 requires the provision of
 17 occupational therapist services to young people; and

18 WHEREAS, good health services with a sufficient
 19 number of staff must exist if Iowa communities are to
 20 attract and retain businesses; and

21 WHEREAS, Iowa ranks thirty-fifth in its number of
 22 occupational therapists; and

23 WHEREAS, no state university provides the four-year
 24 degree and clinical experience program required to
 25 train an occupational therapist; NOW THEREFORE,

26 BE IT RESOLVED BY THE SENATE, THE HOUSE CONCURRING,
 27 That state universities and colleges be encouraged to
 28 establish occupational therapy programs.

1 SENATE CONCURRENT RESOLUTION 32

2 By: Committee on Ways and Means

3 A Concurrent Resolution urging the Congress of the United States
 4 to amend the Interstate Commerce Act to allow states to
 5 collect sales or use taxes from outstate sellers.

6 WHEREAS, companies selling across state lines and
 7 who maintain contact with customers solely by the
 8 mailing of catalogs and other publications and the
 9 delivery of goods by the mail or common carriers are
 10 commonly referred to as outstate sellers; and

11 WHEREAS, as a result of a May 8, 1967, United
 12 States Supreme Court decision, the state of Iowa has
 13 not been able to enforce collection of sales or use

14 taxes by outstate sellers who use only the mail or
15 common carriers to send customers the ordered goods;
16 and

17 WHEREAS, the state is deprived of all sales or use
18 tax collections and moneys that result from such
19 transactions, estimated to be in the millions of
20 dollars each year; and

21 WHEREAS, as a result of not having to collect sales
22 or use taxes imposed by the state, those outstate
23 sellers possess an unfair competitive price advantage
24 over sellers who have retail outlets, solicitors, or
25 property within Iowa and who are currently collecting
26 the state's sales or use taxes; NOW THEREFORE,

27 BE IT RESOLVED BY THE SENATE, THE HOUSE CONCURRING,
28 That the Seventy-second General Assembly urges the
29 Congress of the United States to amend the Interstate
30 Commerce Act to allow individual states to require the

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1 collection of sales or use taxes by outstate sellers
2 regardless of contact or delivery with customers; and
3 BE IT FURTHER RESOLVED, That copies of this
4 Resolution be forwarded by the Secretary of the Senate
5 to the United States Secretary of Commerce, the
6 chairperson of the United States Senate Committee on
7 Commerce, Science and Transportation, the chairperson
8 of the United States House Committee on Energy and
9 Commerce, and each member of the Iowa Congressional
10 delegation.

1 SENATE CONCURRENT RESOLUTION 33

2 By: Committee on Human Resources

3 A Senate Concurrent Resolution relating to the reform of
4 the welfare system.

5 WHEREAS, one in five children in the United States
6 grows up in poverty and, as a consequence of that
7 poverty, many children fail to achieve their full
8 potential; and

9 WHEREAS, the failure of our youth to achieve their
10 full potential not only represents a national tragedy
11 but also prevents our country from achieving full
12 economic growth and development; and

13 WHEREAS, most children grow up in poverty simply
14 because their families cannot obtain employment that
15 provides for self-sufficiency; and

16 WHEREAS, there is a benefit to all sectors of
17 society, including state and local governments,
18 private employers, and local communities, in

19 correcting the problems associated with poverty,
 20 welfare dependency, and lack of economic self-
 21 sufficiency; and
 22 WHEREAS, there is a need for coordination of human
 23 service and economic development programs to assist
 24 economically-distressed persons to gain financial
 25 self-sufficiency; and
 26 WHEREAS, actions at the state government level have
 27 sought to improve job readiness, child care support,
 28 and health care support for families on welfare but
 29 these actions can only be effective if there is
 30 corresponding activity in the private sector and

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1 within communities providing support and jobs; and
 2 WHEREAS, private sector and local government
 3 leaders can provide leadership in restructuring Iowa's
 4 welfare system to achieve poverty reduction, self-
 5 sufficiency, and greater economic activity and
 6 productivity; NOW THEREFORE,
 7 BE IT RESOLVED BY THE SENATE, THE HOUSE CONCURRING,
 8 That the Legislative Council authorize the creation of
 9 an interim study committee to evaluate existing human
 10 service and welfare programs, and develop
 11 recommendations to improve services for economically-
 12 distressed Iowans to help those Iowans achieve
 13 economic self-sufficiency; and
 14 BE IT FURTHER RESOLVED, That the interim study
 15 committee's evaluation focus on the manner in which
 16 private sector employers and local communities can
 17 work to provide employment opportunities, including
 18 the development of new and innovative programs; and
 19 BE IT FURTHER RESOLVED, That the study committee
 20 include legislators, leaders from the private sector
 21 and from communities, and welfare clients, and persons
 22 representing client concerns; and
 23 BE IT FURTHER RESOLVED, That the interim study
 24 committee shall submit a report of its recommendations
 25 and accompanying legislative proposals to the
 26 Legislative Council and to members of the General
 27 Assembly which convenes in 1988.

1 SENATE CONCURRENT RESOLUTION 35
 2 By: Committee on Appropriations
 3 A Concurrent Resolution relating to the board of
 4 regents ten-year building program.
 5 WHEREAS, pursuant to section 262A.3, the state
 6 board of regents prepared and within seven days after

7 the convening of the Seventy-second General Assembly
8 of the State of Iowa, First Session, submitted to the
9 Seventy-second General Assembly, First Session, for
10 approval the proposed ten-year building program for
11 each institution of higher learning under the
12 jurisdiction of the board, containing a list of the
13 buildings and facilities which the board deems
14 necessary to further the educational objectives of the
15 institutions, together with an estimate of the cost of
16 each of the buildings and facilities and an estimate
17 of the maximum amount of bonds which the board expects
18 to issue under chapter 262A for each year of the
19 fiscal biennium beginning July 1, 1987, and ending
20 June 30, 1989; and

21 WHEREAS, the projects contained in the building
22 program are deemed necessary for the proper
23 performance of the instructional, research, and
24 service functions of the institutions; and

25 WHEREAS, section 262A.4 provides that the state
26 board of regents, after authorization by a
27 constitutional majority of each house of the General
28 Assembly and approval by the Governor, may undertake
29 and carry out at the institutions of higher learning
30 under the jurisdiction of the board any project as

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1 defined in chapter 262A; and
2 WHEREAS, chapter 262A authorizes the state board of
3 regents to borrow money and to issue and sell
4 negotiable revenue bonds to pay all or any part of the
5 cost of carrying out projects at any institution
6 payable solely from and secured by an irrevocable
7 pledge of a sufficient portion of the student fees and
8 charges and institutional income received by the
9 particular institution; and

10 WHEREAS, to further the educational objectives of
11 the institutions, and to foster economic growth in
12 this state, the state board of regents requests
13 authorization to undertake and carry out certain
14 projects at this time and to finance their costs by
15 borrowing money and issuing negotiable bonds under
16 chapter 262A in a total amount not exceeding sixty-
17 five million six hundred thousand (65,600,000)
18 dollars, the remaining cost of the projects to be
19 financed by capital appropriations or by federal or
20 other funds lawfully available; NOW THEREFORE,

21 BE IT RESOLVED BY THE SENATE, THE HOUSE CONCURRING,
22 That the proposed ten-year building program submitted
23 by the state board of regents for each institution of

24 higher learning under its jurisdiction is approved;
 25 and
 26 BE IT FURTHER RESOLVED, That no commitment is
 27 implied or intended by approval to fund any portion of
 28 the proposed ten-year building program submitted by
 29 the state board of regents beyond the portion that is
 30 financed and approved by the Seventy-second General

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1 Assembly, First Session, and the Governor; and
 2 BE IT FURTHER RESOLVED, That during the biennium
 3 which commences July 1, 1987, and which ends June 30,
 4 1989, the maximum amount of bonds which the state
 5 board of regents expects to issue under chapter 262A,
 6 unless additional bonding is authorized, is sixty-five
 7 million six hundred thousand (65,600,000) dollars, all
 8 or any part of which may be issued during the fiscal
 9 year ending June 30, 1988, and if all of that amount
 10 should not be issued during that fiscal year, any
 11 remaining balance may be issued during the fiscal year
 12 ending June 30, 1989, or thereafter, and this plan of
 13 financing is approved; and

14 BE IT FURTHER RESOLVED, That the state board of
 15 regents is authorized to undertake, plan, construct,
 16 equip, and otherwise carry out the following projects
 17 and to pay all or any part of the cost of carrying out
 18 the projects by borrowing money and issuing negotiable
 19 revenue bonds under chapter 262A during the fiscal
 20 year beginning July 1, 1987, except as otherwise
 21 provided in this resolution, in a total amount not to
 22 exceed sixty-five million six hundred thousand
 23 (65,600,000) dollars:

24 <u>State University of Iowa</u>	\$ 25,100,000
25 Laser laboratories	
26 International center (old	
27 law center) remodeling	
28 Cost of issuance of bonds	
29 <u>Iowa State University</u>	\$ 37,500,000
30 Molecular biology building	

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- 1 Home economics building-phase I
- 2 Meat irradiation facility
- 3 University research park development
- 4 Industrial education remodeling
- 5 Veterinary medicine research
- 6 institute laboratory
- 7 Cost of issuance of bonds

8 University of Northern Iowa \$ 3,000,000
 9 Latham hall remodeling
 10 Cost of issuance of bonds
 11 Total \$ 65,600,000
 12 BE IT FURTHER RESOLVED, That if the amount of bonds
 13 issued under this resolution exceeds the actual costs
 14 of projects approved in this resolution, the amount of
 15 the difference shall be used to pay the principal and
 16 interest due on bonds issued under chapter 262A.

1 SENATE CONCURRENT RESOLUTION 40
 2 By: Committee on Rules and Administration
 3 A Senate Concurrent Resolution to provide for
 4 adjournment sine die.
 5 BE IT RESOLVED BY THE SENATE, THE HOUSE CONCURRING,
 6 That when adjournment is had on Thursday, May 7, 1987,
 7 it be the final adjournment of the 1987 Regular
 8 Session of the Seventy-second General Assembly.

1 SENATE CONCURRENT RESOLUTION 43
 2 By: Dieleman
 3 A Senate Concurrent Resolution to accept a bronze memorial
 4 to commemorate the bicentennial of the Constitution of
 5 the United States.
 6 WHEREAS, the Iowa constitution committee has
 7 proposed to present a gift to the State of Iowa in
 8 commemoration of the bicentennial of the Constitution
 9 of the United States; and
 10 WHEREAS, this gift is a bronze memorial plaque
 11 mounted on a wood frame background; and
 12 WHEREAS, it is planned to have this memorial ready
 13 for viewing on the anniversary date of the signing of
 14 the Constitution of the United States; and
 15 WHEREAS, the Iowa constitution committee proposes
 16 that the memorial be located on the second floor of
 17 the State House where the laws of this state are
 18 enacted; and
 19 WHEREAS, the Capitol Planning Commission has
 20 unanimsly voted to accept this memorial and to
 21 request consideration by the general assembly to allow
 22 it to be installed at this location; NOW THEREFORE,
 23 BE IT RESOLVED BY THE SENATE, THE HOUSE OF
 24 REPRESENTATIVES CONCURRING, That the general assembly
 25 commends the Iowa constitution committee for its gift
 26 of a bronze memorial plaque commemorating the
 27 bicentennial of the Constitution of the United States
 28 and accepts the memorial plaque and approves the

29 location of the memorial on the second floor of the
30 State House where Iowa's laws are enacted.

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Senate File 180 - Senator Dieleman—964
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Senate File 209 - Senator Readinger—952
Senate File 209 - Senator Dieleman—964
Senate File 264 - Senator Readinger—1441
Senate File 283 - Senator Dieleman—964
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Senate File 356 - Senator Vande Hoef—1095
Senate File 371 - Senator Vande Hoef—1095
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Senate File 384 - Senator Dieleman—964
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Confirmation of Mary Ellis - Senator Dieleman—995
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House File 380 - Senator Bruner—1482
House File 460 - Senator Dieleman—1425
House File 567 - Senator Vande Hoef—1543
House File 580, S-3671 to S-3556 - Senator Dieleman—1425
House File 626 - Senator Riordan—1894
House File 631 - Senator Vande Hoef—1543
House File 631 - Senator Riordan—1894
House File 631 - Senator Hannon—1894
House File 654 - Senator Dieleman—1425
House File 658 - Senator Bruner—1482

FARM CRISIS LEGAL ASSISTANCE ADVISORY BOARD—
Senators appointed to—106

FEDERAL AGENCIES—
(See President of the United States, Congress and/or Federal Agencies)

FRAISE, EUGENE—Senator Thirty-first District
Bills introduced—171, 209, 213-214, 221, 263, 294, 320a, 363, 386, 479, 581,
715
Amendments filed—316, 334, 539, 644, 882, 921, 954, 983, 1176, 1221, 1269,
1325, 1333, 1379, 1441, 1525, 1532, 1555, 1625, 1643, 1646, 1679, 1772,
1887
Amendments offered—334, 340, 644, 863, 916, 1247, 1292, 1340, 1625, 1646,
1655
Amendments withdrawn—863, 1127, 1247, 1625
Appointed to COSG Utilities Regulation Committee—107
Committee appointments—30, 79, 107
Petitions presented—174
Presided at sessions of the Senate—1478
Resolutions offered—246, 1120, 1749
Standing committees and subcommittees appointed to—74, 75, 77
Subcommittee assignments—130, 131, 181, 236, 241, 242, 243, 244, 301, 314,
315, 343, 393, 394, 426, 427, 467, 468, 487, 488, 489, 528, 550, 553, 571,
637, 638, 639, 657, 707, 782, 880, 881, 927, 993, 1079, 1216, 1298
Subcommittee assignments, governor's appointments—197, 761, 768, 787

*****1987 EXTRAORDINARY SESSION*****

Amendments filed—21

FUHRMAN, LINN—Senator Fifth District
Bills introduced—263, 398, 438, 456, 471, 523-524, 652
Amendments filed—539, 911, 929, 1055, 1081, 1096, 1124, 1201, 1221, 1299,
1370, 1427, 1461, 1522, 1525, 1569, 1658, 1785
Amendments offered—1370
Committee appointments—16, 79
Corrected subcommittee assignments—731
Petitions presented—512, 710
Standing committees and subcommittees appointed to—74, 75, 77
Subcommittee assignments—129, 130, 131, 168, 182, 301, 315, 379, 393, 394,
427, 428, 443, 468, 487, 489, 550, 552, 657, 709, 781, 783, 784, 927, 1054,
1122, 1139, 1215, 1216, 1298
Subcommittee assignments, governor's appointments—197, 200, 761, 768,
769, 801

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Appointed to Medical Assistance Advisory Committee—36

GENERAL ASSEMBLY - SENATE—

(See also Rules and Administration and/or President of the United States, Congress, Federal Agencies and/or Study Committees in this General Index and/or Senate Concurrent Resolutions, Senate Resolutions, and House Concurrent Resolutions listed in Legislative Index Volume)

Resolutions relating to:

- Senate Concurrent Resolution 1, Journals, bills, etc., furnished county auditors, also Iowa's congressional delegation. S.J. 15, 15-16 adopted, S.J. 67 - H.J. 47, 56, 95 adopted.
- Senate Concurrent Resolution 2, Appointment of joint inaugural committee. S.J. 16 adopted, S.J. 67 - H.J. 47, 56, 95 adopted.
- Senate Concurrent Resolution 3, Joint rules, Senate and House. S.J. 30, 40, 49, 55, 50 adopted, S.J. 170, 179 as amended adopted - H.J. 93-94, 95, 96-110 as amended adopted; motion to reconsider, 112, 199, motion to reconsider, lost, 201, 259.
- Senate Concurrent Resolution 4, Board of regents, ten-year building program. (laser facilities). S.J. 43, 47, 66, 70, 71, 72 adopted, 414, 454, 539, 558-560 adopted, 681, 711 - H.J. 134, 138, 199, 390, 391, 401, 409, 413-419, 419-425 adopted, 425, 442, 534, 538, 615-616, 623-625 as amended, adopted, 625, S.J. 777-779. Vetoes 3-18-87.
- Senate Concurrent Resolution 5, Commemorate Martin Luther King Day. S.J. 56, 58, 60 adopted - H.J. 134, 138.
- Senate Concurrent Resolution 6, Compensation of chaplains, officers and employees. S.J. 72, 86, 101 adopted - H.J. 134, 138, 139, 144-145, 152-168 adopted.
- Senate Concurrent Resolution 7, "Save the Family Farm Act", S.J. 246, 266, 301.
- Senate Concurrent Resolution 9, Urge Congress to fully fund and support the State Employment Service Systems, continue WIN Program and enact workers Adjustment Assistance Program. S.J. 330, 336-337, 339 adopted, 408 - H.J. 379, 382, 405 adopted, 405.
- Senate Concurrent Resolution 12, Ten-year building program, bd. of regents, Molecular biology building and Laser laboratories facility. S.J. 457, 490, 528.
- Senate Concurrent Resolution 15, Biennial memorial session. S.J. 536, 538, 555, 566 adopted, 663 - H.J. 535, 538, 593 adopted, 605.
- Senate Concurrent Resolution 17, Double acres of woodland, in Iowa. S.J. 562, 623 adopted - H.J. 603, 610.
- Senate Concurrent Resolution 22, Relating to the expansion of the state mental health institute at Mount Pleasant. S.J. 999, 1007.
- Senate Concurrent Resolution 30, State universities and colleges establish occupational therapy programs. S.J. 1120, 1151, 1186, 1190, 1392 adopted, 1396, 1836 - H.J. 1574, 2252 adopted, 2253.
- Senate Concurrent Resolution 35, Ten-year building program, bd. of regents. S.J. 1456, 1458, 1487, 1493, 1494, 1495 adopted, 1670, 1693, 1694 as amended, adopted, 1773, 1777, 1779, 1806, 1811-1812, 1896, 1899 - H.J. 1630, 1658, 1731, 1836, 1839, 1840, 1844, 1846-1850, 1851, 1857 as amended, adopted, 1861, 2096, 2145, 2156, 2224, 2226, 2228-2230 adopted. Approved 6-9-87.

- Senate Concurrent Resolution 39, Amend joint rules. S.J. 1776, 1795.
- Senate Concurrent Resolution 40, Adjournment, Thursday, May 7, 1987. S.J. 1769, 1776, 1891, 1892 as amended, adopted - H.J. 2369-2370 adopted.
- Senate Concurrent Resolution 43, Bronze memorial to commemorate the bicentennial of the Constitution of the U.S. S.J. 1795, 1864, 1865 - H.J. 2306, 2372.
- Senate Resolution 1, Senate rules. S.J. 39, 42, 43, 47, 61, 62, 68-69, adopted as amended, 86, 108.
- Senate Resolution 2, Senate pay tribute to Lt. Governor Anderson for his service to the state of Iowa, General Assembly and citizens of this state. S.J. 57, 58, 61 adopted.
- Senate Resolution 3, Senate rules, governing lobbyists. S.J. 249, 260, 266, 269, 270 adopted.
- Senate Resolution 4, Senate code of ethics. S.J. 249, 260, 269 adopted.
- Senate Resolution 5, Gubernatorial appointments, require senate confirmation. S.J. 358, 359 adopted.
- Senate Resolution 6, Secretary of Senate purchase desk top air cleaners for Senators who smoke. S.J. 386, 437, 465.
- Senate Resolution 10, Senate code of ethics. S.J. 815, 954, 1124, 1133, 1134, 1142, 1143 as amended adopted.
- Senate Resolution 11, Senate rules governing lobbyists. S.J. 815, 954, 1143, 1152, 1173, 1174 adopted.
- Senate Resolution 14, Senate legislative expenses. S.J. 1769, 1776, 1811 adopted.
- House Concurrent Resolution 1, Joint convention, Monday, January 12, 1987, 1:30 p.m., canvass of votes, governor and lt. governor; Tuesday, January 13, 1987, 10:00 a.m.; Governor Branstad's state of the state message. H.J. 11 adopted, 12 - S.J. 24, 25 adopted - H.J. 47.
- House Concurrent Resolution 2, Joint convention, Tuesday, January 20, 1987, 10:00 a.m., Chief Justice of the Supreme Court W. Ward Reynoldson's message of the condition of the judicial department. H.J. 12 adopted - S.J. 24, 46, 49, 50 adopted - H.J. 60.
- House Concurrent Resolution 3, Joint convention, Thursday, January 22, 1987, 10:00 a.m.; Governor Branstad's budget message. H.J. 12 adopted - S.J. 24, 46, 49, 50 adopted - H.J. 60.
- House Concurrent Resolution 6, Joint session, Wednesday, April 22, 1987, 1:30 p.m.; Pioneer Lawmakers present program. H.J. 332, 447 adopted, 534 - S.J. 493, 506, 529, 538, 566 adopted, 1462.
- House Concurrent Resolution 30, Exempt bills sponsored by the appropriations committees of the House and Senate from subsection 3 of Joint Rule 20. H.J. 1301, 1356-1357 adopted, 1357 - S.J. 1316, 1317, 1344, 1345 adopted - H.J. 1462.

*****1987 EXTRAORDINARY SESSION*****

Resolutions relating to:

- Senate Concurrent Resolution 46, business of 1987 Extraordinary Session. S.J. 3, 5, 6 adopted as amended, 7 - H.J. 3, 21, 22.

Senate Concurrent Resolution 47, adjournment sine die. S.J. 3, 11,
32, 33 adopted, 34 - H.J. 50 adopted, 50-51.
Senate Resolution 15, amend Rule 35. S.J. 31, 32 adopted.

GENTLEMAN, JULIA B.—Senator Forty-first District

Bills introduced—263, 338, 386, 398, 456, 542, 545, 565, 652, 700, 716
Amendments filed—50, 66, 449, 454, 460, 482, 631, 645, 833, 872, 911, 929,
930, 935, 954, 1008, 1075, 1081, 1083, 1084, 1087, 1091, 1096, 1144,
1176, 1269, 1299, 1319, 1342, 1347, 1427, 1470, 1489, 1490, 1491, 1494,
1525, 1526, 1561, 1567, 1569, 1654, 1658, 1680, 1703, 1704, 1740, 1808,
1887
Amendments offered—50, 449, 457, 460, 577, 631, 645, 698, 938, 1015, 1075,
1083, 1084, 1087, 1091, 1203, 1263, 1342, 1388, 1394, 1420, 1455, 1489,
1491, 1494, 1525, 1561, 1567, 1658, 1688, 1887
Amendments withdrawn—893, 1015, 1076, 1263
Committee appointments—79, 99
Presided at sessions of the Senate—1142
Resolutions offered—457, 1135
Standing committees and subcommittees appointed to—75, 76, 77
Subcommittee assignments—105, 129, 130, 131, 167, 241, 242, 243, 278, 292,
301, 302, 327, 342, 343, 395, 426, 427, 466, 487, 488, 489, 510, 511, 512,
551, 552, 570, 592, 593, 639, 657, 658, 708, 709, 731, 762, 763, 782, 783,
784, 820, 900, 927, 934, 963, 1053, 1054, 1055, 1079, 1080, 1156, 1215
Subcommittee assignments, governor's appointments—197, 199, 201, 761,
768, 784, 785, 786, 787, 801, 802

GETTINGS, DONALD E.—Senator Thirty-third District

Bills introduced—171, 196, 209, 213-214, 263, 318, 338, 381, 415, 430, 455,
479, 542, 599, 643, 715
Amendments filed—65, 266, 385, 627, 641, 921, 928, 954, 1111, 1333, 1408,
1427, 1442, 1489, 1667, 1703, 1760, 1772, 1798
Amendments offered—675, 1111, 1489, 1628, 1703
Amendments withdrawn—675, 1111
Appointed to Committee on Mileage—14
Appointed to COSG Business Development Committee—107
Called up appointee on Individual Confirmation Calendar—750
Committee appointments—14
Petitions presented—426
Reports—38-39
Resolutions offered—246, 485, 1120
Standing committees and subcommittees appointed to—74, 75, 76, 77
Subcommittee assignments—181, 208, 223, 261, 314, 315, 343, 396, 427, 443,
444, 465, 467, 487, 528, 550, 618, 657, 687, 707, 708, 763, 783, 784, 880,
980, 1023, 1024, 1052, 1053, 1079, 1122, 1190, 1346, 1404, 1579, 1782
Subcommittee assignments, governor's appointments—200, 762

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Amendments filed—13

GOODWIN, NORMAN J.—Senator Nineteenth District

Bills introduced—171, 263, 318, 398, 430, 456, 471, 472, 484, 493, 504, 514,
545, 556, 580, 652

Amendments filed—65, 539, 911, 1144, 1347, 1426

Committee appointments—8, 79

Petitions presented—594, 980, 1108, 1406

Resolutions offered—457, 1749

Standing committees and subcommittees appointed—74, 75, 76, 77

Subcommittee assignments—168, 206, 207, 208, 241, 242, 314, 315, 394, 396,
466, 467, 468, 552, 553, 570, 619, 637, 638, 639, 687, 763, 783, 881, 994,
1053, 1079, 1080, 1139, 1298

Subcommittee assignments, governor's appointments—197, 762, 768, 801

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Appointed to Commission on Elder Affairs—37

GOVERNOR BRANSTAD, TERRY E.—

Addressed joint convention—31-36

Bills signed by—413, 508, 520-521, 757-758, 1049, 1405, 1425-1426, 1460,
1467, 1541-1542, 1600, 1621, 1666, 1700-1701, 1712, 1759-1760, 1784,
1904-1906

Budget Message—142-146

Canvass of votes—26-27

Condition of the State Message—31-36

Committees to notify and/or report—8, 11, 30, 91, 1899, 1900

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Communications from—156-164, 700-706, 740-745, 903, 1049

Item veto messages—1907-1922

Oath of office—93

Veto messages—506-508, 777-779, 1816-1818, 1922-1924

Resolution relating to Budget Message, HCR 3—H.J. 12 adopted - S.J. 24,
46, 49, 50 adopted - H.J. 60.

Resolution relating to Condition of the State Message, HCR 1—H.J. 12
adopted - S.J. 24, 46, 49, 50 adopted - H.J. 60.

Closing message—1901-1902

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Bills signed by—37

Communications from—1-3, 9-10

Proclamation re Extraordinary Session—2-3

GRONSTAL, MICHAEL E.—Senator Fiftieth District, Assistant Majority Leader

Bills introduced—210, 263, 267, 295, 338, 455, 479, 522, 629, 665, 699

Amendments filed—337, 418, 429, 641, 644, 645, 921, 954, 965, 1025, 1037,
1124, 1144, 1176, 1269, 1341, 1367, 1470, 1521, 1522, 1546, 1555, 1565,
1575, 1654, 1658, 1660, 1667, 1678, 1679, 1740, 1760, 1771, 1798

Amendments offered—418, 503, 645, 943, 974, 1047, 1193, 1302, 1341, 1428,
1522, 1560, 1575, 1771, 1798, 1849, 1850

Amendments withdrawn—644, 1522

Appointed to Boundary Commission—106
 Committee appointments—17, 79, 109
 Petitions presented—174
 Presided at sessions of the Senate—220, 1649
 Reports—88-89
 Resolutions offered—246
 Standing committees and subcommittees appointed to—74, 75, 76, 396, 397
 Subcommittee assignments—46, 129, 131, 167, 206, 219, 242, 243, 261, 302,
 327, 342, 365, 379, 395, 396, 427, 465, 466, 467, 510, 511, 528, 551, 592,
 593, 619, 637, 657, 658, 707, 708, 709, 732, 762, 763, 782, 880, 881, 934,
 980, 1052, 1053, 1054, 1079, 1139, 1151, 1190, 1346, 1404, 1469, 1530,
 1544, 1545, 1564, 1622, 1750, 1782
 Subcommittee assignments, governor's appointments—198, 201, 202, 737,
 761, 785, 786, 787, 802

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Amendments filed—13
 Amendments offered—13
 Appointed to Energy Fund Disbursement Council—37
 Appointed to Medical Assistance Advisory Committee—36
 Presided at sessions—12

HALL, HURLEY W.—Senator Twenty-fourth District

Bills introduced—56, 171, 262, 263, 304, 317, 318, 339, 363, 455, 456, 479,
 523, 542, 665
 Amendments filed—539, 772, 983, 1017, 1081, 1096, 1124, 1141, 1191, 1201,
 1269, 1299, 1318, 1366, 1379, 1483, 1518, 1519, 1521, 1522, 1527, 1576,
 1613, 1724, 1772, 1785
 Amendments offered—862, 1276, 1397, 1436, 1519, 1521, 1527, 1613, 1724
 Amendments withdrawn—1519, 1523
 Appointed to Interstate Cooperation Commission—245
 Called up appointees on Individual Confirmation Calendar—1310
 Committee appointments—8, 80, 245
 Presided at sessions of the Senate—43
 Reports—12
 Standing committees and subcommittees appointed to—74, 75, 76
 Subcommittee assignments—181, 206, 241, 243, 314, 342, 365, 393, 394, 396,
 427, 466, 467, 468, 551, 552, 553, 569, 570, 618, 637, 638, 687, 783, 820,
 880, 993, 994, 1053, 1079, 1080, 1156, 1298, 1712
 Subcommittee assignments, governor's appointments—197, 762, 787, 801

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Amendments filed—21

HANNON, BEVERLY A.—Senator Twenty-second District

Bills introduced—67, 263, 329, 363, 415, 455, 479, 522, 541, 614, 668, 715,
 749

- Amendments filed—62, 66, 576, 578, 583, 627, 641, 833, 911, 949, 1008, 1066, 1269, 1299, 1302, 1319, 1333, 1370, 1371, 1390, 1402, 1432, 1441, 1470, 1493, 1555, 1569, 1570, 1575, 1586, 1593, 1654, 1658, 1660, 1668, 1678, 1679, 1680, 1681, 1684, 1740
- Amendments offered—578, 876, 877, 949, 1119, 1203, 1206, 1281, 1370, 1371, 1390, 1402, 1432, 1493, 1538, 1560, 1569, 1570, 1586, 1658, 1660, 1679, 1680, 1681, 1740, 1857
- Amendments withdrawn—576, 1432, 1680
- Appointed to Block Grant Advisory Committee, Social Services—346
- Appointed to Commission on Children, Youth and Families—176
- Appointed to Interstate Cooperation Commission—245
- Called up appointees on Individual Confirmation Calendar—543, 1312
- Committee appointments—8, 80, 176, 245, 346
- Petitions presented—292, 711, 841, 1406, 1545
- Presided at sessions of the Senate—1453
- Resolutions offered—56, 246, 1120, 1749
- Standing committees and subcommittees appointed to—74, 75, 76
- Subcommittee assignments—54, 105, 121, 132, 167, 168, 182, 206, 207, 241, 244, 327, 342, 365, 394, 395, 452, 465, 466, 467, 468, 469, 510, 511, 550, 570, 637, 638, 657, 731, 762, 763, 783, 881, 900, 963, 994, 1023, 1053, 1139, 1156, 1190, 1191, 1641, 1782
- Subcommittee assignments, governor's appointments—198, 200, 746, 760, 761, 768, 769

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- Senators appointed to—107

HEARINGS—

- Binnie, Barbara, Board of Parole—282
- Cavanaugh, Patrick D., Director of Department of Management—245, 282 corrected
- Ellis, Mary L., Director of Department of Public Health—276
- Groves, Linda Ann, Commission on Deaf—244
- Jackson, William H., Director of Department of Cultural Affairs—258, 282 corrected
- Norman, Nancy, Commissioner of Department of Human Services—244
- Olberg, F. Forbes, Iowa Economic Development Board—244
- Pomerantz, Marvin, Board of Regents—934
- Stanek, Edward J., Commissioner of the Lottery—235
- Thoms, Allan T., Director of Department of Economic Development—235
- Tynes, Karen L., Executive Director of Department of Elder Affairs—258
- Wilson, Larry J., Director of Department of Natural Resources—258

HESTER, JACK W.—Senator Forty-ninth District

- Bills introduced—111, 171, 209, 318, 398, 455, 456, 471
- Amendments filed—65, 354, 539, 833, 911, 1144, 1319, 1341, 1348, 1366, 1427, 1471, 1521, 1522, 1525, 1532, 1555, 1569, 1772, 1785
- Amendments offered—1521, 1522
- Amendments withdrawn—1522
- Appointed to COSG Agriculture Committee—107

Appointed to Interstate Cooperation Commission—245
 Called up appointees on Individual Confirmation Calendar—1310
 Committee appointments—80, 107
 Reports—91
 Standing committees and subcommittees appointed to—74, 75, 76, 91
 Subcommittee assignments—130, 131, 167, 168, 182, 206, 207, 241, 242, 261,
 301, 343, 393, 427, 428, 452, 465, 467, 469, 488, 510, 569, 592, 593, 618,
 619, 639, 657, 762, 781, 784, 993, 994, 1053, 1054, 1139, 1156, 1298,
 1530, 1622, 1750
 Subcommittee assignments, governor's appointments—197, 761, 768, 769,
 801

HOLDEN, EDGAR H.—Senator Twentieth District, Assistant Minority Leader
 Bills introduced—49, 133, 164, 188, 209, 263, 308, 318, 338, 398, 415, 416,
 430, 439, 456, 472, 498, 652, 799
 Amendments filed—42, 65, 132, 177, 316, 576, 577, 583, 627, 671, 720, 724,
 833, 842, 872, 902, 911, 921, 928, 996, 1008, 1044, 1055, 1056, 1058,
 1066, 1069, 1081, 1116, 1141, 1192, 1306, 1318, 1319, 1333, 1337, 1342,
 1347, 1365, 1369, 1370, 1379, 1418, 1427, 1471, 1490, 1533, 1555, 1566,
 1570, 1580, 1598, 1601, 1643, 1658, 1684, 1773, 1784, 1785
 Amendments offered—61, 140, 189, 458, 576, 577, 1029, 1044, 1058, 1070,
 1116, 1306, 1321, 1337, 1361, 1365, 1369, 1370, 1450, 1455, 1464, 1465,
 1516, 1553, 1587, 1598, 1629, 1689, 1773
 Amendments withdrawn—459, 578, 1043, 1070, 1103, 1115, 1321, 1371, 1560
 Appointed to Health Data Commission—107
 Appointed to Legislative Fiscal Committee—222
 Committee appointments—16, 80, 107, 222
 Corrected subcommittee assignments—315, 1216
 Petitions presented—23, 292, 347, 594, 1232, 1407, 1677
 Presided at sessions of the Senate—1178
 Resolutions offered—1120
 Standing committees and subcommittees appointed to—74, 76, 77
 Subcommittee assignments—40, 54, 129, 131, 167, 175, 222, 223, 302, 314,
 365, 443, 550, 592, 594, 619, 638, 657, 658, 707, 708, 732, 762, 820, 934,
 963, 993, 994, 1122, 1139, 1191, 1331, 1469, 1554, 1666
 Subcommittee assignments, governor's appointments—198, 200, 202, 746,
 760

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Appointed to Health Data Commission—36

HOLT, LEE—Senator Sixth District
 Bills introduced—25, 171, 172, 195, 209, 247, 263, 279, 318, 398, 430, 455,
 456, 471, 484, 652, 664
 Amendments filed—369, 447, 747, 872, 911, 1008, 1081, 1124, 1144, 1166,
 1299, 1318, 1426, 1525, 1555, 1643
 Amendments offered—404, 405, 447, 1628
 Amendments withdrawn—848
 Appointed to Iowa Legislative Council—176

Appointed to Legislative Council Committees, Service—222
 Appointed to Memorial Committee—229
 Committee appointments—80, 112, 176, 222, 229
 Corrected subcommittee assignments—182
 Petitions presented—426
 Presided at sessions of the Senate—1069
 Resolutions offered—457, 1731
 Rulings—1070
 Standing committees and subcommittees appointed to—74, 75, 76, 77
 Subcommittee assignments—129, 130, 131, 168, 182, 206, 219, 236, 243, 261,
 301, 302, 328, 343, 378, 394, 426, 427, 428, 466, 467, 487, 488, 511, 551,
 553, 592, 593, 594, 658, 709, 762, 763, 781, 782, 784, 880, 881, 927, 934,
 1053, 1054, 1122, 1156, 1191, 1216, 1346
 Subcommittee assignments, governor's appointments—197, 746, 761, 768,
 769

HORN, WALLY E.—Senator Twenty-fifth District, Assistant Majority Leader
 Bills introduced—171, 213-214, 230, 263, 338, 451, 456, 479, 556, 586, 642
 Amendments filed—385, 539, 575, 578, 583, 584, 747, 882, 921, 929, 965,
 1319, 1333, 1348, 1373, 1427, 1442, 1489, 1499, 1525, 1545, 1556, 1646,
 1667, 1678, 1679, 1693, 1721, 1730, 1740
 Amendments offered—405, 417, 1012, 1340, 1342, 1369, 1371, 1373, 1507,
 1571, 1646, 1678, 1721, 1730, 1738
 Amendments withdrawn—1739
 Committee appointments—80
 Presided at sessions of the Senate—283
 Reports—91
 Resolutions offered—599, 621, 1603
 Standing committees and subcommittees appointed to—74, 75, 76, 77, 91
 Subcommittee assignments—40, 46, 54, 106, 129, 130, 131, 182, 206, 207,
 241, 242, 243, 278, 301, 302, 314, 315, 327, 342, 343, 360, 365, 378, 394,
 395, 428, 443, 444, 452, 466, 468, 488, 510, 511, 550, 551, 552, 571, 593,
 618, 619, 637, 638, 657, 707, 708, 709, 763, 782, 784, 820, 880, 900, 994,
 1053, 1054, 1080, 1109, 1122, 1139, 1190
 Subcommittee assignments, governor's appointments—197, 198, 200, 201,
 746, 760, 768, 785, 786, 801, 802

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Amendments filed—21

HOUSE AMENDMENTS FILED—

Senate File 17, S-4030—1760
 Senate File 19, S-3019—245
 Senate File 55, S-4008—1715
 Senate File 70, S-3601—1333
 Senate File 101, S-3943—1653
 Senate File 106, S-3643—1366
 Senate File 138, S-3602—1333
 Senate File 139, S-3730—1470

Senate File 148, S-3599—1333
Senate File 162, S-4083—1808
Senate File 187, S-4099—1894
Senate File 195, S-3603—1333
Senate File 214, S-3644—1366
Senate File 216, S-3742—1483
Senate File 219, S-3718—1441
Senate File 222, S-3645—1366
Senate File 264, S-3546—1318
Senate File 266, S-3547—1318
Senate File 274, S-3920—1624
Senate File 276, S-3752—1483
Senate File 282, S-3652—1366
Senate File 290, S-3646—1366
Senate File 298, S-3255—882
Senate File 311, S-3721—1442
Senate File 319, S-3545—1318
Senate File 333, S-3811—1533
Senate File 340, S-4092—1833
Senate File 342, S-3942—1653
Senate File 359, S-3854—1565
Senate File 373, S-3680—1379
Senate File 374, S-3653—1366
Senate File 396, S-4093—1833
Senate File 399, S-3647—1366
Senate File 424, S-3600—1333
Senate File 455, S-3962—1677
Senate File 458, S-3767—1499
Senate File 461, S-3751—1483
Senate File 469, S-3757—1499
Senate File 481, S-3681—1379
Senate File 493, S-3651—1366
Senate File 501, S-4095—1894
Senate File 507, S-4087—1832
Senate File 509, S-4094—1833
Senate File 510, S-3963—1677
Senate File 511, S-4005—1715
Senate File 513, S-4031—1760
Senate File 515, S-4066—1785
Senate File 516, S-4100—1894
Senate File 517, S-4034—1760
Senate File 518, S-4062—1785
Senate Concurrent Resolution 3, S-3016—177
Senate Concurrent Resolution 4, S-3062—429
Senate Concurrent Resolution 11, S-3686—1408
Senate Concurrent Resolution 35, S-3964—1677
House File 130, S-3896—1592
House File 164, S-4097—1894
House File 167, S-3897—1592
House File 316, S-4060—1785

House File 334, S-3918—1623
 House File 371, S-3750—1483
 House File 411, S-4006—1715
 House File 469, S-4009—1715
 House File 499, S-3944—1653
 House File 567, S-4007—1715
 House File 580, S-3924—1642
 House File 600, S-4035—1760
 House File 640, S-3923—1642
 House File 675, S-4109—1895

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Senate File 523, S-4122—19

HULTMAN, CALVIN O.—Senator Forty-seventh District, Minority Leader

Addressed the Senate—4-5

Bills introduced—246-247, 284, 358, 456, 478, 479, 541, 664, 715, 962, 998-999, 1512

Amendments filed—454, 555, 576, 911, 928, 954, 983, 1047, 1124, 1141, 1144, 1145, 1194, 1201, 1299, 1318, 1490, 1525, 1545, 1580, 1661, 1691, 1760, 1891

Amendments offered—558, 1047, 1144, 1145, 1194, 1204, 1206, 1586, 1661, 1691

Appointments made to standing committees—74-77

Appointed to Iowa Legislative Council, Statutory—176

Appointed to Legislative Council Committees, Administration—222

Appointed to Legislative Council Committees, Capitol Space—222

Appointed to Legislative Council Committees, Studies—222

Appointed to Senate Ethics Committee—77

Called up appointees on Individual Confirmation Calendar—936

Committee appointments—80, 176, 222

Petitions presented—1123

Presented Lieutenant Governor Anderson with an enrolled copy of Senate Resolution 2, honoring Lt. Governor—2

Presided at sessions of the Senate—1210

Received unanimous consent Paul Moran, chief of the Job Insurance Bureau and Ralph Hoksbergen, Actuary of Job Service, be present in Senate chamber during debate of Senate File 507—1690

Standing committees and subcommittees appointed to—74, 75, 76, 74-77, 396, 397

Subcommittee assignments—46, 208, 314, 315, 327, 378, 444, 529, 550, 657, 763, 1052, 1579

Subcommittee assignments, governor's appointments—200, 737, 760

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Amendments filed—32

HUMAN RESOURCES, COMMITTEE ON—

- Appointed and appointments to—75
- Appointees, investigation of—184, 265, 735, 753, 926
- Bills introduced—263, 407, 479, 750, 766, 868
- Amendments filed—747, 772, 807, 833, 983, 1166, 1200, 1643, 1693
- Investigating committee reports—259, 319, 320, 832, 979, 1055
- Resolutions offered—1168
- Standing committees and subcommittees appointed to—75
- Subcommittee assignments—105, 121, 132, 182, 241, 242, 243, 244, 278, 292, 327, 342, 365, 394, 395, 466, 467, 468, 469, 510, 511, 550, 570, 638, 657, 731, 762, 763, 782, 881, 900, 901, 963, 1023, 1053, 1156, 1191, 1641
- Subcommittee assignments, governor's appointments—198-200, 761, 787, 925, 963
- Subcommittee reassignments, governor's appointments—235

HUSAK, EMIL J.—Senator Thirty-eighth District, Assistant Majority Leader

- Bills introduced—171, 224, 283, 304, 374, 479, 643, 1168, 1540
- Amendments filed—66, 266, 539, 627, 882, 904, 921, 1144, 1292, 1304, 1408, 1427, 1442, 1461, 1546, 1714, 1784, 1870
- Amendments offered—268, 630, 632, 904, 940, 1292, 1304, 1607, 1613
- Amendments withdrawn—904
- Appointed to Iowa Legislative Council—176
- Appointed to Legislative Council Committees, Capitol Space—222
- Appointed to Legislative Council Committees, Service—222
- Appointed to Legislative Council Committees, Studies—222
- Committee appointments—17, 81, 176, 222
- Petitions presented—174, 292, 594, 1406, 1545
- Presided at sessions of the Senate—139, 574, 765, 913, 1117, 1202, 1210, 1594, 1768, 1834, 1872
- Reports—88-89
- Resolutions offered—246, 1802
- Rulings—576, 577, 1772
- Standing committees and subcommittees appointed to—74, 75, 76, 77
- Subcommittee assignments—54, 130, 131, 167, 168, 207, 236, 393, 395, 452, 465, 468, 528, 551, 552, 592, 593, 618, 639, 657, 731, 762, 782, 783, 784, 880, 993, 1024, 1138, 1298, 1346, 1424
- Subcommittee assignments, governor's appointments—200, 202, 746, 769, 801

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- Amendments filed—21, 22
- Amendments offered—21, 22
- Appointed to Commission on Elder Affairs—36

HUTCHINS, C.W. (Bill)—Senator Forty-eighth District, Majority Leader

- Addressed the Senate—2-4
- Bills introduced—284, 478, 479, 962, 998-999, 1512
- Amendments filed—539, 555, 983, 1144, 1490, 1654, 1693, 1745, 1773, 1808, 1891

Amendments offered—566, 1490, 1745, 1814, 1891
 Announced appointments—14, 16, 106-107, 128, 129, 176, 222, 245, 346, 1893-1894
 Announcement, changes in Appropriations subcommittee membership and co-chair assignments—320
 Appointed John W. Dwyer as temporary Secretary of the Senate—5
 Appointed to Economic Development Board—106
 Appointed to Iowa Legislative Council, Statutory—176
 Appointed to Legislative Council Committees, Capitol Space—222
 Appointed to Legislative Council Committees, Studies—222
 Appointments made to Senate Ethics Committee—77
 Appointments made to standing committees—74-77
 Called up appointees on En Bloc Confirmation Calendar—473, 1168-1173, 1334-1335
 Committee appointments—77, 81, 106, 176, 222
 Nominated Senator George Kinley for President pro tempore—12
 Petitions presented—23, 106, 174, 347, 1232, 1406
 Presented Lieutenant Governor Anderson with an enrolled copy of Senate Resolution 2—61
 Received unanimous consent that S-3238C be eligible for reconsideration—894
 Reports—9-11, 12-13, 14
 Standing committees and subcommittees appointed to—74-77
 Subcommittee assignments—46, 529

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Amendments filed—14, 15, 18, 21, 22, 26, 32
 Amendments offered—14
 Called up conference committee report—24
 Committee appointment—24

INAUGURATION—

Benediction offered by Reverend Patricia Adams Ryan—98
 Committee appointed—91
 Governor-elect Terry E. Branstad and Lieutenant Governor-elect Jo Ann Zimmerman inaugurated—92-93
 Inaugural address by Governor Terry E. Branstad—93-98
 Inaugural committee—92
 Invocation delivered by Reverend Daniel Kucera—92
 Oath of office administered by Chief Justice W. W. Reynoldson—92-93
 Resolution relating to arrangement of, SCR 1 - S.J. 16 adopted, 67 - H.J. 47, 56, 95 adopted.

INDIVIDUAL CONFIRMATION CALENDAR, Senate Rule 60—

(See also En Bloc Confirmation Calendar)
 Appointees listed called up—515, 516, 534, 535, 543, 557, 566, 717, 750-751, 836, 936, 985, 1309, 1310, 1311, 1312, 1313
 Confirmation—515-516, 534-535, 535, 543, 557, 750-751, 836-837, 937, 985-986, 1309, 1310-1311, 1311-1312, 1312, 1313

Deferred—516, 566

Failed to be confirmed—516-517, 525, 717, 1313-1314

Placement on by Senators:

Donahue, Thomas E. by Senator Hutchins—320

Fair, Roger by Senator Welsh—1024

Jackson, William H. by Senator Gentleman—410

Morrell, Richard L. by Senator Priebe—291

Smalley, Douglas by Senator Hannon—990

Young, Rick by Senator Hannon—990

Placement on by Standing Committees:

Binnie, Barbara by Judiciary—413

Ellis, Mary L. by Human Resources—265

Fincham, Owen D. by Agriculture—277

Freeman, Richard G. by Business and Labor—277

Olberg, F. Forbes by Small Business and Economic Development—
326

Thoms, Allan T. by Small Business and Economic Development—
326

Tynes, Karen L. by Human Resources—265

Vermeer, Elmer by Human Resources—1055

Wilson, Larry J. by Natural Resources—265

Reports recommending appointments be confirmed—265, 277, 326, 375, 1055

Reports, no recommendation, appointments—265, 277, 320, 326

Reports, without recommendation, appointments—413, 1151

INTERIM COMMITTEES—

(See Legislative Council and/or Study Committees)

INTERSTATE COOPERATION COMMISSION—

Senators appointed to—245

INTRODUCTIONS—

(See Addressed the Senate, Lieutenant Governor Zimmerman, Jo Ann
and/or Presentations)

INVESTIGATING COMMITTEES—Governor's Appointments—

Committees to—197-202, 235, 736-737, 747, 760-762, 768-769, 784-787, 801-
802, 963

Reports—259-260, 264-265, 277-278, 291, 307, 316, 319-320, 326, 367-368,
375, 397, 803, 832, 870-871, 889-890, 899-900, 910, 925, 926-927, 934,
964, 979, 995, 1021-1022, 1036, 1055, 1063, 1121, 1139

Reports called up—419-421, 473-474, 515-516, 534, 535, 543, 557, 566, 717,
750-751, 836, 936, 985, 1168-1173, 1309, 1310, 1311, 1312, 1313, 1314-
1315, 1334

IOWA BOUNDARY COMMISSION—

Senators appointed to—106

- JENSEN, JOHN W.—Senator Eleventh District, Assistant Minority Leader
 Bills introduced—28, 60, 171, 196, 263, 318, 398, 430, 456, 471, 472, 485,
 523-524, 599, 608
 Amendments filed—65, 627, 911, 921, 1144, 1333, 1341, 1343, 1347, 1348,
 1366, 1408, 1427, 1442, 1471, 1490, 1525, 1555, 1556, 1565, 1581, 1684,
 1708, 1772, 1807, 1808, 1859, 1869
 Amendments offered—630, 678, 1297, 1361, 1490, 1558, 1568, 1662, 1708,
 1859
 Amendments withdrawn—1362, 1885
 Appointed to Committee on Mileage—14
 Committee appointments—14, 16, 81
 Petitions presented—174, 1108
 Reports—38-39
 Standing committees and subcommittees appointed to—74, 75, 76
 Subcommittee assignments—131, 167, 168, 206, 223, 236, 242, 261, 302, 314,
 343, 365, 379, 395, 396, 427, 465, 467, 488, 528, 550, 551, 552, 553, 619,
 639, 657, 687, 708, 709, 782, 880, 980, 994, 1023, 1052, 1053, 1079, 1139,
 1156, 1190, 1346, 1404, 1424, 1782
 Subcommittee assignments, governor's appointments—197, 202, 737, 762,
 787

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Committee appointment—24

JOINT CONVENTIONS—

- Budget Message of Governor Terry E. Branstad—142-146
 Canvass of votes for the offices of Governor and Lt. Governor—26-27
 Condition of the State Message of Governor Terry E. Branstad—31-36
 Condition of the Judicial Department Message of Chief Justice W. W.
 Reynoldson—112-119
 Pioneer Lawmakers program—1462-1463
 Resolution relating to:
 House Concurrent Resolution 1, Condition of the State Message - H.J.
 11 adopted, 12 - S.J. 24, 25 adopted - H.J. 47.
 House Concurrent Resolution 2, Judicial Department Message - H.J.
 12 adopted - S.J. 24, 46, 49, 50 adopted - H.J. 60.
 House Concurrent Resolution 3, Governor's Budget Message - H.J.
 12 adopted - S.J. 24, 46, 49, 50 adopted - H.J. 60.
 House Concurrent Resolution 6, Pioneer Lawmakers - H.J. 332, 447
 adopted, 534 - S.J. 493, 506, 529, 538, 566 adopted, 1462.

JOINT RULES—

(See also Rules)

- Senate Concurrent Resolution 3, joint rules - S.J. 30, 40, 49, 50 adopted,
 55 - S.J. 170, 179 as amended adopted - H.J. 93-94, 95, 96-110 as amended
 adopted; motion to reconsider, 112, 199, motion to reconsider lost, 201,
 259
 Senate Concurrent Resolution 39, amend joint rules - S.J. 1776, 1795

JUDICIARY, COMMITTEE ON—

- Appointed and appointments to—75
- Appointees, investigation of—185, 264, 307, 413, 735, 754, 926-927
- Bills introduced—187, 246, 304-305, 305, 493, 494, 514, 517, 556, 604, 647, 664, 715, 766, 808-809, 809, 810
- Amendments filed—563, 650, 772, 807, 935, 1066, 1067, 1166, 1221, 1222, 1269, 1441, 1894
- Corrected subcommittee assignments—731
- Investigating committee reports—307, 413
- Resolutions offered—1048, 1062, 1267
- Subcommittee assignments—129, 130, 131, 181, 182, 241, 242, 243, 301, 302, 342, 343, 426, 427, 428, 487, 488, 489, 511, 512, 551, 552, 553, 593, 594, 657, 658, 707, 708, 709, 782, 783, 784, 820, 927, 934, 1053, 1054, 1055, 1079, 1080, 1156, 1215, 1216
- Subcommittee assignments, governor's appointments—197, 761, 768

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- Amendments filed—18
- Reports of committee—18, 25

KINLEY, GEORGE R.—Senator Fortieth District

- Addressed the Senate—12
- Advised amendment not divisible—1087
- Bills introduced—363, 479, 542, 608, 722
- Amendments filed—350, 872, 921, 1055, 1068, 1153, 1332, 1348, 1426, 1489, 1490, 1588, 1867
- Amendments offered—350, 1071, 1368, 1489, 1490, 1588, 1736, 1867
- Appointed to Legislative Council Committee, Computer Outreach—222
- Appointed to Legislative Fiscal Committee, Computer Outreach—222
- Committee appointments—81, 176, 222
- Corrected subcommittee assignments—315
- Elected President pro tempore—12
- Oath of office—12
- Petitions presented—347, 512, 711, 1406, 1407
- Presided at sessions of the Senate—37, 50, 68, 70, 71, 99, 213, 214, 339, 381, 455, 458, 460, 565, 575, 611, 695, 723, 749, 844, 940, 949, 955, 966, 1011, 1071, 1073, 1076, 1082, 1085, 1146, 1154, 1167, 1177, 1180, 1193, 1202, 1258, 1270, 1292, 1305, 1342, 1400, 1508, 1575, 1678, 1680, 1681, 1682, 1709, 1736, 1766, 1789, 1820
- Resolutions offered—1749
- Rulings—940, 977, 1086, 1088, 1179, 1204, 1343, 1401
- Standing committees and subcommittees appointed to—74, 75
- Subcommittee assignments—65, 175, 222, 243, 301, 302, 315, 365, 393, 394, 466, 529, 550, 551, 552, 639, 687, 707, 708, 709, 782, 880, 881, 1024, 1079, 1138, 1139
- Subcommittee assignments, governor's appointments—198, 737, 787
- Welcomed Lt. Governor Zimmerman and presented her with the gavel—

Welcomed the Honorable Bill Reichardt, former member of the Senate—
219

Welcomed the Pioneer Lawmakers—1462

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Amendments filed—13, 21

Amendments offered—13, 21

Committee appointment—24

Presided at sessions—29

Received unanimous consent that Richard Jacobs from Iowa Department
of Revenue and Finance be allowed in Senate Chamber during
discussion of Senate File 523—13

LEGISLATIVE COUNCIL—

(See also Study Committees)

Senators appointed to—176, 222

LEGISLATIVE EMPLOYEES—

(See Officers and Employees)

LEGISLATIVE FISCAL COMMITTEE—

Senators appointed to—222

LIEUTENANT GOVERNOR ANDERSON, ROBERT T., President of the
Senate—

Addressed the Senate, opening remarks—1-2

Announced committee and sub-committee appointments—5

Assignment of bills—42, 54, 85

Committees appointed by in joint convention—30

Presented Lieutenant Governor Jo Ann Zimmerman with gavel—92

Presented Senator George R. Kinley, President pro-tempore to Senate—12

Presented with enrolled copy of Senate Resolution 2, in his honor—61

Presided at joint convention—26-27, 30, 88, 92

Presided at sessions of the Senate—1, 5, 11, 24, 29, 30, 49, 50, 60, 88

LIEUTENANT GOVERNOR ZIMMERMAN, JO ANN, President of the Senate—
Inauguration—92

Addressed the Senate—100-101

Advisories—Take point of order under advisement, would rule at a later
time, SF 479, S-3753—1598

Announced appointment of Karen Nelson, session secretary—101

Announced appointments of Julie Stone and Bret Toresdahl, administrative
assistants—101

Announced appointments and reappointments—101, 112, 141

Appointment of pages—14

Assignment of bills—108, 124-125, 135, 168, 177, 194, 212, 231, 248, 265-
266, 281, 293, 298, 310, 336, 360, 371, 375, 410-411, 436-437, 441, 462,
485, 489-490, 496, 506, 537, 546, 572-573, 594-595, 625, 639, 661-662,
689, 713, 747, 759, 779, 871, 910, 934, 953, 982, 1007-1008, 1036, 1063-
1064, 1095, 1123, 1151, 1175, 1190, 1196, 1268, 1317, 1346, 1430, 1493,
1520, 1596, 1659, 1721-1722, 1765, 1795, 1825, 1851

Bills signed by—360, 444-445, 489, 711, 994, 1404, 1469, 1544, 1641, 1651, 1676, 1714, 1805, 1899, 1904-1906

Chair cast an “nay” vote to break tie:

Senate File 323, S-3238C—875

Communications received—506-508, 777-779, 1816-1818, 1901-1902, 1907-1922, 1922-1924

Presentations:

Presented Governor Terry E. Branstad, Budget Message—142

Presented Governor Terry E. Branstad, inauguration—93

Presented Chief Justice W. W. Reynoldson, Condition of the Judicial Department Message—112

Presented the Honorable George R. Kinley, President pro tempore of the Senate, who welcomed the Pioneer Lawmakers on behalf of the Senate—1462

Presented the Honorable John Connors, Speaker pro tempore of the House of Representatives, who welcomed the Pioneer Lawmakers on behalf of the House—1463

Presented the Honorable Eugene Hill, former member of the Senate from Jasper County, who responded to the welcome of the Pioneer Lawmakers—1463

Presented the Honorable Edward A. Wearin, Red Oak, Iowa, member of the Iowa Senate from 1961 to 1964, who addressed joint convention of the Pioneer Lawmakers—1463

Presented Senate Pages with Certificates of Excellence and a group picture from the Senate—1888

Presented winners of essay contest of the Iowa Commission on the Status of Women to “Write Women Back Into History”, First Place: Amy Kujac; Second Place: J. C. Dann; Third Place: Koren Lea Schemmel; Honorable Mention: Linda Sinclair, Kathryn Miller, Jenny Urbain, Sarah Stanton and Jenny Synhorst—670

Presided at joint conventions—92, 111-112, 141, 1462

Presided at sessions of the Senate—110, 111, 119, 123, 126, 133, 134, 139, 140, 156, 170, 171, 178, 187, 195, 209, 220, 224, 230, 246, 262, 267, 279, 284, 294, 304, 305, 308, 317, 320, 329, 330, 338, 349, 352, 357, 384, 386, 388, 398, 399, 403, 414, 430, 438, 446, 484, 493, 514, 515, 522, 524, 532, 541, 556, 564, 585, 589, 598, 611, 621, 628, 631, 642, 651, 653, 664, 672, 715, 740, 773, 797, 833, 835, 843, 849, 868, 873, 884, 891, 903, 909, 912, 920, 930, 936, 984, 985, 986, 997-998, 1010, 1026, 1098, 1104, 1110, 1117, 1125, 1128, 1142, 1146, 1223, 1258, 1300, 1307, 1308, 1320, 1329, 1334, 1336, 1349, 1368, 1374, 1380, 1409, 1421, 1428, 1440, 1443, 1455, 1462, 1463, 1475, 1478, 1484, 1486, 1501, 1516, 1524, 1547, 1550, 1557, 1567, 1576, 1582, 1584, 1594, 1603, 1604, 1625, 1639, 1640, 1644, 1654, 1669, 1678, 1696, 1702, 1709, 1716, 1739, 1740, 1741, 1749, 1752, 1758, 1761, 1772, 1786, 1790, 1792, 1809, 1819, 1820, 1837, 1861, 1872, 1886, 1891, 1892

Reassignment of bills—111

Rulings—406, 418, 447, 503, 576, 577, 848, 878, 895, 920, 938, 1027, 1106, 1111, 1126, 1131, 1143, 1146, 1261, 1264, 1339, 1341, 1360, 1362-1363, 1370, 1428, 1431, 1434, 1518, 1521, 1522, 1527, 1536, 1568, 1586, 1587, 1588, 1609, 1611, 1614, 1647, 1660, 1661, 1696, 1739, 1763, 1774, 1798, 1869, 1870, 1884, 1885, 1891

Welcomed:

- The Honorable Robert J. Burns, former member of the Senate—1024
- The Honorable Lucas J. DeKoster, former member of the Senate—248
- The Honorable Merlin D. Hulse, former member of the Senate—1191
- The Honorable Arthur L. Gratias, former member of the Senate—1366
- Caroline Ponting from Caboolture, Australia exchange student attending school in Fort Madison—482
- Christian Baschab, West Germany and Kathryn Sia, Manilla, Phillipines, attending Corwith-Wesley-Lu Verne High School; Claudia Rueckert, West Germany, attending Burt High School; Gloria Molina, Columbia, South America, attending Lakota High School; and George Vlachos, Athens, Greece, attending Central High School Fenton—650
- Curt Lindstrom, Morien Nielsen, Stig Stask, Steen Hintze, Michelle Skov, Irene Hjort, Tom Ahlberg and Solvejg Henn, representatives of a danish youth peace campaign, accompanied by Robert Perry, Ed Fallon and Marty Hock—1332
- Don Wright, Lister Ingham, Jr., Mervyn Willias and Trevor Sullivan, cattle breeders from Australia, accompanied by Tom Zimmerman—1592
- Marquette High School Class A Boys' State tournament basketball team and Coach Mike Koelker of West Point, Iowa—739
- Mr. Don Castleberry, National Park Service, Omaha, Nebraska regional office and Mr. Mac Berg, National Park Service, West Branch, Iowa—1318
- Nazik Jawad from Baghdad, Iraq, representing the Agriculture and Water Research Center Division of the Scientific Research Council, accompanied by Dr. Carmichael—362
- Twenty-nine members of committees on Agriculture and Economics from Baden-Wuerttemberg, Germany including president of the Parliament and Mr. Link, Agriculture chairman—1460
- Item veto messages received—1907-1922
- Veto messages received—506-508, 777-779, 1816-1818, 1922-1924
- Closing message from Governor Terry E. Branstad—1901-1902
- Final adjournment 1987 Regular Session of the Seventy-second General Assembly, SCR 40—S.J. 1769, 1776, 1891, 1892 as amended adopted - H.J. 2369-2370 adopted

*****1987 EXTRAORDINARY SESSION*****

Called to order 1987 Extraordinary Session of the Seventy-second General Assembly—1

Presided at sessions—8, 12, 15, 19, 20, 21, 23, 28, 29, 33

Rulings—14-15, 21, 22, 29

Welcomed:

- Sakae Sugimoto from Japan and Juan Carlos Soldo from Argentina, accompanied by Dr. R. Shields, Mayor of Nashua, Iowa—11

LIND, JIM—Senator Thirteenth District

- Bills introduced—171, 249, 250, 263, 267, 305, 318, 363, 388, 398, 430, 456, 542, 545, 652, 715
- Amendments filed—62, 353, 445, 627, 641, 644, 662, 713, 921, 954, 996, 1055, 1152, 1201, 1319, 1339, 1379, 1408, 1427, 1430, 1431, 1490, 1492, 1525, 1561, 1576, 1643, 1668, 1678, 1679, 1760, 1798, 1808
- Amendments offered—475, 695, 1014, 1282, 1307, 1339, 1398, 1430, 1492, 1561, 1576, 1678
- Amendments withdrawn—630, 1128, 1576
- Committee appointments—81
- Corrected subcommittee assignments—315, 1216
- Resolutions offered—457
- Standing committees and subcommittees appointed to—74, 75, 77
- Subcommittee assignments—40, 54, 129, 132, 242, 302, 327, 328, 365, 394, 452, 528, 550, 570, 638, 709, 731, 782, 820, 881, 901, 993, 994, 1024, 1138, 1139, 1190, 1782
- Subcommittee assignments, governor's appointments—198, 199, 737, 746, 760, 761

LLOYD-JONES, JEAN—Senator Twenty-third District

- Bills introduced—195, 196, 209, 295, 318, 338, 455, 479, 643, 699
- Amendments filed—65, 66, 454, 606, 641, 842, 911, 928, 929, 1111, 1319, 1426, 1442, 1470, 1561, 1646, 1654, 1660, 1663, 1667, 1679, 1703, 1704, 1740
- Amendments offered—457, 460, 1111, 1278, 1454, 1539, 1547, 1654, 1663, 1679, 1703, 1704
- Amendments withdrawn—460
- Called up appointees on Individual Confirmation Calendar—1313-1314
- Committee appointments—81
- Presided at sessions of the Senate—471, 1076
- Resolutions offered—386, 599, 621, 922, 1732, 1749
- Standing committees and subcommittees appointed to—74, 75, 76, 77
- Subcommittee assignments—40, 54, 129, 168, 206, 208, 242, 243, 327, 342, 379, 452, 466, 467, 487, 510, 511, 529, 551, 570, 593, 594, 618, 619, 638, 639, 687, 731, 762, 763, 880, 881, 927, 994, 1053, 1054, 1080, 1138, 1191, 1215, 1424, 1782
- Subcommittee assignments, governor's appointments—201, 746, 760, 762, 785, 786, 787, 801, 802

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- Appointed and appointments to—75
- Appointees, investigating of—185, 754
- Bills introduced—472, 473, 664, 681, 773, 798, 799, 814
- Amendments filed—1166, 1222
- Investigating committee reports—307, 934, 1063
- Reassigned subcommittees—465
- Subcommittee assignments—65, 130, 131, 181, 241, 242, 243, 314, 315, 393, 394, 466, 467, 550, 551, 552, 553, 638, 639, 687, 880, 881, 1053, 1079, 1156
- Subcommittee assignments, governor's appointments—197, 787, 806

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 Claims filed—(See House Journal Pages 202-208, 209-233, 234, 387-388, 666, 1594-1595)

MANN, Jr., TOM—Senator Forty-third District

Bills introduced—25, 26, 27, 28, 164, 349, 415, 479, 504, 542, 581, 699, 799
 Amendments filed—69, 413, 641, 714, 833, 882, 911, 921, 954, 1008, 1025, 1056, 1087, 1092, 1096, 1115, 1124, 1141, 1142, 1176, 1222, 1264, 1299, 1318, 1408, 1427, 1430, 1441, 1483, 1489, 1522, 1525, 1526, 1555, 1566, 1575, 1587, 1623, 1646, 1658, 1660, 1661, 1668, 1679, 1701, 1740, 1784, 1885, 1887
 Amendments offered—69, 503, 504, 695, 845, 864, 1075, 1086, 1087, 1090, 1133, 1142, 1143, 1204, 1264, 1286, 1395, 1397, 1429, 1448, 1518, 1525, 1558, 1570, 1608, 1646, 1696, 1724, 1763, 1848, 1885
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Amendments filed—66, 454, 539, 863, 882, 890, 1347, 1366, 1427, 1461, 1556, 1668, 1760, 1772

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Standing committees and subcommittees appointed to—74, 75, 77, 396, 397

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Amendments filed—1222, 1366, 1426, 1442, 1668

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Resolutions offered—246, 999, 1120, 1749

Standing committees and subcommittees appointed to—75, 76

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551, 553, 570, 639, 708, 900, 1079

Subcommittee assignments, governor's appointments—199, 201, 761, 785,
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MINORITY FLOOR LEADER, Calvin O. Hultman—Senator Forty-seventh District

(See Hultman, Calvin O.—Senator Forty-seventh District, Minority Leader)

MOTION OUT OF ORDER—

Confirmation of Patrick D. Cavanaugh—1329

Confirmation of Roger Fair—1328

Confirmation of Larry J. Wilson—987

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Filed:

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Lost:

Senate File 219—1818-1819

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Motions to reconsider—

Filed:

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Senate File 133, S-3028—371

Senate File 133, S-3032—383

Senate File 148—1665

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Senate File 521, S-4047—1773
Senate File 521, S-4061—1782
Senate File 521, S-4054—1797
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 House File 600, concurred in S-4035 to H-3904—1793
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 Senate File 521, S-4101—1869
 House File 499, concurred in S-3944 to H-3878—1726
 House File 500—1830
 House File 633(2)—1843
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Withdrawn:

Senate File 523, S-4117—15

MURPHY, LARRY—Senator Fourteenth District

Bills introduced—209, 224, 263, 320a, 329, 363, 387, 439, 479, 498, 522, 545,
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Amendments filed—337, 385, 413, 448, 454, 620, 691, 747, 833, 877, 878,
 882, 886, 895, 921, 928, 954, 996, 1016, 1066, 1222, 1318, 1332, 1333,
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Amendments offered—693, 847, 877, 886, 895, 1016, 1041, 1227, 1336, 1339,
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Called up appointees on Individual Confirmation Calendar—1313

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Petitions presented—711

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Resolutions offered—246, 1732, 1749

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- Appointees, investigation of—185, 265, 754
- Bills introduced—134, 146-147, 279, 304, 560, 580, 665, 740
- Amendments filed—303, 1166, 1221, 1222, 1499
- Investigating committee reports—979
- Resolutions offered—560
- Subcommittee assignments—167, 168, 206, 207, 208, 465, 466, 467, 468, 569, 570, 571, 618, 619, 657, 731, 820, 993, 994, 1138, 1139, 1712
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NYSTROM, JOHN N.—Senator Forty-fourth District, Assistant Minority Leader

- Bills introduced—171, 262, 318, 329, 339, 374, 398, 430, 439, 456, 542, 586, 599, 642
- Amendments filed—169, 353, 867, 882, 911, 996, 1037, 1044, 1074, 1426, 1461, 1483, 1546, 1606, 1646, 1693
- Amendments offered—353, 1074, 1089, 1106, 1606
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- Resolutions offered—1795
- Standing committees and subcommittees appointed to—74, 76, 77
- Subcommittee assignments—46, 121, 207, 208, 242, 243, 278, 302, 315, 342, 365, 379, 394, 395, 427, 466, 468, 510, 511, 552, 570, 571, 593, 618, 638, 707, 708, 709, 763, 820, 880, 881, 1053, 1054, 1109, 1139, 1190
- Subcommittee assignments, governor's appointments—198, 201, 762, 785, 786, 801, 802

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Bills introduced—304, 363, 479, 542, 652, 728
Amendments filed—921, 1089, 1096, 1141, 1319, 1426, 1461, 1545, 1581, 1643,
1667, 1677, 1679, 1684
Amendments offered—1086, 1089, 1257, 1535, 1679
Amendments withdrawn—1848
Committee appointments—82
Corrected subcommittee assignments—315
Petitions presented—292, 512, 711, 1555
Standing committees and subcommittees appointed to—74, 76, 77
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Bills introduced—263, 318, 363, 479, 542, 652
Amendments filed—66, 348, 350, 539, 577, 739, 882, 904, 1333, 1643, 1772
Amendments offered—350, 577, 1452
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Subcommittee assignments—206, 207, 208, 379, 395, 466, 467, 468, 619, 637,
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 House File 377, S-3507 - Senator Carr—1697
 House File 395, S-3683 - Senator Gentleman—1397
 House File 468, improperly on Senate Calendar under Joint Rule 20
 - Senator Holden—1749
 House File 469, S-3685 - Senator Hultman—1558
 House File 499, S-3586 to S-3493B - Senator Hultman—1339
 House File 499, S-3525 - Senator Corning—1370
 House File 500, S-3534 - Senator Carr—1264
 House File 518, S-3921 - Senator Alvin Miller—1614
 House File 567, S-3816 - Senator Bruner—1525
 House File 590, S-3745 - Senator Mann—1516

House File 600, S-3488 as amended - Senator Jensen—1428
House File 614, S-3527 - Senator Welsh—1255
House File 617, S-3570 - Senator Hutchins—1322
House File 631, refer to Appropriations - Senator Welsh—1520
House File 671, S-3932 to S-3925C - Senator Drake—1647
House File 671, S-3925E - Senator Hutchins—1647
House File 671, S-3954 - Senator Carr—1661
House File 671, S-3958 - Senator Peterson—1661

Ruled in order:

Senate File 56, S-3057—503
Senate File 133, S-3032—383
Senate File 219, S-3758—1495
Senate File 298, S-3107—577
Senate File 323, S-3250—878
Senate File 373, S-3161—977
Senate File 384, S-3285—920
Senate File 384, S-3301—930
Senate File 461, S-3379A—1058
Senate File 484, S-3403—1088
Senate File 501, S-3872, S-3887—1587
Senate File 501, S-3820, S-3901—1588
Senate File 504, S-3768—1492
Senate File 511, S-3890—1575
House File 164, S-3455 as amended—1736
House File 244, S-3520—1536
House File 499, S-3525—1370
House File 500, S-3534—1264
House File 567, S-3816—1526
House File 590, S-3745—1516
House File 600, S-3488 as amended—1428
House File 617, S-3570—1322
House File 671, S-3958—1661

Ruled out of order:

Senate File 139, S-3815—1689
Senate File 216, S-3070—449
Senate File 373, S-3205—977
Senate File 384, S-3300—938
Senate File 482, S-3391—1083
Senate File 511, S-3863—1560
Senate File 518, S-4000, S-4001—1704
Senate File 521, S-4079—1798
House File 258, S-3512—1261
House File 377, S-3507—1697
House File 395, S-3683—1397
House File 469, S-3685—1558
House File 499, S-3586—1339
House File 518, S-3921—1614
House File 614, S-3527—1255
House File 671, S-3932, S-3925E—1647
House File 671, S-3954—1661

Ruled well taken:

Senate File 467, referred to Appropriations—944
 House File 631—1520
 House File 631, referred to Appropriations—1524

Ruled not well taken:

Senate File 162, not in proper form under Senate Rule 40—448
 Senate File 476, refer to Ways and Means—1001
 Senate File 510, under Joint Rule 20, not eligible for debate—1549
 House File 167, S-3526 to S-3485 out of order—1400
 House File 310, refer to Appropriations—1403
 House File 468, referred to Ways and Means to be returned to Senate
 Calendar by 3:00 p.m. Thursday, May 7, 1987—1749

Withdrawn:

Senate File 479, S-3753—1692

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Senate File 523, S-4133 - Senator Taylor—21
 House File 686, S-4121 - Senator Hultman—28
 House File 686, not eligible for debate under SCR 46 - Senator Mann—
 29

Ruled in order:

Senate File 523, S-4133—21

Ruled out of order:

House File 686, S-4121—29

Ruled well taken:

Senate File 523, S-4133—21

PRESENTATIONS—

(See also Addressed the Senate, and/or Lieutenant Governor Zimmerman,
 Jo Ann, President of the Senate)

President pro tempore Kinley welcomed the Honorable Bill Reichardt,
 former member of the Senate—219

Senator Coleman presented Dr. June Gabler, Superintendent of Fort Dodge
 Schools, first Iowan and first woman to serve as national President
 of the American Association of School Administrators—999

Senator Dieleman presented Patti De Nooy, Queen of the Fifty-second Annual
 Pella Tulip Time Festival, who in turn introduced members of her
 court: Julie Bogaards, Paula Jo Malin, Lesli Dawn Quade and Jill Ann
 Van Zee—1559

Senator Holt presented Ms. Karlon Glau Legislative Chairperson of the Iowa
 Federation of Women's Clubs, representing over seventeen thousand
 Iowa women which support the Iowa Talented and Gifted Program
 for children—1667

Senator Lloyd-Jones presented Victor M. Cervera Pacheco, Governor of
 Yucatan, Mexico; Mr. Herbe Rodriguez Abraham, Mayor of the City
 of Merida; Mr. Adolfo Peniche Perez, director of Economic Development
 and other guests. Governor Pacheco stated they were on a goodwill
 tour of Iowa as Iowa's sister state—1179

Senator Nystrom presented Karen Christensen of Ogden, 1987 Iowa Junior
 Miss—178

Senator Palmer presented Cadray Nelson, Michelle Griffith, Johnanna Day and Erik Ackelson from Goodrell Transitional School, Des Moines, Iowa, who won state competition in Problem Solving in Cedar Falls, Iowa—1642

PRESIDENT OF THE SENATE - Lieutenant Governor Jo Ann Zimmerman—
(See Lieutenant Governor Zimmerman, Jo Ann, President of the Senate)

PRESIDENT OF THE UNITED STATES, CONGRESS, AND/OR FEDERAL AGENCIES—

Resolutions relating to:

Senate Concurrent Resolution 8, federal conservation reserve program. S.J. 260, 262, 332 adopted - H.J. 386, 390

Senate Concurrent Resolution 9, urge congress to fully fund and support the State Employment Service Systems, continue WIN Program and enact workers Adjustment Assistance Program. S.J. 330, 336-337, 339 adopted, 408 - H.J. 379, 382, 405 adopted, 405

Senate Concurrent Resolution 11, petition Federal Communications Commission to increase wattage of KWDM. S.J. 457, 490, 550, 718, 1130-1131 adopted, 1380, 1408, 1451 as amended adopted - H.J. 1205, 1207, 1242, 1454 as amended adopted, 1639

Senate Concurrent Resolution 16, urge congress to enact the Mississippi River National Heritage Corridor Act of 1987. S.J. 562, 622, 623 adopted - H.J. 603, 610

Senate Concurrent Resolution 20, urge postmaster general, issue special commemorative stamp to honor Harry Lloyd Hopkins. S.J. 922, 926, 961 adopted, 1475 - H.J. 936, 955, 1571 adopted

Senate Concurrent Resolution 25, delegation of the General Assembly visit Senator Grassley in an effort to gain his support for overriding Presidential veto. S.J. 1033, 1119 withdrawn

Senate Concurrent Resolution 32, urge congress to amend the Interstate Commerce Act, allow states to collect sales or use taxes from outstate sellers. S.J. 1136, 1140, 1387 adopted, 1396, 1836 - H.J. 1545, 1574, 2252-2253 adopted, ***** 2253

Senate Concurrent Resolution 43, bronze memorial to commemorate the bicentennial of the Constitution of the United States. S.J. 1795, 1864, 1865 adopted - H.J. 2306, 2372

House Concurrent Resolution 5, congress of the United States reauthorize the Federal-Aid Highway Act at the earliest possible time. H.J. 298, 411 adopted, 412 - S.J. 414, 441, 530-587 adopted - H.J. 585

House Concurrent Resolution 17, urge congress to enact legislation for the establishment of the National Western Historic Trails Center in Council Bluffs, Iowa. H.J. 632, 1453-1454 adopted - S.J. 1380, 1430, 1712, 1713, 1718 adopted - H.J. 2030

PRESIDENT PRO TEMPORE OF THE SENATE—Senator George R. Kinley
(See Kinley, George R., Senator Fortieth District)

PRESS, MEMBERS OF—

Assignment of desks in press gallery—8-9

PRIEBE, BERL E.—Senator Eighth District

Bills introduced—25, 27, 72, 73, 103, 104, 171, 187, 188, 210, 213, 224, 238,
247, 262, 263, 267, 294, 295, 363, 456; 479, 505, 522, 586, 699

Amendments filed—47, 65, 169, 348, 413, 482, 539, 807, 863, 882, 904, 921,
1037, 1096, 1112, 1124, 1166, 1176, 1192, 1255, 1333, 1366, 1427, 1441,
1490, 1519, 1521, 1522, 1523, 1532, 1545, 1555, 1575, 1660, 1668, 1714,
1772, 1785

Amendments offered—475, 844, 904, 1112, 1179, 1181, 1518, 1523, 1559,
1575, 1662, 1877

Amendments withdrawn—904, 1876, 1877

Appointed to Administrative Rules Review Committee—1893-1894

Called up appointees of Individual Confirmation Calendar—516, 525, 987

Committee appointments—16, 82, 1893-1894

Petitions presented—594, 1545

Presented Mr. Mike Grimes, businessman from Cork, Ireland, first Grand
Marshall of the St. Patrick's Day Parade in Emmetsburg, Iowa, twenty-
six years ago, also taught for ten years at Iowa State University—722

Presided at sessions of the Senate—67, 721, 947, 1073, 1736

Resolutions offered—246, 431, 1749

Standing committees and subcommittees appointed to—74, 76

Subcommittee assignments—168, 206, 207, 222, 242, 301, 302, 365, 395, 466,
469, 550, 551, 569, 571, 618, 619, 708, 709, 710, 782, 784, 993, 1138,
1139, 1298, 1712

Subcommittee assignments, governor's appointments—198, 200, 801

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Amendments filed—13, 21, 22

PRINTING DIVISION OF GENERAL SERVICES—

Journals, bills and binders be mailed to all county auditors, SCR 1—S.J.
15, 15-16 adopted, 67 - H.J. 47, 56, 95 adopted

Journals, bills and binders be mailed to Iowa's U.S. Senators and
Congressmen, SCR 1—S.J. 15, 15-16 adopted, 67 - H.J. 47, 56, 95 adopted

PROCLAMATION—

*****1987 EXTRAORDINARY SESSION*****

Convening Seventy-second General Assembly, Extraordinary Session June
4, 1987—1-3

PROOF OF PUBLICATION—

Senate Joint Resolution 1—20-21

Senate Joint Resolution 2002—20-21

READINGER, DAVID M.—Senator Forty-second District

- Bills introduced—188, 318, 456, 542, 652
- Amendments filed—66, 644, 842, 983, 1089, 1347, 1426, 1430, 1525, 1546, 1562, 1660, 1667, 1740, 1798
- Amendments offered—1089, 1430, 1562, 1740
- Appointed to Administrative Rules Review Committee—1893-1894
- Appointed to Iowa Legislative Council—176
- Appointed to Legislative Council Committees, Capitol Space—222
- Appointed to Legislative Council Committees, Computer Outreach—222
- Appointed to Legislative Council Committees, Studies—222
- Committee appointments—82, 176, 222, 1893-1894
- Petitions presented—512, 711
- Resolutions offered—1135, 1732
- Standing committees and subcommittees appointed to—74, 75, 76, 77
- Subcommittee assignments—121, 130, 131, 132, 236, 243, 244, 379, 467, 570, 592, 657, 658, 784, 881, 900, 1053, 1079, 1156, 1346, 1530, 1545
- Subcommittee assignments, governor's appointments—199, 200, 202, 761, 787, 963
- Subcommittee reassignments, governor's appointments—235

*******1987 EXTRAORDINARY SESSION*******

- Amendments filed—21

REAPPOINTMENTS—

(See Appointments - Reappointments, Senate)

RENSINK, WILMER—Senator Third District

- Bills introduced—263, 279, 318, 363, 398, 430, 456, 471, 484, 493, 523, 545, 608, 652, 692
- Amendments filed—66, 354, 539, 911, 964, 1152, 1333, 1366, 1426, 1495, 1546, 1555, 1568, 1569, 1571, 1667, 1784, 1785, 1808
- Amendments offered—1285, 1495, 1568, 1571
- Committee appointments—82, 141
- Petitions presented—174
- Presided at sessions of the Senate—1017
- Resolutions offered—457
- Standing committees and subcommittees appointed to—74, 75, 77
- Subcommittee assignments—54, 168, 206, 207, 242, 244, 278, 452, 466, 467, 468, 550, 570, 571, 619, 637, 639, 900, 993, 994, 1190, 1712
- Subcommittee assignments, governor's appointments—200, 746, 760, 768, 769, 801

REPORTS—

(See Communications and/or individual headings)

REQUEST FOR UNANIMOUS CONSENT—

- Senator Husak asked unanimous consent to take Senate File 522, objection raised by Senator Doyle that it cannot be taken up because it violates Senate Rule 37, par. 3. Request withdrawn—1862

RESOLUTIONS—

(See also Legislative Index Volume)

Approved—1904

Assigned to committee—42, 108, 266, 437, 441, 490, 506, 625, 953, 1007,
1151, 1175, 1317, 1346, 1430, 1520, 1741, 1765, 1776, 1795, 1825, 1851Introduction, Senate Concurrent Resolutions—15, 16, 30, 43, 56, 72, 246,
262, 431, 457, 485, 560, 565, 581, 767, 922, 999, 1019, 1033, 1048, 1062,
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Introduction, Senate Resolutions—43, 57, 249, 621, 999, 1731-1732, 1749

Placed on Appropriations Calendar—43, 1456, 1776

Placed on calendar—43, 57, 72, 249, 262, 330, 358, 536, 560, 565, 581, 815,
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Placed on Ways and Means Calendar—1136

Referred from Appropriations Calendar to Rules and Administration—1789

Referred from Regular Calendar to Rules and Administration—56, 1011,
1267, 1271

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Withdrawn—1119

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Introduced—3, 31

Placed on calendar—3, 31

Resolutions printed after session—122-123

RIFE, JACK—Senator Twenty-ninth District

Bills introduced—171, 267, 305, 338, 363, 398, 456, 472, 504, 542, 728

Amendments filed—65, 355, 576, 921, 1111, 1112, 1322, 1333, 1343, 1348,
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1715, 1760, 1808, 1867Amendments offered—355, 1110, 1111, 1343, 1364, 1371, 1520, 1551, 1574,
1585, 1586, 1679

Amendments withdrawn—1585, 1586

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Committee appointments—14, 83

Petitions presented—980

Presided at sessions of the Senate—1679

Reports—38-39

Standing committees and subcommittees appointed to—74, 75, 76, 396, 397

Subcommittee assignments—46, 222, 242, 243, 261, 278, 301, 302, 315, 360,
365, 394, 395, 427, 466, 551, 637, 707, 708, 709, 710, 762, 763, 782, 783,
820, 927, 1023, 1024, 1053, 1054, 1055, 1109, 1121, 1139, 1215, 1216,
1331Subcommittee assignments, governor's appointments—198, 200, 201, 737,
768, 769, 785, 786, 787, 801, 802

*****1987 EXTRAORDINARY SESSION*****

Amendments filed—5, 13, 21
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RIORDAN, JAMES R.—Senator Forty-fifth District

Bills introduced—56, 209, 263, 318, 329, 363, 374, 387, 455, 479, 522, 532,
 541, 598, 665, 668, 700, 715
 Amendments filed—66, 132, 362, 539, 623, 720, 882, 890, 921, 940, 1008,
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 378, 379, 394, 444, 550, 592, 593, 637, 638, 657, 688, 732, 762, 781, 784,
 880, 927, 934, 1122, 1139, 1216, 1346, 1544, 1712
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 adopted as amended, 86, 108

Senate Resolution 3, senate rules, governing lobbyists. S.J. 249, 260,
 266, 269, 270 adopted

Senate Resolution 11, senate rules governing lobbyists. S.J. 815, 954,
 1143, 1152, 1173, 1174 adopted

Rules invoked—

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Rule 13 (bills returned to calendar):
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 House File 468—1783-1784

Rule 21 (engrossment of bills, Secretary's report on enrolling):

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 Senate File 68—360
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 Senate File 162—1924-1925
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Senate File 311—1898-1899
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 Senate File 499—1788
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 Senate File 511—1925-1926
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 Senate File 515—1926
 Senate File 516—1926
 Senate File 518—1927

(Secretary's report in engrossment):

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 Senate File 481, S-3450—1152
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(Secretary's report in technical corrections):

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 House File 591, S-3514—1782
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Rule 23 (duty of voting):

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 Senate File 104, S-3310 to S-3179—1210
 Senate File 154—919-920
 Senate File 162, S-3047—404
 Senate File 180, S-3284—939-940
 Senate File 298, S-3099—575
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 Senate File 323, S-3238C—874
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- House File 671, S-3925B as amended—1662
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- House File 675—1875-1876
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 - Senate File 310—1897
 - Senate File 323—1897
 - Senate File 356—1898
 - Senate File 492—1898
 - House File 469—1898
 - House File 687—1898
- Rule 37 (appropriations committee):
 - Senate File 522—1861-1862
- Rule 38 (first reading and committment):
 - Senate File 476, refer to Ways and Means—1001
- Rule 60 (appointments):
 - Subcommittee assignments, Governor's appointments—197-202, 736-737, 746, 760-762, 768-769, 784-787, 801-802, 963
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 - Senate File 323, S-3238C—895
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 - Senate File 459, S-3328—1131
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 Senate Concurrent Resolution 1, distribution of printed legislative material. S.J. 15, 16 adopted, 67 - H.J. 47, 56, 95 adopted
 Senate Concurrent Resolution 2, appointment of joint inaugural committee. S.J. 16 adopted, 67 - H.J. 47, 56, 95 adopted
 Senate Concurrent Resolution 3, joint rules. S.J. 30, 40, 49, 55, 50 adopted, 170, 179 as amended adopted - H.J. 93-94, 95, 96-110 as amended adopted; motion to reconsider, 112, 199, motion to reconsider, lost 201, 259
 Senate Concurrent Resolution 6, compensation. S.J. 72, 86, 101 adopted - H.J. 134, 138, 139, 144-145, 152-168 adopted
 Senate Concurrent Resolution 15, biennial memorial session. S.J. 536, 538, 555, 566 adopted, 663 - H.J. 535, 538, 593 adopted, 605
 Senate Concurrent Resolution 20, special stamp, honor Harry Lloyd Hopkins. S.J. 922, 926, 961 adopted, 1475 - H.J. 936, 955, 1571 adopted
 Senate Concurrent Resolution 40, adjournment. S.J. 1769, 1776, 1891, 1892 as amended adopted - H.J. 2369-2370 adopted
 Senate Resolution 1, senate rules. S.J. 39, 42, 43, 47, 61, 62, 68-69 adopted as amended, 86, 108
 Senate Resolution 2, tribute to Lieutenant Governor Anderson. S.J. 249, 260, 266, 269, 270 adopted

Senate Resolution 4, code of ethics. S.J. 249, 260, 269 adopted
 Senate Resolution 5, gubernatorial appointments. S.J. 358, 359 adopted
 Senate Resolution 14, legislative expenses. S.J. 1769, 1776, 1811
 adopted
 Subcommittee assignments—46, 261, 465, 528, 529, 657, 880, 980, 1052, 1053,
 1079, 1190, 1346, 1404, 1782

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RULES OF CIVIL PROCEDURE—
 (See Supreme Court of Iowa)

RULES OF CRIMINAL PROCEDURE—
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SCHWENGELS, FORREST V.—Senator Thirty-second District
 Bills introduced—171, 263, 387, 455, 456, 471, 484, 599, 652, 698
 Amendments filed—641, 882, 911, 1044, 1055, 1124, 1144, 1153, 1201, 1269,
 1318, 1319, 1333, 1427, 1461, 1471, 1483, 1522, 1555, 1679, 1680, 1693
 Amendments offered—1029, 1044, 1371, 1389, 1552, 1576
 Appointed to Communications Review Commission—176
 Appointed to Memorial Committee—229
 Called up appointees on Individual Confirmation Calendar—836
 Committee appointments—8, 83, 176, 229
 Petitions presented—710, 980, 1545
 Standing committees and subcommittees appointed to—74, 75, 76, 396, 397
 Subcommittee assignments—46, 167, 206, 207, 236, 242, 315, 327, 342, 365,
 396, 427, 466, 468, 510, 511, 551, 570, 593, 619, 638, 658, 707, 708, 731,
 762, 763, 781, 820, 881, 1054, 1138, 1139, 1151, 1215, 1469
 Subcommittee assignments, governor's appointments—201, 737, 761, 784,
 785, 786, 801

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Appointed to Energy Fund Disbursement Council—37

SCOTT, KENNETH—Senator Fifteenth District
 Bills introduced—171, 263, 363, 455, 456, 479, 722, 766
 Amendments filed—539, 691, 890, 921, 1124, 1166, 1366, 1427, 1441, 1442,
 1471, 1555, 1565, 1668, 1684, 1772, 1785
 Appointed to Communications Review Commission—245
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 Committee appointments—83, 176
 Petitions presented—512, 841, 980, 1232, 1677
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 Standing committees and subcommittees appointed to—74, 75, 76, 91
 Subcommittee assignments—167, 168, 206, 207, 208, 223, 242, 343, 365, 379,
 393, 396, 427, 466, 467, 468, 487, 552, 570, 618, 639, 707, 762, 993, 994,
 1023, 1138, 1139, 1191, 1215, 1298
 Subcommittee assignments, governor's appointments—200, 768, 801

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Appointed and appointments to—75
 Appointees, investigation of—185, 735, 754
 Bills introduced—329, 665, 800, 813, 814
 Amendments filed—1025, 1192
 Investigating committee reports—316, 326, 910, 1121
 Subcommittee assignments—206, 328, 379, 637, 639, 762, 763, 781, 783, 784,
 927, 1121, 1122, 1139, 1191, 1215, 1216
 Subcommittee assignments, governor's appointments—200, 768-769, 807

SOORHOLTZ, JOHN E.—Senator Thirty-Sixth District

Bills introduced—171, 263, 318, 338, 363, 438, 456, 471, 504, 505, 542, 715,
 767, 1168
 Amendments filed—66, 539, 882, 921, 983, 1269, 1426, 1461, 1545, 1555,
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 Amendments offered—1071, 1283, 1561, 1587, 1680
 Amendments withdrawn—1071, 1561
 Committee appointments—83
 Resolutions offered—1120
 Standing committees and subcommittees appointed to—74, 75, 76, 396, 397
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 327, 342, 360, 378, 394, 395, 552, 592, 593, 637, 639, 657, 658, 688, 709,
 732, 762, 783, 784, 880, 934, 993, 1139, 1298, 1346, 1530, 1544, 1564,
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Appointed and appointments to—76

Appointees, investigation of—185, 277, 291, 375, 735-736, 754-755

Bills introduced—126, 268, 305, 381, 407, 514-515, 517, 716, 729, 740, 766, 798, 813, 814, 815

Amendments filed—316, 583, 662, 807, 1025, 1192, 1499

Investigating committee reports—260, 291, 316, 870-871, 899-900, 1021-1022, 1036, 1094, 1121

Resolutions offered—999

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- Senate Concurrent Resolution 23, third party payments for services of licensed health care professionals. S.J. 999, 1006
- Senate Concurrent Resolution 24, rights of privacy. S.J. 1019, 1036, 1079
- Senate Concurrent Resolution 26, court reorganization act. S.J. 1048, 1051, 1062, 1079
- Senate Concurrent Resolution 27, juvenile issues. S.J. 1048, 1052, 1062, 1079
- Senate Concurrent Resolution 28, rights of privacy. S.J. 1048, 1052, 1062, 1079
- Senate Concurrent Resolution 29, certain issues relating to family law. S.J. 1052, 1062, 1079
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- Senate Concurrent Resolution 34, mandatory auto insurance. S.J. 1267, 1268, 1271, 1346
- Senate Concurrent Resolution 37, child protection. S.J. 1732, 1741, 1782
- Senate Concurrent Resolution 38, disability of head injury. S.J. 1749, 1765, 1782
- Senate Concurrent Resolution 42, new state programs. S.J. 1795
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STURGEON, AL—Senator First District

- Bills introduced—133, 171, 172, 195, 209, 230, 246, 267, 295, 407, 430, 479, 599, 629
- Amendments filed—65, 739, 772, 929, 983, 1037, 1055, 1166, 1258, 1307, 1366, 1427, 1441, 1470, 1525, 1565, 1571, 1643, 1658, 1678, 1679, 1680, 1740, 1794, 1808, 1842
- Amendments offered—949, 1103, 1117, 1249, 1258, 1263, 1307, 1434, 1447, 1679, 1794, 1842
- Amendments withdrawn—1102, 1447, 1571, 1680
- Called up appointees on Individual Confirmation Calendar—1311
- Committee appointments—83

Presided at sessions of the Senate—1636

Resolutions offered—1135

Rulings—1639

Standing committees and subcommittees appointed to—74, 75, 77

Subcommittee assignments—132, 167, 206, 222, 261, 302, 327, 365, 395, 466,
468, 550, 638, 658, 709, 762, 781, 900, 1023, 1053, 1156, 1641

Subcommittee assignments, governor's appointments—198, 199, 396, 397,
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1750, 1782

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(Chief Justice of Supreme Court, The Honorable W.W. Reynoldson)

Appointed members of the Ethics Committee—84

Condition of the Judicial Department Message—112-119

Resolution relating to the Judicial Department Message:

House Concurrent Resolution 2, H.J. 12 adopted - S.J. 24, 46, 49, 50 adopted
- H.J. 60

TAYLOR, RAY—Senator Ninth District

Bills introduced—123, 171, 246, 263, 295, 318, 320a, 339, 374, 398, 430, 438,
439, 450, 455, 456, 545, 586, 652, 692, 723

Amendments filed—66, 266, 513, 576, 613, 627, 720, 772, 842, 863, 872, 882,
911, 935, 1166, 1255, 1299, 1325, 1333, 1337, 1340, 1342, 1347, 1370,
1379, 1408, 1471, 1499, 1507, 1525, 1533, 1545, 1643, 1701, 1784, 1785,
1808

Amendments offered—68, 269, 576, 613, 876, 1207, 1255, 1337, 1340, 1342,
1370, 1387, 1507, 1537, 1615

Amendments withdrawn—1371, 1537

Appointed to Boundary Commission—39

Appointed to Interstate Cooperation Commission—245

Called up appointees on Individual Confirmation Calendar—985

Committee appointments—5, 83, 106, 112

Corrected subcommittee assignments—731

Reassigned subcommittees—465

Reports—6

- Standing committees and subcommittees appointed to—74, 75, 76, 77
- Subcommittee assignments—54, 65, 106, 129, 130, 131, 181, 182, 242, 243, 278, 314, 315, 327, 328, 365, 379, 393, 394, 395, 426, 427, 466, 467, 468, 510, 550, 552, 553, 570, 571, 593, 618, 619, 638, 657, 709, 762, 782, 880, 881, 900, 927, 994, 1079, 1080, 1191
- Subcommittee assignments, governor's appointments—198, 199, 276, 746, 761, 768, 787

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TIEDEN, DALE L.—Senator Sixteenth District

- Bills introduced—133, 171, 262, 308, 318, 339, 398, 430, 456, 471, 498, 542, 545, 556, 599
- Amendments filed—929, 1037, 1176, 1192, 1258, 1333, 1366, 1379, 1490, 1581, 1679, 1772
- Amendments offered—1325, 1360, 1679
- Amendments withdrawn—1360
- Appointed to Administrative Rules Review Committee—1893-1894
- Appointed to Iowa Legislative Council, Statutory—176
- Appointed to Legislative Fiscal Committee—222
- Committee appointments—83-84, 176, 222, 1893-1894
- Petitions presented—106, 426, 1123
- Standing committees and subcommittees appointed to—74, 75, 76
- Subcommittee assignments—40, 129, 167, 206, 207, 365, 394, 444, 467, 468, 528, 529, 550, 551, 552, 570, 593, 618, 619, 638, 708, 731, 820, 880, 1023, 1024, 1424
- Subcommittee assignments, governor's appointments—198, 200, 768

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- Appointed and appointments to—76
- Appointees, investigation of—186, 278, 755, 889-890
- Bills introduced—56, 285, 381, 450, 532, 536, 621, 799
- Amendments filed—807, 1037, 1192
- Investigating committee reports—1022
- Subcommittee assignments—54, 167, 168, 206, 208, 223, 342, 343, 365, 379, 396, 427, 466, 467, 487, 488, 529, 570, 618, 619, 687, 707, 708, 763, 783, 993, 994, 1023, 1079, 1080
- Subcommittee assignments, governor's appointments—202, 762

VANDE HOFF, RICHARD—Senator Fourth District

- Bills introduced—126, 171, 263, 317, 318, 338, 398, 430, 438, 455, 456, 471, 484, 498, 504, 523, 542, 545, 629, 643, 652, 664, 716, 722
- Amendments filed—65, 354, 539, 833, 906, 911, 1144, 1347, 1366, 1427, 1464, 1522, 1556, 1561, 1565, 1611, 1639, 1643, 1684, 1772, 1785, 1807, 1808
- Amendments offered—354, 864, 906, 1464, 1561, 1795
- Amendments withdrawn—1561
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Appointed to Block Grant Advisory Committee, Social Services—346
 Appointed to Commission on Children, Youth and Families—176
 Committee appointments—30, 84, 107, 176, 346
 Petitions presented—106, 292, 710
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 Standing committees and subcommittees appointed—74, 75, 77
 Subcommittee assignments—65, 131, 167, 181, 206, 241, 243, 314, 315, 393,
 394, 444, 468, 551, 553, 637, 638, 639, 658, 687, 782, 783, 784, 880, 881,
 993, 1053, 1079, 1122, 1156, 1298
 Subcommittee assignments, governor's appointments—197, 200, 760, 768,
 769, 787, 801

VARN, RICHARD—Senator Twenty-seventh District

Bills introduced—171, 229, 451, 455, 456, 479, 505, 565, 722, 749, 800
 Amendments filed—66, 337, 477, 539, 739, 872, 882, 886, 890, 901, 916, 921,
 928, 929, 930, 935, 982, 983, 1008, 1066, 1096, 1109, 1124, 1192, 1289,
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 1568, 1569, 1570, 1667, 1678, 1693, 1745, 1869, 1870
 Amendments offered—340, 477, 630, 873, 916, 930, 940, 947, 948, 1003, 1057,
 1083, 1090, 1100, 1205, 1289, 1322, 1324, 1338, 1340, 1344, 1361, 1363,
 1525, 1534, 1569, 1570, 1571, 1615, 1693, 1870
 Amendments withdrawn—878, 939, 947, 948, 1322, 1340, 1344, 1535
 Called up appointees on Individual Confirmation Calendar—543
 Committee appointments—30, 84
 Presided at sessions of the Senate—370, 663, 808, 810, 917, 1133
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